

Consultation Questions

Question 1(a): Is paragraph 9 clear and easy to understand? (please tick)

Yes	No
Yes	

Question 1(b): Do you agree with the waiving of charging circumstances as set out in paragraph 9? (please tick)

Yes	No
No	

Question 1(c): If you do not agree with the waiving of charging circumstances as set out in paragraph 9, please state your reasons below:

Would we agree that support provided directly to carers, in their own right, should not be subject to charge. (Lines 1 and 2). This is the case at the moment e.g. domiciliary respite when it is required to give a carer a break of a few hours.

The draft regulations need to be accompanied by clear guidance. Lines 1 and 2 mention support but there is no mention of individual budgets which will have a financial limit based on eligible need. The choice and control over how this budget is used to meet eligible need then rests with the carer and cared for. It needs to be clear that if the carer wishes to purchase something more expensive they will need to meet the additional cost.

There needs to be clarity about what is included in the "whole cost". When a budget is allocated the carer will have flexibility around what they purchase to meet the assessed need. However transport costs because the carer has chosen to travel a significant distance or go abroad, can't be met by a local authority.

We do not therefore believe that the whole cost of a short break should automatically be met by the local authority. This creates unrealistic expectations and in practise would prove to be unsustainable. Local authorities need to be able to set ceilings in relation to costs of Short/alternative breaks in order to maintain some fairness in the system and some discretion and flexibility around what they will expect carers to contribute in the case of a family break. Rather than collecting money from family members, LA could have some flexibility in agreeing with family what costs they will meet such as transport or food. In some cases the carer will provide and meet the care costs and in other situations care will require to be purchased.

The local authority should have the power to use discretion and judgement about what should be included taking account of all the circumstances around the break.

Additional expenditure associated with the needs of the cared for person is addressed within the welfare benefits system e.g. Disability Living allowance we would suggest that where a local authority is meeting the cost of a carer's break, additional costs for the cared for person could be met at the discretion of the local authority but would not be a duty

Under the proposals the financial circumstances of the cared for person are not accounted for in the provision of care and support, this approach is inconsistent with the approach a local authority has when providing care to someone who does not have a carer's support. This raises an issue of fairness and equity.

When the cost of replacement care is added to the cost of a carer's break this increases the financial burden on the local authority. This could lead to greater prioritisation of eligible support for carers to those who are most at risk, with less emphasis on prevention for carers who may be at risk in the future.

Where replacement care cannot be take place at home, it may take place within a residential setting. The total cost of the break will include accommodation and meals. We would suggest that charges are waived only for the care and support.

There is a need to differentiate between different types of short breaks. This can be in a residential setting, where the cared for person normally makes a contribution to their care from their weekly income benefit, which covers these costs. We would suggest that it would be easier to maintain this charge in the interests of fairness and consistency. Otherwise if care is provided without charge in this way, the LA would have to pick up the full cost of the residential care without the client contribution.

This raises questions around equity when the cared for person usually pays a contribution towards a respite period as part of their care plan. In the interests of equity LA should have control of how much charge should be implemented. This would otherwise result in additional financial burden to the LA.

It should be noted that carers in Inverclyde can access preventative breaks via funding provided to the Carers Centre and also other breaks funded through Shared Care Scotland amounting to £5000 and £17000 respectively. Carers access these breaks based on agreed criteria therefore the LA would have to be able to set criteria based on carers who are providing regular and substantive amounts of care to create some priority system.

Question 2(a): Are you content with the examples of support to carers and young carers, as set out in paragraph 10, where charges will be waived? (please tick)

No

Question 2(b): If you are not content, please state your reasons below:

Currently there is advice information/ advocacy/emotional support/training/short breaks available through CHCP and Carers Information Strategy Monies without charge from the Carers centre. However there is a real gap in counselling services, which can also prove quite costly. LA would need some discretion in issues around determining eligibility for providing this rather than as a universal service. Also we do not currently fund the provision of gardening/housework as people are expected to meet this from their weekly income or provide themselves. However we recognise in some heavy caring roles this could be considered as an exception to help meet need and produce outcomes. The issue of providing transport or driving lessons again could be considered by a LA if it was more economic in the longer term.

If a carer has an allocated budget the spending of the funds to meet the agreed outcomes will be for the carer to decide. We believe that local authorities should have discretion as to what can be included in the budget. If the cared for person is in receipt of mobility benefits then this would be available towards transport.

The issue of providing transport or driving lessons again could be considered by a LA if it were more economic in the longer term.

Question 2(c): Are there further examples that you would like to add? (please tick)

Yes	No

Question 2(d): If there are further examples that you would like to include in the list, please state these below and also set out your reasons for suggesting their inclusion.

Comments

Question 3(a): Do you agree with the exceptional circumstances set out in paragraphs 12 (with examples) and 13 about support to carers to help pay for driving lessons and taxi fares? (please tick)

Yes	No
No	

Question 3(b): If you do not agree, please state your reasons below:

Local authorities should have discretion as to what will be included in the budget and the carer will then decide how this will be used.

Question 4(a): Do you agree with the waiving of charges as set out in paragraphs 14 and 15 with regard to short breaks? (please tick)

Yes	No
No	

Question 4(b): If you do not agree, please set out your reasons below:

Again the local authority should have discretion and decisions should be made based on individual assessments. This allows the carer to decide how the funding is used to meet the outcomes.

Question 5(a): Do you agree with the position set out in paragraph 16 that when the carer and cared-for person take a break together, then as well as waiving the cost of the break for the carer, the additional costs of the break to enable the break to take place will also be met by the local authority? (please tick)

Yes	No
No	

Question 5(b): If you do not agree, please state your reasons below:

Some of the additional costs associated with support needs can be met through the benefits system (DLA, AA).we would suggest that the local authority should have discretion to make additional payments where it believes that it is right to do so but this should not be a duty.

Question 6(a): Do you agree with the position set out in paragraphs 17 and 18 that local authorities will waive the cost of replacement care when they provide or commission replacement care in circumstances when others cannot provide replacement care free of charge? (please tick)

Yes	No
No	

Question 6(b): If you do not agree with the position, please set out your reasons below:

We believe that the local authority should have discretion. Although the suggestion is that a local authority would only become involved in cases of social isolation there may be other cases where it will be appropriate for the local authority to become involved. As each case is different there has to be a balance struck especially if the local authority is paying for the whole cost of the break. Local authorities should have discretion to apply a charge based on a carer's ability to pay

Question 7: Do you have any additional comments? If so, please use the space below to provide these further comments. Local authorities may wish to comment on any financial consequences arising from the Regulations. If so, please set out estimates of anticipated support to be provided to carers and cost estimates.

We agree that support for carers to continue in their role is important and that there will be circumstances where it will be appropriate not to charge.

Carers assessments have been identified as the means for identifying the SDS opportunities for carers. Local authorities need eligibility criteria in terms of identifying regular and substantial care which would qualify a carer for a full carer's assessment. Self Assessment is useful for accessing low level/preventative services without charges.

We believe that the local authority should be allowed to exercise discretion with regard to charging for support for carers.

Question 8: Do you have any comments on the draft Regulations as set out in this Annex A? If so, please use the space below to set out these comments:

Comments

Thank you for completing this consultation. Please return your completed 'Respondent Information Form' and this 'Consultation Response Form' to alun.ellis@scotland.gsi.gov.uk by **Wednesday 10th July 2013**.