



Adults Replacement Care Policy 2026

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1. Purpose

This policy is intended to provide a clear framework for identifying replacement care, determining eligibility, and supporting consistent decision-making.

The policy explains how carers' needs are assessed, how eligibility criteria are applied in East Lothian, and how replacement care is planned and reviewed. Its overall aim is to ensure carers who meet the required criteria can access appropriate breaks from caring, in a fair, transparent, and person-centred way.

It will be supplemented by standard operating procedures that detail benchmarking and indicative budgets for different groups.

2. Legislative Context

- 2.1. The *Carers (Waiving of Charges for Support) (Scotland) Regulations 2014* require Local Authorities to waive charges for support provided to carers.
- 2.2. The *Carers (Scotland) Act 2016* extended this principle by clarifying that carer support may be provided either directly to the carer or via services delivered to the cared-for person. Where support is provided to meet a carer's identified needs, no charges should be applied, regardless of how that support is delivered.
- 2.3. In line with this legislation, ELHSCP removed charges for replacement care in 2018.
- 2.4. Practical challenges arise where support may meet the needs of both the carer and the cared-for person. In these circumstances, the local authority must determine whether the support constitutes:
 - support to the cared-for person to meet their assessed needs, with any benefit to the carer being incidental (and therefore not replacement care); **or**
 - support provided primarily to meet the carer's identified needs, which may be delivered through care or support to the cared-for person (replacement care).
- 2.5. This distinction, while nuanced, is central to determining whether charges should be applied or waived.
- 2.6. To assist with this decision-making, the Scottish Government has included case studies within the statutory guidance to the Carers Act¹. The key elements of this guidance are summarised in Section 3.

¹ Carers Scotland Act 2016 Statutory Guidance from www.gov.scot

3. Identifying Replacement Care

3.1. The Scottish Government sets out five criteria to support identification of replacement care:

1. the care is provided to the cared for person.
2. it replaces care previously provided by the carer
3. it is provided to enable the carer to take a break from caring
4. the carer is willing and able to resume caring following the break and
5. the care was available at the point it was requested.

3.2 In practice, this means asking two main questions:

- is the primary purpose of the support to provide the carer with a break from their caring role? **and**
- does the support enable the carer to continue caring after the break, rather than representing a longer-term reduction in the care they are able to provide?

4. Eligibility criteria

4.1 Each Local Authority has a duty to set local carers eligibility criteria which staff in East Lothian are required to follow.

4.2 The criteria determine how much the caring role is impacting the different areas of a carer's life. There are five levels, ranging from:

- No impact – Caring is not impacting this area of the carer's life
- Low – Carers are managing their caring role well but might find some advice helpful
- Moderate – Carers may be feeling some stress and would find some support helpful
- Substantial – Carers find caring is affecting their health or other important areas of their life and need support
- Critical – Caring is affecting many areas of their life and support is essential

4.3 In East Lothian the HSCP has agreed a **duty** to provide support when the level of impact/risk is 'Critical' or 'Substantial' and a **power** to provide support at 'Low' or 'Moderate.'

5 Support Planning

5.1 Carers can receive replacement care/short breaks free of charge if:

- The Carer has been supported to complete an Adult Carer Support Plan (ACSP), and their needs meet the ELHSCP carers eligibility criteria at substantial or critical level
- The carer is unable to take the break without provision of replacement care.

- 5.2 The worker should explore with the carer whether other informal supports and local community supports or groups might meet the carers need for a break before considering more formal 'sitter services or residential care.
- 5.3 Where there is concern that the cared for person cannot be left alone for short or long periods, consideration should be given to whether there is any technology that could reduce the risk or give reassurance [Technology Enabled Care - Access to a Better Life in East Lothian](#) or other options that could support the carer to take breaks. This may be particularly important at transition points, for example from children to adult services or where progression of a condition has changed the person's ability to be on their own. Evidence of need for constant supervision should be explored with the carer and can include discussion of technology [Activity monitoring for people with dementia, learning disabilities & autism | Just Checking](#)
- 5.4 The carers need for a break will also be dependent on the support needs of the cared for person and this is considered as part of the assessment process. Because the support is provided to the cared for person an assessment of their needs will also be required. The process of support planning is similar for people with different needs, for example an older person or someone with a learning disability, but individuals or groups may make use of different resources to meet the carers need for a break.
- 5.5 The carers eligibility criteria should be applied to the information in the ACSP to establish the level of support required. The cared for persons support requirements will also be considered to give an indicative budget for support.
- 5.6 New or review assessments will be considered by the resource panel. The senior practitioner and/or worker will present the assessment to senior management and the panel will consider this to ensure equity and collective decision making.
- 5.7 Once the budget is agreed the carer can arrange support by choosing the SDS option that suits them best. They should be supported to look at what might meet their needs within the agreed budget.
- 5.8 Support may be arranged for short periods or spaced more regularly to give the carer time away from caring, this will most frequently be in the form of;
- day opportunities
 - supported activities
 - sitter service
 - additional care at home
 - live in care
 - overnight breaks in short breaks services
 - breaks in a care home
- 5.9 Support to manage a personal budget can be provided by Lothian Centre for Inclusive Living (LcIL) if required.

Appendix 1

Definitions

Carer	A carer is anyone who provides unpaid care or support to a friend, family member or someone else close to them who due to; illness, disability, mental health condition or addiction could not cope without their support.
Replacement Care	The term for types of temporary care that give anyone who has a main responsibility for caring for someone else a rest or a short break.