

## 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
	√ (not with all the circumstances set out in paragraph 9)

**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:**

West Lothian recognises the role and contribution of unpaid carers in supporting people to live as independently as possible within their own communities and is committed to supporting carers to continue in their caring role. However, West Lothian is concerned that the draft waiving of charges regulations and guidance are not sufficiently clear and, therefore, is also concerned about the potential financial implications for local authorities. The presumed loss of income to the council based on current charging is significant and this does not take into account the potential for additional cost to the council if there is an increase in demand for carer support due to the introduction of the waiving of charges.

West Lothian would suggest that local authorities should be able to consider waiving charges to carers for the eligible support that is provided in order to support them to continue in their caring role but that it would be appropriate to maintain councils' discretion to charge carers for such support. However, if the proposals were to go ahead as written, West Lothian believes that, with the loss of any control over local charging priorities and policies, the cost of this new policy should be met by central government.

The following are issues which West Lothian believes should be taken into consideration when formulating any new regulations or guidance:

- There should be reference to eligibility criteria and eligible support levels within the guidance
- There needs to be greater definition of what is meant by 'the whole of the charge' – does this, e.g. include unlimited transport, insurance and activities costs which is clearly unsustainable?
- As with supported people, West Lothian believes that any benefits or funding streams provided as a direct consequence of caring responsibilities in order to support people with the financial implications of caring, should be taken into account when looking at the carers overall circumstances and eligibility for support. Therefore, the discretion, but not the duty, to waive charges will allow local authorities to be more flexible and responsive in relation to charging policy.
- Any loss of charging income has an impact on the overall resources available to arrange and deliver services and support and on the associated eligibility criteria for access to these which may require to be made more stringent.

**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:**

This seems to be a rather service led list of examples rather than reflecting an outcomes-focused approach to carer support. In addition, this list does not take local eligibility criteria into account – e.g., local authorities will not fund transport costs to enable the supported person to attend hospital appointments – this is the responsibility of health services – nor will they fund all transport costs if the person is in receipt of mobility allowance or has a mobility car.

West Lothian would again suggest that giving local authorities discretion in relation to charging will facilitate the most flexible and targeted response to carer support.

**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.**

It is unclear how helpful a list is in this context as there is always a risk of missing out a significant item or of including items which are too open to interpretation. A case study providing an illustration may be of use but the guidance around the waiving of charges to carers would also need to be much clearer.

**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:**

The support to carers should be based on their assessed eligible needs and outcomes and not task or service-led – it should be up to the carer to decide how they wish to use that support, including in relation to transport. However, the examples given are not helpful, especially as health, not the local authority, is responsible for funding access to hospital appointments.

**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:**

As stated earlier, support to carers should be based on their assessed eligible needs and outcomes and not service-led – it should be up to the carer to decide how they wish to use that support, including in relation to what type of short break from caring is most effective for them.

**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
	√ (partially)

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

West Lothian would suggest that the decision on whether or not to meet the additional costs of a break under the circumstances outlined in paragraph 16 should be at the discretion of the local authority. This would allow the local authority to be flexible and to act in response to assessed needs and outcomes in line with local eligibility criteria. If the draft proposals go ahead, Children and families services would also need clarification on the definition of additional costs, and how these should be addressed in relation to providing care to any other children in the family.

**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:**

Whilst West Lothian would support the waiving of charges for replacement care, this should be the decision of the local authority based on the carer's assessment and eligible needs and outcomes. The regulations and guidance should make it explicit that this will apply only to replacement care which will enable the carer to take up breaks from caring for which they are eligible based on their carer's assessment and will not apply in relation

to other services provided to the cared for person based on an assessment of the cared for person's needs but which have the incidental benefit of providing the carer with a break, e.g. day support.

**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.**

In relation to the provision of short breaks from caring, charging is currently made on the basis of a service user contribution rather than a charge to the carer. The presumed loss of income to the council based on current charging is significant and this does not take into account the potential for further additional costs to the council if there is an increase in demand for carer support due to the introduction and increasing awareness of the waiving of charges.

Services provided to children and families are not currently generally subject to charges but there are occasions when families are asked to provide a contribution, e.g. when the child is accessing community activities in order to give the parent / carer a break, the family are asked to cover the activity charge but not the care provision. Clarification on the expectations attached to the role of parent as opposed to that of carer and how charges should be considered would be required within any future guidance.

As outlined in response to Question 1(c), West Lothian is concerned about the potential financial implications for local authorities of the draft waiving of charges regulations at a time when overall funding is being reduced and believes that, with the loss of any control over local charging priorities and policies, the cost of this new policy should be met by central government.

**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 Regulations would seem to be somewhat adult-focused and do not necessarily address the distinction between the role and responsibilities attached to being a parent and those attached to being a carer.

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**.