

Consultation Questions

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

Yes	No
	√

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

Yes	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:

Paragraph 9 is poorly drafted, difficult to understand and lacks clarity. The support appears to be discretionary - a power, not a duty, the services/support if provided, appears to be without charge but paragraph 8 states that in fact, some services can be charged for. The issue of 'intended' caring is also problematic – see paragraph 2 and schedule. To assess an intention is potentially wasteful- it may not be followed through or it may change and to provide a service/support for an 'intended' service is not practical. How can actual support be provided for care which is only an 'intention'? Unless of course it is pre care support i.e. advice and information.

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)

Yes	No
	√

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

The intention element is still problematic. Advice and advocacy can help someone clarify their intentions but it is not really support for the care they are providing to the person requiring care. At the 'intention' stage it cannot be support for 'care' The majority of the examples would work for pre-care e.g. I am thinking of caring for my disabled father but I am not sure what would be involved. The wording in the schedule however needs to be improved in order to distinguish between care and intended care.

We agree that charges should be waived for the first 4 examples and in some circumstances the last but not for housework, gardening, taxi fares and driving lessons. We don't currently provide domiciliary care except in exceptional circumstances and this is financially assessed, nor do we provide assistance with gardening. These services if provided free of charge could benefit a whole household, how could that that be right or fair, reasonable or sensible in the

financial climate. Why would we assess an intention, what does this mean, surely that would be wasteful if not followed through?

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.

N/A

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
	√

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

It is not clear how a carer who wants to go to an art class but needs a taxi to get there is any different to his or her neighbour who wants to go to an art class. The desire to pursue a hobby is unrelated to any care responsibilities. It would maybe make sense if the carer needed a taxi to take the cared for person to an art class due to a disability. What is very much 'the exception' about someone wanting a taxi to take them to an event they want to go to? The exceptional circumstances and examples given in paragraphs 12 and 13 are poor and extremely vague.

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
	√

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

It is a poor example and no clear definition is given for what is meant by a short break. Breaks for carers should be to provide respite from their caring role. The examples lack clarity and don't differentiate between every day life – meeting friends, swimming lessons and the support needed to allow a carer to experience or take part in everyday life. There needs to be some clear testing of need, otherwise there it may be open to exploitation.

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
	√

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

As above, and again the information given is insufficient.

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
	√

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

Again there is difficulty between the interaction of services to the service user and services to the carer. What is the difference between respite care for a service user, which is chargeable, and care (same as respite care) for a carer to get away which would be free. There is a lack of clarity between the relationship of services to service user and services to carer when they are really the same thing.

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 consultation is poorly thought out- full of inconsistencies, confusion and unhelpful examples. What is the situation if the cared for does not currently receive any local authority services; presumably they would also have to be assessed before the carer could be assessed. These proposals carry huge resource implications, financial, staffing, training, time etc
 In the introduction, paragraph 1 it is stated that local authorities have a power to provide support to carers, not a duty, if this power is exercised then the support is free, although over the page it states that some services may be charged for. The discretionary power of Local Authorities opens a can of worms and creates disparity across areas. Paragraph 19, what is an additional holiday?
 We have costed the loss of revenue from respite and day care alone to be in the

region of two to three hundred thousand per annum. This figure doesn't take in to account the cost of providing additional services, staffing, training etc

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:

The draft regulations give no definition of a carer, while most of us would assume these are in relation to informal and non-paid carers, this is not clear.

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**.