

Children 1st is Scotland's National Children's Charity. We help Scotland's families to put children first, with practical advice and support in difficult times. And when the worst happens, we support survivors of abuse, neglect, and other traumatic events in childhood, to recover. We help Scotland's communities to play their part in looking out for and protecting children. We listen to Scotland's children and families and when government or society fails to hear them or fails to respect their rights, we speak out.

Children 1st provide a young carers service in Midlothian, which delivers support to young people who care for someone at home. Our service caters for young people aged seven to 18 and provides support and advice tailored to their individual needs. We know that many young people have different experiences of looking after someone else in the family; some see it as a normal part of family life whilst others don't want to be identified as a 'young carer' for fear of stigma, or being labelled and treated differently.

Children 1st also provides the National Kinship Care Service, which provides a helpline, information and advice to kinship care families. In a recent survey with 177 children and young people in kinship care, 8% said they would like support to help them care for their family members.<sup>1</sup>

Caring for a family member or others can be extremely challenging for any child or young person, but with the right supports and recognition young carers can lead normal and happy lives. We therefore welcome and support the general principles of the Carers (Scotland) Bill and its aim to extend and enhance the rights and support of adult and young carers in Scotland. We hope that this Bill will help to identify young carers to ensure that they are provided with the appropriate care and support that they need.

However there are certain provisions within the Bill which we feel would benefit from further clarification and we encourage Members to consider these during the course of the debate.

***Summary of our key points:***

- 1. A Child Rights and Wellbeing Impact Assessment should be conducted on the Bill.**
- 2. The Bill or guidance should set out how the new support provisions will work alongside and complement support packages for some kinship care families.**
- 3. The link between a Young Carers Statement and a Child's Plan should be further clarified.**
- 4. Further clarification is also required regarding the role of the Named Person in relation to the new duties of the Bill.**
- 5. Part 3 of the Bill should set out in greater detail how eligibility criteria will be monitored.**
- 6. Part 6 of the Bill should emphasise partnership between local government and existing service providers rather than duplicating services.**
- 7. There should be a greater emphasis in the Bill on measures to help identify young carers, including improved training for professionals.**

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<sup>1</sup> [Consultation with children and young people in kinship care 2014.](#)

## **Children's Rights**

Children 1st believes all those with caring responsibilities should be supported to live full and happy lives and that their rights should be respected in line with international conventions such as the United Nations Convention on the Rights of the Child (UNCRC). We therefore welcome the assertion that the rights of young carers should be at the centre of this legislation. In line with this we believe that a Child Rights and Wellbeing Impact Assessment should be conducted on the Bill to identify the key areas that will impact on children's rights and to ensure that there are no unintended negative consequences of the legislation.

We would also welcome clarification of how this links to Part 1 of the Children and Young People (Scotland) Act 2014 (from now on referred to as the 2014 Act), which sets out duties with respect to the rights of children. This is particularly relevant with respect to section 1(2) of the Act, which places duties on public authorities to report what steps they have taken to secure better or further effect of the UNCRC requirements.

The Bill currently defines "personal outcomes" for carers in relation to their ability to provide care. Children 1st calls for the definition of personal outcomes to be rights-based and attuned to carer's personal outcomes and needs outwith their caring role.

## **Support provisions and young carer statements**

### Kinship Care

In our experience providing the National Kinship Care Service, Children 1st knows that identifying and providing appropriate support to kinship care families enables children to maintain a family connection and recover from loss and trauma, which can have a lasting positive impact on their lives. In circumstances where a kinship carer is also deemed to have caring responsibilities under the definition set out in the Bill they may have access to a number of different supports through legislation and local authority planning. For example, certain kinship care families with a kinship care order will be eligible for kinship care support under Part 13 of the 2014 Act, but may also be eligible for an Adult Carer Support Plan under the Bill if they are also caring for a disabled relative. It is important that any new legislation or guidance recognises that there are a number of support packages available and ensures that they complement each other rather than create additional layers of bureaucracy. This would also be applicable to any child or young person living in kinship care who is also a young carer.

### Links to Child's Plan

The Bill would place a duty on local authorities to provide a Young Carer Statement irrespective of whether the young person has a Child's Plan or not. At present it is unclear how the two plans will be linked, and we do not think it is appropriate to start developing processes to support young carers that run parallel to the provisions in Part 5 of the 2014 Act. There is a danger that the holistic approach of the 2014 Act, aimed at streamlining existing practice, could be undermined by having two parallel plans. Children 1st note the Government's intention to set out further detail in guidance as to how a Young Carer Statement will link with a Child's Plan, where one exists.<sup>2</sup> We emphasise that this guidance must be clear and robust to ensure that the support provided by the Bill and by the 2014 Act is co-ordinated effectively.

### Role of the Named Person

The Scottish Government has committed to bring forward an amendment at Stage 2 to remove sections 11(6) and 15(2)(b) of the Bill, which place a duty on local authorities to notify and share information with a young carer's Named Person concerning their Young Carer Statement. We

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<sup>2</sup> [Scottish Government response to Health and Sport Committee Stage 1 Report, October 2015.](#)

fully support the need to respect the wishes of young carers who do not want to disclose or have information shared about their caring role. However, we also believe there are certain circumstances where it will be necessary that information be shared with a young carer's Named Person. We would welcome clarification from the Scottish Government as to what provisions will be set out to replace these sections, either in legislation or in guidance, and we suggest that links could be made to the information sharing provisions outlined in Section 26 of the 2014 Act.

Children 1st would also welcome further detail regarding what training and information will be given to the Named Person with respect to the new measures set out in the Bill. The Named Person Service has an important role to play in the identification of young carers and in providing information and advice about the support they are entitled to receive. Training is therefore an important part of ensuring that these new provisions operate effectively.

### **Eligibility criteria**

We welcome the clarification from the Scottish Government relating to how local eligibility criteria set by each local authority will be monitored.<sup>3</sup> However, we remain concerned that leaving local authorities to determine their own individual assessments and criteria will lead to inconsistencies in service provision across the country. It is vital that carers receive support based on need rather than resource. We call on the Government to further consider if the current balance between nationally- and locally-set eligibility criteria is sufficient to meet the needs of carers across the country, and take steps to redress the balance if required.

### **Information and advice for carers**

Children 1st supports the intention behind the new duty on local authorities to “establish and maintain” information and advice services for carers, but suggest that the focus should be on fully resourcing services where they exist rather than establishing new ones. We therefore welcome the Government's intention to bring forward amendments at Stage 2 specifying that where information and advice services are already available, there is no requirement to create an additional service but a requirement to see that existing services are maintained.<sup>4</sup> We would like to see an emphasis here on working in partnership; local authorities can improve the way they offer information and advice to carers by further developing partnerships with and signposting to existing services, particularly in the Third Sector. These services will be vital to communicating the changes brought about by the Bill to carers in a clear and accessible format.

### **Identification of young carers**

Children 1st believe that there should be a greater role for both the NHS and schools in identifying young carers, and we would like to see this reflected in legislation and guidance. Professionals who work regularly with young people such as teachers and GPs should receive training and information on how to identify young carers and to recognise the complexities relating to young carers who do not wish to be identified. Staff in schools should be helped to recognise the signs that a young person may have caring responsibilities. For example, young carers may have to take time off from school, but if their caring responsibilities are not recognised or acknowledged they could be disciplined for having poor attendance. Some young carers do receive excellent support from their school; however, there needs to be a consistent approach across the board. As mentioned above, this training should also be offered to those with the role of Named Person.

For more information on please contact CHILDREN 1<sup>ST</sup>: [policy@children1st.org.uk](mailto:policy@children1st.org.uk).

<sup>3</sup> [Scottish Government response to Health and Sport Committee Stage 1 Report, October 2015.](#)

<sup>4</sup> [Scottish Government response to Health and Sport Committee Stage 1 Report, October 2015.](#)