



## Section 3 of the Social Care (Self-directed Support) (Scotland) Act 2013 and the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014

### A brief summary for carers

The Social Care (Self Directed Support) Scotland Act 2013 introduces the right for carers not to be charged for any support they receive as a carer. **This does not apply to services that are provided to the person who is being cared for.** In this case, the normal charging for non-residential care services will still apply. This comes into force on 1 April 2014.

Under the Act, local authorities will have a **power** to provide support to carers. This means that they have the discretion to provide support but they do not have to. If they choose to provide this support to carers, no charge can be made. Carers will have a right to choose from four options about how their support is provided:

- Option 1: direct payment to the carer
- Option 2: the carer directs the available support
- Option 3: the local authority arranges support for the carer
- Option 4: 'mix and match' meaning a combination of two or more of the options.

Support is defined in section 3 of the Act as **"any form of services or assistance which will help the adult to provide, or continue to provide, care for the person cared for."** In addition, local authorities should consider opportunities for carers to have a life alongside caring. Having a life alongside caring enables carers and young carers to continue caring in better health and promotes their own health and wellbeing.

This right of carers not to be charged for support applies to services provided to both adult carers and to young carers for services provided under the above Act and under S22 of the Children (Scotland) Act 1995.

### Carers must have a Carer's Assessment to identify the support they need

Charges **cannot** be made for support provided to carers either directly by local authorities or commissioned by the local authority through other organisations e.g. charities or private organisations.

Examples of support to carers and young carers where charges will be waived cover both information and advice services and practical support. They include, but are not limited, to:

- the provision of information and advice

- advocacy for carers and young carers
- emotional support and counselling
- training for carers and young carers
- support with housework or gardening or other similar activity
- cost of taxi fares and driving lessons in special circumstances
- short breaks
- translation and interpretation services

There is some further guidance and limitations about the waiving of charges that carers should be aware of. These are specifically related to short breaks, household tasks and driving lessons/taxi fares.

## Short Breaks

Charges for carers for short breaks should be waived for **all of the elements** of the break that the local authority has decided to provide. This includes, for example, local authorities considering relevant parts of the breaks and taking into account costs such as accommodation, meals, travelling expenses, equipment for classes and so on.

- If a carer wishes to have a holiday or break **with** the person they care for, the cost of their holiday will be waived **but** the cost of the break for the cared-for person and the cost of the additional support will not be waived.
- If the person who is being cared for is having a short break, the local authority should **waive charges** for the cost of activities (identified within their Carer's Assessment) the carer takes part during this period.
- Local authorities **can** decide to arrange replacement care for a cared-for person as part of the support which they provide to a carer in order to give a break from caring. If replacement care is identified within the Carer's Assessment and is provided as support to meet the carer's needs, the local authority **must waive charges** for the cost of the replacement care.

## Household Tasks

The person who is being cared for may be assessed as needing help with household tasks and may be charged for this. However, many carers have multiple responsibilities as well as their caring role and may need some help with practical aspects of their lives to support their health and wellbeing. This could include, for example, help with housework and gardening to help reduce the physical and emotional stress on the carer.

- When this support is provided, as identified within their Carers Assessment, **it must be free of charge.**

## Taxi Fares and Driving Lessons

The guidance refers to the provision of taxi fares and driving lessons "under special circumstances" and it may be helpful to clarify what this could mean for carers.

- The guidance says that local authorities can provide a carer with help to pay taxi fares where, for example, the carer cannot rely on the public bus service to take him/her to a social or leisure opportunity, or where the carer cannot drive a car and there is limited public transport.
- It may also be decided that it would be helpful for the carer to be able to drive a car and that the local authority will provide support in the form of driving lessons up to an agreed financial limit. This

may have multiple benefits in supporting the carer in their caring role, for example, shopping, reducing isolation and enhancing employment prospects for a young carer.

### **Additional Information**

The waiving of charges is primarily linked to a carer receiving a Carer's Assessment. If the carer is not eligible for a Carer's Assessment, because he or she does not carry out a substantial amount of care on a regular basis, then local authorities have the discretion to provide support to the carer without an assessment having been carried out. Again, if support is provided any charge should be waived.

Finally, whilst local authorities must waive charges for any support they decide to provide which is identified and agreed within the Carer's Assessment, if a carer wishes to supplement and pay for support above the agreed level they will receive through self-directed support, then this is a matter entirely for the individual carer.

### **Find out more**

Further information about waiving of charges for support for carers including guidance that has been issued to local authorities can be found at <http://www.scotland.gov.uk/Publications/2014/04/1342>. The regulations for waiving charges for carers can be found at: <http://tinyurl.com/WaivingCharge>.

Guides about self-directed support for carers and people who use services are available online at <http://guidance.selfdirectedsupportscotland.org.uk/index.html>. In addition, your local carers centre or group can help provide more information and guide you through the process.

**The National Carer Organisations**  
**April 2014**