



# Carers (Scotland) Act 2016

## 2016 asp 9

### PART 2

#### ADULT CARER SUPPORT PLANS AND YOUNG CARER STATEMENTS

#### CHAPTER 2

#### YOUNG CARER STATEMENTS

##### *Duty to prepare young carer statement*

#### **12 Duty to prepare young carer statement**

- (1) In this Act a “young carer statement” means a statement prepared by a responsible authority setting out—
  - (a) a young carer’s identified personal outcomes,
  - (b) a young carer’s identified needs (if any), and
  - (c) the support (if any) to be provided by the responsible local authority to a young carer to meet those needs.
- (2) If a responsible authority identifies a person as a young carer, the responsible authority must offer the person a young carer statement.
- (3) The responsible authority must prepare a young carer statement in relation to a person if—
  - (a) the person accepts an offer under subsection (2), or
  - (b) subsection (4) applies.
- (4) This subsection applies if a person who appears to the responsible authority to be a young carer requests a young carer statement.
- (5) Subsection (3) applies whether or not the young carer requires a child’s plan in accordance with section 33 of the 2014 Act.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Where the responsible authority, in relation to a young carer, is not the responsible local authority, the responsible authority must not provide the young carer statement to the young carer without the approval of the responsible local authority.
- (7) A responsible authority must exercise its functions under this section in a manner which encourages equal opportunities and in particular the observance of the equal opportunity requirements (within the meaning of Section L2 of Part 2 of schedule 5 of the Scotland Act 1998).
- (8) For the purposes of this Chapter—
  - “responsible authority” has the meaning given by sections 19 and 20,
  - “responsible local authority” means the local authority for the area in which the cared-for person resides.

### **13 Young carers of terminally ill cared-for persons**

The Scottish Ministers must by regulations prescribe timescales for the preparation of young carer statements in relation to young carers of terminally ill cared-for persons.

### **14 Young carers: identification of outcomes and needs for support**

- (1) The Scottish Ministers may by regulations make provision about the identification of young carers’ personal outcomes and their needs for support, including—
  - (a) how personal outcomes and needs for support are to be identified,
  - (b) the process for doing so (including arrangements for the involvement of young carers and cared-for persons),
  - (c) who may carry out identification,
  - (d) the sharing of information about young carers and cared-for persons for the purpose of identifying personal outcomes and needs for support,
  - (e) the factors to be taken into account in identifying young carers’ personal outcomes and needs for support,
  - (f) the circumstances in which young carers’ personal outcomes and needs for support should be reviewed.
- (2) In identifying a young carer’s personal outcomes and needs for support, a responsible authority must, in particular, take into account any impact that having one or more protected characteristic (within the meaning of section 149(7) of the Equality Act 2010) has on the young carer.