

## Consultation Questions

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

Yes	No
	x

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

Yes	No
mostly	

**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:**

The Scottish Young Carers Services Alliance welcomes the move to waiving of charges to carers and young carers for support and breaks provided to them.

We are concerned however that the power to provide services free of charge to young carers is contingent upon having been assessed under the 1995 Act. Our experience is that very few young carers who are receiving support from young carers services in Scotland have been assessed under the Act. We would hope that more young carers will have their needs assessed as a result of local authorities implementing GIRFEC, and would like to see something in the regulations which recognises the imminent change to assessing children and young people's needs as detailed in the Children and Young People's Bill.

In terms of clarity of paragraph 9, we appreciate that although the paper is not intended for young people but service providers, an easy read version of the regulations would be helpful, with examples of how the situations detailed will apply to young carers

**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)**

We understand that the list cannot be exhaustive, and the examples given are very relevant but see below.

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

Regarding young carers, it would be helpful to have more clarity about costs for transport to their local young carers service or other activities – especially in rural settings, but not exclusively. Due to their age and caring roles, young carers are often dependent upon transport to be provided by the local young carers services. Due to local authority cutbacks, we are hearing of various instances where that transport is being withdrawn leaving other solutions to be found to help young

carers access the support they need. We therefore suggest that along with some of the other examples given, transport may be something which is provided free of charge already by their local young carers service, but needs to be included in the list in case it isn't.

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

Yes	No
x	

**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.**

As 2(b)

**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
	x

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

Whilst we recognise the limitations on local authorities in providing taxis and driving lessons for carers, particularly the need for agreed financial limits on driving lessons, it is difficult to define what ‘exceptional circumstances’ are.

Primarily, if an assessment identifies a need for a young carer to access a service or venue that is only accessible to them by taxi, then it is only right that their taxi fares are included as part of the support. The example given in the draft regulations is of a carer who lives in a remote part of Scotland and does not have access to alternative transport. It needs to be recognised that it is not only remote and rural parts of Scotland where access to public transport is limited – even in cities and large towns, bus and train services can be inconvenient outside of peak travel times and the inconsistency of public transport travel times can cause problems for carers who have to return promptly to relieve replacement care providers. Rural and remote areas may not have any access to public transport and therefore the use of taxis or private cars will never be exceptional circumstances for them.

We would prefer that ‘appropriate circumstances’ be used rather than ‘exceptional’ or ‘special’ circumstances. These terms can become barriers to carers for whom it is quite reasonable because of location and/or their caring circumstances to use a taxi. Supporting a carer to learn to drive could also have multiple benefits in supporting the carer in their caring role, e.g. ease of transport to appointments and reducing isolation. It may also support a carer’s general wellbeing, by enhancing their employment prospects.

The examples provided are useful to illustrate different ways that carers can benefit from support with transport, but local authorities must always be prepared to consider appropriate ways in which support with transport can be overcome.

**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
x	

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

We welcome the proposal that support to the carer in the form of a short break will not be charged for, and that the whole cost of a short break (including taxi fares if required) will be met by the local authority.

**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
x	

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

Many young carers caring for a parent would like to have a break with the person they care for but are not able to do so because they are not able to access the same levels of support as they would at home. Additionally, if the carer has to carry out their typical caring responsibilities whilst on the break, they do not get the full benefit of a break. It is good that the extra costs of being able to have a break together, such as specialist equipment, additional agency care, specialist transport or accessible/specialist accommodation, will also be waived. It should also be considered that a young carer looking after a single parent may wish to access some peer support or from a young carers worker whilst on holiday and this may have cost implications for transport, activity or the young carer worker's time.

**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
	x

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

Informal replacement care, or care in emergencies, may often be provided by friends or relatives. Indeed, it has been our experience in the Alliance that in order to cover replacement care whilst attending the young carers Festival, for instance, this is what happens. However, along with the other national carers organisations, we have significant concerns that the guidance indicates this should be the default position. Unpaid carers, especially children, are not required to provide care, whereas the local authority has a statutory obligation to provide care and support to those who need it. Whilst some cared for people may prefer to receive replacement care from a friend or family member when their regular unpaid carer is not available, there may be many reasons why this is not appropriate, including (but in no way limited to) complexity of care needs, inability of friends or family to provide care on a regular basis, or no appropriate friends or family to provide replacement

care.

Simply put, this position trivialises the role of the unpaid carer or young carer. Carers are experts in those they care for and often possess a huge skills base, becoming proficient and efficient in providing care due to the time they spend caring. Often this can include medical skills such as administering injections, caring for stomata, catheters and feeding tubes, and physiotherapy. Family and friends will not have the skills required to take this care on, nor should they be expected to. If they do have the skills, willingness and ability to provide care, they are probably already doing it.

It also places undue stress and pressure and possibly additional age inappropriate responsibilities on the young carer if they are expected to arrange replacement care. They may feel reluctant to ask for help from family in case they give other family members the impression that they are not coping.

They may feel guilty if the care provided by the family member is given reluctantly, of poor quality or in any way not ideal – this can lead to family arguments and breakdown of relationships. It is also a risk that well-meaning family members can underestimate the care that is needed, particularly for people with a learning disability, mental health condition or neurological illness; many carers have reported bad experiences of family members providing replacement care for them because whilst the person who stepped in was well-meaning, they were not sufficiently able to provide care in the required way.

Regarding the circumstances of ‘social isolation’, if replacement care is restricted to only those who have become socially isolated, preventative opportunities to reduce the number of carers and people with care needs who become socially isolated in the first place will be missed. The definition of social isolation in the draft regulations also will not cover situations where the carer and cared-for person do have families, friends and neighbours, but none of them are willing or able to provide care. We believe that this will be the case in many situations and it is not clear how this would be interpreted. It would be a grave error for the regulations to state the default position is to expect young carers to approach unwilling or unavailable family and friends to convince them to provide replacement care.

We would propose that ‘social isolation’ is removed from this section, and that both the availability and appropriateness of replacement care provided by friends and family is discussed as part of an assessment. Where it is identified that no such replacement care is possible, the local authority must arrange or provide adequate replacement care that is free of charge to the carer or their family.

**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.**

The Scottish Young Carers Service Alliance would wish that the regulations will provide the best possible outcomes for young carers and that they will be given full consideration as carers to receive support services free of charge to their families and where over 16, to themselves.

**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](mailto:alun.ellis@scotland.gsi.gov.uk) by **Wednesday 10<sup>th</sup> July 2013**.