



Social Care (Self-directed Support) (Scotland) Act 2013

2013 asp 1

Options for self-directed support

- 7 **[^{F1}Choice of options: adult carers and young carers]**
- (1) This section applies where a local authority is to provide, or secure the provision of, support for an adult [^{F2}an adult carer or, as the case may be, a young carer under section 24(4) of the Carers (Scotland) Act 2016] .
 - (2) The authority must give the supported person the opportunity to choose one of the options for self-directed support unless the authority considers that the supported person is ineligible to receive direct payments.
 - (3) If the authority considers that the supported person is ineligible to receive direct payments the authority must—
 - (a) notify the supported person of—
 - (i) the reason why the authority considers that to be the case, and
 - (ii) the circumstances in which the authority must under section 12 review the question of whether the supported person is ineligible to receive direct payments, and
 - (b) give the supported person the opportunity to choose one of the options for self-directed support other than—
 - (i) Option 1, and
 - (ii) so far as relating to that option, Option 4.
 - (4) In carrying out the duties imposed by subsections (2) and (3)(b), the authority must inform the supported person of—
 - (a) the amount that is the relevant amount for each of the options for self-directed support from which the authority is giving the person the opportunity to choose, and
 - (b) the period to which the amount relates.
- [^{F3}(4A) Subsection (4B) applies where the supported person is an appropriate person in relation to the young carer.

Changes to legislation: There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Section 7. (See end of Document for details)

- (4B) Before making a choice in pursuance of subsection (2) or (3)(b), the supported person must, so far as practicable and taking account of the maturity of the young carer—
- (a) give the young carer an opportunity to indicate whether the young carer wishes to express the young carer's views,
 - (b) if the young carer wishes to do so, give the young carer an opportunity to express them, and
 - (c) have regard to any views expressed by the young carer.]
- (5) If the supported person does not make a choice in pursuance of subsection (2) or (3) (b) the supported person is deemed to have chosen Option 3.
- (6) The authority must give the notification required by subsection (3)(a) in writing and, if necessary, in such other form as is appropriate to the needs of the person to whom it is given.

[^{F4}(7) In this section—

“the 1989 Act” means the Children Act 1989,

“the 1995 Order” means the Children (Northern Ireland) Order 1995 (S.I. 1995/755),

“adult carer” has the meaning given by section 3 of the Carers (Scotland) Act 2016,

“appropriate person”, in relation to a young carer, means—

- (a) a parent or guardian having parental responsibilities or parental rights in relation to the young carer under Part 1 of the 1995 Act,
- (b) a person in whom parental responsibilities or parental rights are vested by virtue of section 11(2)(b) of the 1995 Act,
- (c) a person having parental responsibilities or parental rights by virtue of section 11(12) of the 1995 Act,
- (d) a parent having parental responsibility for the young carer under Part 1 of the 1989 Act,
- (e) a person having parental responsibility for the young carer by virtue of—
 - (i) section 12(2) of the 1989 Act,
 - (ii) section 14C of the 1989 Act, or
 - (iii) section 25(3) of the Adoption and Children Act 2002,
- (f) a parent having parental responsibility for the young carer under Part 2 of the 1995 Order,
- (g) a person having parental responsibility for the young carer under Article 12(2) of the 1995 Order,
- (h) a person in whom parental responsibilities or parental rights are vested by virtue of a permanence order (as defined in section 80(2) of the Adoption and Children (Scotland) Act 2007),

“supported person” means—

- (a) where the support is to be provided to an adult carer, the adult carer,
- (b) where the support is to be provided to a young carer—
 - (i) if the young carer is under 16 years of age, an appropriate person,
 - (ii) if the young carer is 16 years of age or over, the young carer,

“young carer” has the meaning given in section 2 of the Carers (Scotland) Act 2016.]

Changes to legislation: There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Section 7. (See end of Document for details)

Textual Amendments

- F1** S. 7 title substituted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(4)(d)**; S.S.I. 2017/152, reg. 4
- F2** Words in s. 7(1) substituted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(4)(a)**; S.S.I. 2017/152, reg. 4
- F3** S. 7(4A)(4B) inserted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(4)(b)**; S.S.I. 2017/152, reg. 4
- F4** S. 7(7) inserted (1.4.2018) by Carers (Scotland) Act 2016 (asp 9), s. 45(2), **sch. para. 5(4)(c)**; S.S.I. 2017/152, reg. 4

Modifications etc. (not altering text)

- C1** S. 7 modified (1.4.2014) by The Self-directed Support (Direct Payments) (Scotland) Regulations 2014 (S.S.I. 2014/25), regs. 1, **11**

Commencement Information

- I1** S. 7 in force at 1.4.2014 by S.S.I. 2014/32, **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Section 7.