



# Carers rights in Scotland

## Introduction

There are an estimated 700,000 to 800,000 unpaid carers in Scotland, providing care and support to a family member, partner, relative, friend or neighbour. Being able to access support is vital for unpaid carers to look after their own health and wellbeing. The Carers Act was introduced in Scotland in 2018 with the aim of ensuring that carers are more consistently supported across Scotland. To do this, carers have specific rights over and above the human rights that every person has. This leaflet is a short guide to carers rights in Scotland.

## What are my rights as a carer?

The Carers Act sets out a number of specific rights for carers:

- The right to an Adult Carer Support Plan or Young Carer Statement
- The right to support for any eligible needs
- The right to be involved in services
- The right to be involved in hospital discharge

Anyone who identifies themselves as an unpaid carer in Scotland has the right to request an Adult Carer Support Plan or Young Carer Statement from their local authority. An Adult Carer Support Plan (ACSP) starts with a conversation where you discuss your caring role and what is important to you in your life. It helps you to think about what support you

might need if you wish to continue caring and what could help you to have a life alongside your caring role. The plan should also set out any needs you have and how they will be met, for example if you need a short break from your caring role. (See our other leaflet – **A short guide to short breaks**). Making an ACSP also helps the local authority determine your eligible support needs, and their legal duty to provide you with support.

## The right to support for any eligible needs

An Adult Carer Support Plan or Young Carer Statement should consider the needs that you have in relation to your caring role. It will also determine whether your needs are at a level that means that you have a right to support. Local authorities set their own eligibility criteria which sets what level of need reaches the threshold for support. For example, if your Adult Carer Support Plan identifies that the support you need is a break from caring and that your level of need is critical, then the local authority must put in place the support that you need to make it possible for you to get a break. If your ACSP shows that you are managing well with your caring role then you may not have a right to support, but they may still provide you with information and advice that is of use. No matter what level of need you have, you have the right to be able to access information and advice on your caring role.

To find out how to access local authority carer support in your area, visit our interactive map on our website [www.sharedcarescotland.org.uk/map-page/](http://www.sharedcarescotland.org.uk/map-page/)

## The right to be involved in services

The Carers Act sets out a number of points in relation to the right to be involved in services. These are:

- Local authorities and health boards must involve carers in planning the carer services they provide
- Local authorities must involve carers in assessing their needs for support and providing that support
- Local authorities must take carers' views into account in assessing the needs of the person being cared for
- Local authorities must consider the views of carers and carer representatives when preparing and reviewing short breaks services statements

## The right to be involved in hospital discharge

Carers have a right to be involved in the hospital discharge process of the person they are or are going to be caring for. If the person you are caring for is admitted to hospital, the health board must take appropriate steps to:

- inform you as soon as it can about when the person you care for is to be discharged
- invite your views about the discharge
- take your views into account when planning the discharge (as far as 'reasonable and practical')

## Our other 'Short Guides'

- Shared Care Scotland and our work**
- Short breaks**
- Support for carers**
- Funding for short breaks**
- Short breaks fund**



This can be for either a planned (e.g., routine treatment) or unscheduled admission (e.g., emergency) to hospital. This applies where it is likely that you will be providing care after the person you care for has been discharged.

Your involvement in the hospital discharge process must happen whether or not the person you are caring for moves from hospital to their normal home.

## What are my rights on short breaks?

The Carers Act does not set out any rights specifically in relation to short breaks however, when carrying out an Adult Carer Support Plan or Young Carer Statement, the local authority must consider whether the form of support that you need is a break from caring.

It is also made clear that if it is identified that a short break is to benefit the carer, then the cost of replacement care to make this happen cannot be charged to the supported person.

## Where can I find more information?

More detailed information on all aspects of short breaks can be found on our website at [www.sharedcarescotland.org.uk](http://www.sharedcarescotland.org.uk)

More information on carers rights can be found in the Scottish Government carers charter [www.gov.scot/publications/carers-charter](http://www.gov.scot/publications/carers-charter)

## What do we mean by...?

### Carers

Carers provide unpaid care to family members, partners, friends or neighbours affected by physical or mental illness, disability, frailty or substance misuse. Some carers care intensively or are lifelong carers. Others care for shorter periods.

### Short breaks

A break from caring helps carers, and the people they care for, recharge their batteries. A short break can be anything from a few hours of downtime to relax and rest, to a holiday together away from the daily routine.

## About Shared Care Scotland

At Shared Care Scotland we aim to be the leading organisation on short breaks and respite care in Scotland.

Our vision is:

**“that everyone who receives support or provides unpaid care can live a full and satisfying life, with the assistance they need to take regular, quality breaks from the everyday demands of their caring routines.”**

[www.sharedcarescotland.org.uk](http://www.sharedcarescotland.org.uk)

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