#

Seven-minute briefing

Adult Carers and Young Carers of Terminally Ill Persons Regulations 2021

##  one: BACKGROUND

[The Carers (Scotland) Act 2016](https://www.legislation.gov.uk/ssi/2021/133/contents/made) (Adult Carers and Young Carers of Terminally Ill Persons: Timescales for Adult Carer Support Plans and Young Carer Statements etc.) Regulations 2021 outlines timescales for offering and completing an Adult Carers Support Plan (ACSP) and Young Carers Statements (YCS) comes into effect from 31st July 2021. This briefing outlines the key responsibilities and operational changes outlined within the regulations accompanying statutory guidance, [The Carers (Scotland) Act 2016, Statutory Guidance (See 2.1.90 to 2.1.103 and 2.2.123 to 2.2.136).](https://www.gov.scot/isbn/9781802011722)

##  TWO: TIMESCALES

Once an authority identifies a carer of someone who is terminally ill**\***, the authority must offer that carer an ACSP/ YCS within two working days. If the authority cannot do this within 2 working days, due to unforeseen circumstances, they must make the offer as soon as reasonably practicable**\*\***

##  THREE: NOTIFICATION DATE

The ‘Notification date’ is the date which the carer accepts an offer to prepare ACSP/YCS. The ‘Substantive conversation’ must take place within 5 working days (or any other date as requested by the carer) of the notification date.

##  FOUR: SUBSTANTIVE CONVERSATION

The ‘Substantive Conversation’ is the first conversation which the responsible local authority has with a relevant adult carer. Any immediate or urgent personal outcomes and needs for support in relation to an adult carer of a cared-for person who is terminally ill are identified during the first conversation.

##  FIVE: TIMESCALE FOR COMPLETION & CARER CHOICE

Where the substantive conversation takes place within 5 days of the notification date then the ACSP/YCS must be prepared within 10 working days of the notification date. (Note: If a carer specifies a date out with the 5 day period a new timescale applies – see Regs section 5 (2)(b) & 5(3)

##  SIX: ACSP/ YCS

The ACSP/YCS can be a shortened version but must cover areas set out in section 9(1)(a), (b), (e), (f), (i) and (j) of the 2016 Act. A review date must be set and, if applicable, the remainder of information which should be in the plan under section 9 should be added. We should record support put in place as a result of ACSP/ YCS.

##  SEVEN: IMPORTANT DATES TO BE RECORDED

We need to record the following dates:

1. Date we became aware of the carer and the terminal illness diagnosis
2. Date carer accepts offer to do ACSP /YCS
3. Date of the substantive conversation.
4. Date ACSP/ YCS was completed.

NOTES

To refer carers to the Carers Centre for ACSP to be completed please call 01324 611510 or email centre@centralcarers.co.uk

**\***For the purposes of these Regulations a terminally ill person is someone who “suffers from a progressive disease and death in consequence of that disease can reasonably be expected within 6 months” (Section 7 (2) of the Carers (Scotland) Act 2018).

**\*\***Outlined in the Statutory Guidance 2.1.96 and within the Directions issued to local authorities.