

Carers Scotland welcome the opportunity to respond to this consultation. Our response is split into two sections. The first brings together key issues around breaks and what we believe must be considered to ensure that a right to a break from caring is fully implemented to deliver meaningful breaks for unpaid carers. This is alongside commentary on the current challenges identified by unpaid carers in accessing their right to an Adult Carer Support Plan/Young Carer Statements and the implications to improve the time taken for these assessments to be provided to individual carers.

The second section responds explicitly to the questions set out in the consultation on implementing fully a right to a break

Section 1: Key Issues for Consideration

Breaks from caring are crucial to carers physical and mental wellbeing as well as their ability to sustain their caring role. Carers Scotland has campaigned for many years, including with the National Carer Organisations, for greater access to breaks and therefore strongly welcomed the passage of the Care Reform (Scotland) Act 2025 and its intention to deliver a statutory right to a break from caring.

However, despite progress in supporting unpaid carers, for too many carers having a break from caring is often a crucial unmet need. In Carers Scotland's research¹, breaks have consistently been one of carers main needs. In 2025, more than half (52%) said this was the case. However, this research also found that just 13% of unpaid carers had been able to access a break from caring² and there has been little progress in delivering meaningful breaks.

"I do not get any formal breaks or time off from caring. I am always on call because there is no-one other than my immediate family (all of whom I provide care for) to take my place." (Unpaid carer, State of Caring 2025).

Even when the need for a break is identified in their assessment, too often it is not delivered or little provided. A lack of replacement care, eligibility criteria set at too high a level and funding not available means it can be impossible for carers to have a meaningful break from caring.

"... it's always a fight to try get more help. The answer you always get is there's not enough money in the budget. The person I care for can't even get respite due to not enough funding." Unpaid carer, State of Caring 2025)

"The assessment felt intrusive and interrogative and long drawn. It took more than a year and several meetings and interviews before any respite was offered. The respite offered is so little that I do not feel like taking it. It feels like they wanted to know every little detail of our lives and then offered peanuts

¹ State of Caring: The Cost of Caring in Scotland 2025, Carers Scotland (2025)

(a) ² ibid

which is totally unempathetic. The assessment experience was horrible for me. I am still waiting for the miniscule respite offered” (Unpaid carer, State of Caring 2025)

In some circumstances, carers in our research said that they have a budget for respite/short breaks but there were significant restrictions. simply no services available in their area or none that meet their needs and/or the specific needs of the person they care for. In some cases, this meant that carers had to return funds unspent, leaving them unsupported and feeling invisible.

“The Council did not complete a Carer Support Plan for many years. Instead, they allocated a Carer Support budget which couldn’t be used without a plan and was returned. They said that their IT system couldn’t accommodate a carer support plan. Nursing home respite which could be booked ahead couldn’t be found. When a nursing home was finally identified, we were told that we would need to pay for this ourselves because the unspent budget had been returned. Unaffordable at over £3,000. We have had no family holiday since 2021. The current carer support is inadequate.” ((Unpaid carer, State of Caring 2025).

“... there are objections to my using accrued /unused funds from my son’s budget as replacement care in the form of a break for him. This break allows the carers budget to then provide for a break for my husband and I. After nine years Social Work are now objecting to my son’s budget being used in this way and that his breaks and the carers should come from the carers budget. There is not enough... to accommodate this. (Unpaid carer, State of Caring 2025)

The Carers (Scotland) Act 2016 marked a milestone for unpaid carers. For the first time, all carers of any age had a right to an assessment of their needs and an Adult Carer Support Plan (ACSP) or Young Carer Statement (YCS). And, also for the first time, carers had a right to services and support to meet identified needs. However, this right was limited by being subject to **local** eligibility criteria, continuing a lack of equity for carers across Scotland.

Unfortunately, delivery of ACSP/YCS to any carer who requests it has been limited by a range of factors including awareness of caring and identification but has also been marked, particularly most recently, by delays and a lack of sufficient support when completed. State of Caring 2025³ found that just 24% of carers had been provided with an Adult Carer Support Plan. This is despite 50% saying that their caring hours had increased.

“I had no expectations, so the support is... valuable to me. However, sourcing and arranging respite care has been entirely up to me with limited advice or support in terms of appropriate leads and suggestions.” (Unpaid carer, State of Caring 2025)

“I believe this is where the gap is. The assessment provides information - short breaks etc but in my case a social work referral was made and the wait was far, far too long. Then, nothing after the initial meeting with social work!” (Unpaid carer, State of Caring 2025)

“Nothing happens with the information from a carer support plan. It is lip service not real help.” (Carers Scotland unpaid carer member)

³ State of Caring: The Cost of Caring in Scotland 2025, Carers Scotland (2025)

“I have found the whole assessment really frustrating especially when I’m now left effectively with nothing at the end of it. Outcomes are identified but until the local authority put the money in my account I can do nothing. It makes me want to scream.” (Carers Scotland unpaid carer member)

In addition, research⁴ has also identified the challenges that local carers services are experiencing. Many are commissioned to provide these assessments but are experiencing increased demand and rising costs but at the same time their funding allocated to deliver these from local authorities and health and social care partnerships has simply not kept pace.

“The value of our contract has not increased in over 10 years, which is a real-time cut. Staffing (now at minimum levels to maintain delivery) and overheads (office, required by the contract, utilities, stationery etc.) make up well over 80% of the contract budget available, leaving restricted monies for delivery.” (Local carer organisation in Pushed to Limit research)

To make carers rights real, and not simply words in legislation, the new Scottish Government and indeed all the parties in the Scottish Parliament must now deliver on their commitment to unpaid carers. Whilst we appreciate that the below may repeat what we and other carer organisations have said during the passage of the Act and that the Scottish Government has set up a national group to consider delivery of the right to a break, we feel it requires to be reiterated.

There is a need for a clear and measurable plan which sets out how the Scottish Government intends to deliver the right to a break and how it will improve the delivery of ACSPs/YCSs, including meeting the timescales that will be established.

As part of this, Carers Scotland believes that the investment provided by the Scottish Government must be transparent and consistent, with nationally agreed monitoring and evaluation, including of local spending on delivery (and its outcomes) required of all local authorities and Health and Social Care Partnerships. The Scottish Government, with partners COSLA and its local authority members, must commit to ensuring that investment reaches unpaid carers and that there is full accountability for its delivery.

“Our council ignored the Carers Act 2016. What guarantee do I have the council will do anything about this Act?” (Carers Scotland unpaid carer member)

The Scottish Government itself must set out how it will deliver the long term and recurring investment needed in each year of the Scottish Parliament and beyond to ensure that:

1. Health and Social Care Partnerships and local authorities have sufficient funding to develop and deliver a local market of short break providers, opportunities and replacement care services that provide carers with a range of options for breaks from caring. This must be transparent and measurable.
2. There is full consideration of the additional specific investment needed for rural and island areas to ensure that unpaid carers in these areas have equal opportunity to have a break from caring.
3. Dedicated funding is provided to ensure that local carers and young carers services are provided with additional funding to meet demand for assessments and for delivery of short breaks services. It may be appropriate to provide ring fencing and protection from local funding reductions.

⁴ Pushed to the Limit: increased costs and the impact for local carer organisations, Coalition of Carers in Scotland and Carers Trust Scotland (2024)

4. Replacement care to provide breaks from caring is critical and is of particular concern for those unpaid carers providing care to individuals with complex needs, including complex healthcare needs, life limiting conditions and palliative care. The Scottish Government should consider what additional investment is needed, in partnership with providers, and again it may be appropriate to ring fence such funding.

“Capacity within statutory services needs to be increased and funded, support services and 3rd sector organisations need to be supported with long-term funding. Unpaid carers and social care support needs to be ring fenced to make this more than another paper exercise - this will be down to finances and sufficiently trained staff, both of which is a rarity in Scotland.” (Carers Scotland, unpaid carer member)

This next section of this response brings together research and our direct engagement with Carers Scotland members on the consultation questions.

Section 2: Response to Consultation Questions

1. Definition of “sufficient breaks”

Question 1: Is this definition clear enough to make decisions about a carer’s eligibility for a break from caring?

- ~~Yes~~
- ~~No~~
- Not sure

Carers Scotland is unsure if the definition is clear enough to make decisions about a carer’s eligibility for a break from caring. In our engagement with unpaid carers, views on its clarity were almost evenly split, with 58% of respondents feeling it was clear enough and 42% saying it was not. This, in our view, leaves dubiety.

In addition, some unpaid carers believed the definition was too narrow, whilst others said that there are other aspects of wellbeing that should be considered in deciding whether a carer has sufficient breaks. These include whether and Adult Carer Support Plan or Young Carer Statement identifies whether the carer is having enough sleep or experiencing significant tiredness because of their caring role.

Whether or not they have some existing support to provide them with a break from caring, this it itself may not be providing enough impact to be providing a “sufficient” break from caring. It is important that carers themselves are the ones who decide (rather than the assessor) whether they have breaks from caring that could be described as sufficient.

“The word “sufficient” is obviously open to interpretation and that can be both a good and a bad thing - it leaves room for important flexibility (as each carer’s situation will be different) but could be seen as a bit too woolly so important that agreement on “sufficient” is properly discussed and agreed as part of the Care Plan process.” (Carers Scotland unpaid carer member)

Question 2: Does this definition cover the appropriate aspects of the caring role to help make this decision?

- ~~Yes~~
- ~~No~~
- Unsure

Carers Scotland is again unsure if this covers all the appropriate aspects of the caring role. Unpaid carers were equally unsure, with 59% agreeing it did cover all aspects and 41% thinking it did not.

Unpaid carers identified some factors that they felt should also be included. Some carers felt that there was a need to recognise financial issues affecting carers, for example, whether a break was indeed a break or “sufficient” if a carer was unable to afford to enjoy any activities outwith the home or on holiday.

There were also comments from those unpaid carers in employment who noted that there could be additional caring factors affecting working carers that should be included.

Of concern is that some unpaid carers felt it did not consider issues around replacement care and support for their loved one and the availability of appropriate placements at home or in a care or residential setting. One noted that “a break is dependent on the cared-for person’s needs being met.” Others noted that, from their personal experience, despite having been assessed as needing respite (with assessments often taking considerable lengths of time) no break from caring had been provided and much of this related to the funding and provision of replacement care.

“From personal experience, my local authority will give whatever reason they can think up to avoid paying for care for the cared person; therefore, the carer will never get a break.” (Carers Scotland unpaid carer member)

Finally, and importantly, there was a need to recognise what was sufficient to a younger carer may not be for an older carer or a carer with their own disabilities or health conditions.

“As a carer who is older than 80, I feel that my needs away from caring differ somewhat from the younger carers.” (Carers Scotland unpaid carer member)

“Firstly, people who have not been carers have no idea how mentally, emotionally & physically draining & exhausting the caring role is. I was always last on the list, caring for my blind, disabled husband & autistic son. There needs to be considerable support also, for those of us in multiple caring roles. I was constantly ill from the pressure & chronically depressed. As a result, I often let my regular health needs suffer, such as smears, dental & G.P. I had little to no energy or motivation to arrange appointments for myself. Just being able to have an hour to myself was a luxury. Social Services were totally useless. I begged them for 8 years, after my husband had 2 strokes. They couldn't help, had countless meetings & nothing ever happened.” (Carers Scotland unpaid carer member)

2. Types of breaks

Question 3: Do you agree that it would be helpful to specify some of the types of support or activities which provide a break from caring?

- Yes
- No

Carers Scotland agrees that it is helpful to specify some types of support and activities which provide a break from caring. However, it is crucial that guidance, monitoring and evaluation ensures that this approach does not create unintentional restrictions and that guidance is explicit that these are to support councils and health and social care partnerships in delivery and support carers in understanding some of the options available, It should be made clear that it is not an exhaustive list.

Question 4: List One:

(a) Are there any types of breaks you think are missing from this list?

- Yes
- No

Around two thirds (69%) of unpaid carers who engaged with Carers Scotland did not feel anything was missing from List One but of the 31% of respondents who felt there were types of breaks missing, examples included support for further studies and for other wellbeing activities such as gym memberships, online and in-person wellbeing sessions for mental health or simply pampering activities.

“Support for further studies... I appreciate studying may not sound like a break, but I wish there was support to study/develop skills for employment, because what happens if the person you are caring for dies, and then you have given up 2 decades of life but have no skills for employment. Studying and skill development would also allow a sense of achievement and a sense of being a part of something outside just caring and help towards employment in the future.” (Carers Scotland unpaid carer member)

Some unpaid carers noted the need for a clear definition of culturally appropriate breaks from caring. Carers Scotland believes that this must be set out in guidance which must be informed by organisations that support minority ethnic carers in consultation with carers themselves. It is also important that dedicated information is made available to support carers from all background to understanding the range of breaks that could be available to support them. As noted earlier, this also includes in developing culturally appropriate replacement care services.

(b) Are there any types of breaks listed which you think should not be included?

- Yes
- No

Question 5: List Two:

(a) Are there any types of breaks you think are missing from this list?

- Yes
- No

The majority (85%) of respondents from Carers Scotland unpaid carer members said that there were no specific items missing from either list one or list two.

(b) Are there any types of breaks listed which you think should not be included?

- Yes
- No

Question 6: Do you have any concerns that providing a detailed list would have any unintended consequences?

- Yes
- No

As noted above, it is helpful to specify some types of support and activities which provide a break from caring. However, it is crucial that guidance, monitoring and evaluation ensures that this approach does not create unintentional restrictions and that guidance is explicit that these are to support councils and health and social care partnerships in delivery and support carers in understanding some of the options available, It should be made clear that it is not an exhaustive list.

Question 7: Would it be valuable to specify a list of circumstances (as above) that should not be viewed as a break from caring?

- Yes
- ~~No~~

In Carers Scotland's engagement with unpaid carers, 96% of respondents said it was useful to have a list that describes what is NOT a break from caring.

Question 8: List of circumstances (as above) that should not be viewed as a break from caring:

(a) Are there any circumstances you think are missing from this list?

No but guidance should make clear that what is a break for a carer should be led by individual carers and their views on what is and what is not a break from caring for them.

(b) Are there any circumstances listed which you think should not be included?

No

3. Timescales for preparing adult carer support plans and young carer statements

Question 9: Do you agree that the law should specify accelerated timescales only for carers of terminally ill people? This is because (a) these carers can often need urgent support and (b) because local practitioners will be best placed to decide when other people need urgent support, based on their individual situation.

Carers Scotland agrees that, at this point, expedited timescales should still only apply to those caring for someone with a terminal illness, but that local practitioners would still have discretion to speed up ACSP/YCS for other carers where there is an urgent need. In our engagement with members, 81% agreed. However, further guidance should be developed to aid consideration and transparency of where an "urgent need" may exist.

Question 10: In setting a timescale for preparing an ACSP for other adult carers, would you support:

- ~~8 weeks~~
- ~~10 weeks~~
- another timescale (please state)

Most of the unpaid carers who engaged with Carers Scotland (84%) felt that a shorter timescale of between 4-6 weeks was most appropriate. Only 12% believed that 8 or 10 weeks was the right timescale.

*"I hope that these are statutory maximum timescales and that they would normally be completed faster"
(Carers Scotland unpaid carer member)*

Please explain the reasons for your answer.

Unpaid carers noted that there could be some challenges in delivery of set timescales for ACSP and believed that it may be difficult to be prescriptive. The time need to complete an ACSP or YCS may be subject to several factors including a carer's understanding what support they need and want provided and the intensity of their caring role

“Difficult to be prescriptive here - people can take a while to properly see themselves as carers and willing to discuss (or even realise) what their own needs are, especially if that's because becoming a carer has happened suddenly (accident, stroke etc). In those cases, there's an argument that it's actually better for the Care Plan to be done once the carer has had time to adjust to the role (with access to a local support service in the meantime) and get a better sense of what they need. Time targets can skew the way a service operates (to meet targets rather than needs) so perhaps "timescale in agreement between the local authority and the carer" with an absolute target of the 12 weeks (unless an extension is requested by the carer) would give necessary flexibility.” (Carers Scotland unpaid carer member)

“...We have experience of reaching mental crisis and carer centre not being supportive about their capacity to undertake carer support assessment with months-long waiting times. I appreciate this is due to the carer centre capacity issues, but this isn't really useful.” (Carers Scotland unpaid carer member)

There was also a plea for guidance and information that requires that unpaid carers are informed at all stages of the process, from requesting or being referred for an assessment, through to the assessment itself and delivery of services, including a break from caring. Carers felt that they should not be responsible, on top of their caring role, for continuously having to chase up or plead for support that had already been identified as a need.

This also includes ensuring that unpaid carers are informed and able to access other services that can provide support whilst they await their assessment. Some of the carers we engaged with were keen that this would be an established principle within guidance to prevent crisis.

“Carers should be kept in the loop or offered support services while the ACSP or YCS is being prepared in case of crisis.” (Carers Scotland unpaid carer member)

“... carers [should be able] to access identified services quickly without having to remind social workers or feel like they are begging. It's adding more stress and humiliation.” (Carers Scotland unpaid carer member)

Additionally, as we noted in our introductory section, new timescale requirements and additional demand will require more funding to support the capacity of carers services to deliver. This must be delivered. Carers Scotland believes that without such funding it is likely to be impossible for carers services to meet timescales set by the Scottish Government. In effect, without sufficient funding, the rights that carers should expect to be delivered will, for many carers, continue to be unmet.

Question 11: Should the timescales for preparing a YCS for other young carers be the same timescales as for ACSPs?

- Yes

- No

Whilst Carers Scotland membership is available to any unpaid carer, our members are less likely to be young carers, although young adult carers will be represented. Therefore, whilst 81% of our carer member respondents agreed it should be the same timescales for both types of assessment, we believe that a decision on whether timescales are different for YCS should be informed by the views of young carers and young carers services.

Question 12: Would you support:

- 8 weeks
- 10 weeks
- another timescale (please state)

Most unpaid carers we engaged with (90%) felt that 4-6 weeks was a more appropriate timescale. Only 9% said 8 weeks or more. As noted above in relation to carer services, again it will be vital that additional funding is provided to young carer services to deliver a nationally agreed timescale for all young carers who request an assessment.

4. Transitional arrangements

Question 13: Do you agree with a phased approach for moving carers from the current system into the new system?

- Yes
- No

Whilst it is never desirable for unpaid carers to wait for the support they need, Carers Scotland understands that a phased approach will be needed to deliver a right to a break from caring. This is necessitated by the infrastructure needed to deliver including developing a range of breaks (and replacement care options) across Scotland to deliver choice to carers alongside increasing capacity of carers and young carers services, and local social work departments, to review existing ACSP/YCS and deliver new assessments alongside timescales for these.

In our engagement with unpaid carers, most said that they agreed (33%) or strongly agreed (28%) with a phased approach to delivering a right to a break for unpaid carers. Of the remaining carers, 16% either disagreed or strongly disagreed with the rest neither agreeing nor disagreeing.

Question 14: Under such a phased approach, how long should be allowed for all carers to have their needs reviewed:

- 2 years
- 3 years
- Another period – please specify

In Carers Scotland's engagement with unpaid carers, an overwhelming majority (92%) said that this phased approach should only allow for a period of 1 year to allow all carers to have their needs reviewed and their right to a break delivered. Only 8% said that a period of 2 years should be allowed and no respondents felt that any longer should be provided.

Carers Scotland believes this strong response from unpaid carers reflects both the urgent need for breaks from caring and the fact that too many carers still do not receive them. As set out in our introduction, sufficient

funding for local government, HSCPs, and local carers and young carers services is essential to make this right a reality.

Question 15: Do you agree with using an interim definition of “sufficient breaks” as proposed above, to prioritise carers in the greatest need while the new right is bedding in?

- Yes
- ~~No~~

Carers Scotland agrees that, during the interim period, carers in greatest need should be prioritised. This is reflected in our engagement with unpaid carers. Most respondents agreed (33%) or strongly agreed (33%) that the approach should focus first on delivering sufficient breaks to those in greatest need. Only 7% either disagreed or strongly disagreed, with the remainder neither agreeing nor disagreeing.

However, Carers Scotland believes that transparent guidance should be provided on how unpaid carers in greatest need are identified, and that this should be translated into easily accessible information so carers understand how decisions are made and when they can expect their right to a break to be met.

“Who decides greatest need most carers have not had a break for years” (Carers Scotland unpaid carer member)

Question 16: What would be the main benefits and risks of using an interim definition of “sufficient breaks” as proposed?

Carers Scotland believes the main benefit of the proposed approach is that it would allow progress to begin on delivering more breaks to unpaid carers. Unpaid carers have heard for some time, including during the passage of the Care Reform (Scotland) Act 2025, that a right to a break from caring would be introduced. Further delay risks undermining confidence that this commitment will be delivered and that meaningful change will follow. This phased approach also provides an opportunity, through effective and consistently applied monitoring and evaluation across Scotland, to identify lessons early and make improvements ahead of full implementation.

Question 17: Do you think the timescale for moving from an interim definition of “sufficient breaks” to a broader definition covering more carers should be:

- set at the outset to provide certainty, e.g. 3 years, or
- be guided by monitoring and evaluation of take-up, to ensure systems are geared up to support a greater number of carers?

Carers Scotland believes that both elements are necessary. There should be a clear timescale, underpinned by a nationally agreed and consistently applied monitoring and evaluation framework. It is vital that HSCPs and local authorities are required to monitor take-up, delivery and outcomes from the outset, and that this is done in a consistent and transparent way across Scotland.

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