

Dear Sir/Madam

SELF-DIRECTED SUPPORT: CONSULTATION ON DRAFT STATUTORY GUIDANCE ON CARE AND SUPPORT

Responding to this consultation paper

We are inviting written responses to this consultation paper by **10 July 2013**.
Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:

E-mail to: selfdirectedsupport@scotland.gsi.gov.uk

or

Adam Milne
Self-directed support Team,
Room 2ER,
St Andrew's House,
Regent Road,
Edinburgh,
EH1 3DG

If you have any queries please contact Adam Milne on 0131 244 5455

We would be grateful if you would use the consultation questionnaire provided as part of the Respondent Information Form or could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the Respondent Information Form attached to this letter as this will ensure that

we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly. All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library, and on the Scottish Government consultation web pages by **7 August 2013**. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us consider any amendments or additions to the guidance. We aim to issue a report on this consultation process along with our response to it during Autumn 2013.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the address given above.

Yours sincerely

Adam Milne
Scottish Government
Self-directed Support Team

Consultation Questionnaire

About this response

Camphill Scotland is a membership organisation representing the collective interests of the 12 Camphill communities in Scotland. Camphill communities provide care and support to around 400 children, young people, adults and older people in intentional community settings, the majority of which are registered as residential care services. There are two Camphill schools in Scotland which between them support nearly 100 children and young people in both residential and day placements.

Our response has also benefitted from consultation with Camphill Families and Friends, a registered charity which helps and supports individuals who wish to live in Camphill communities in the UK.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 2 : The person's support pathway

Question 1a: Was this section of the guidance clear and easy to understand? (please tick)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Question 1b: How useful did you find this section of the guidance? (please tick)

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 1c: Do you have any further comments on this section of the guidance?

Some advice to help you to answer this question – Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments

1. **Comment on Table One.** The pathway is an accessible concept and it is set out in an easily digestible way in the guidance. Some of the language could be made a little brighter and more inspiring. This is important if we wish to invest the development of an individual's pathway with the vital qualities of imagination and enthusiasm. While I appreciate the statutory significance of the word 'needs' it need not be used on its own to describe the focus of the assessment process. It has a rather passive sound and limited range. The phrase 'needs and aspirations' might have a more invigorating effect. So, we suggest replacing the paragraph:

Following the initial assessment of the person's eligibility for support the person's needs will be explore (sic) in much greater detail. As part of this process, the two parties - the professional and the individual - will begin to translate the initial needs into a more detailed exploration of the personal outcomes for the individual.

With

Once the person's eligibility for support is established it is time to explore their needs and aspirations in much greater detail. It is important to explore what the individual wishes to achieve and how the pathway will lead them there. This means establishing the personal outcomes for the individual.

2. **Comment on Table Two.** Welcome mention is made of the professional's responsibility for arranging for some additional assistance. is important to remember, however, that many people with learning disability have a guardian. This could be addressed by including the sentence:

In considering the need for any additional assistance the professional should remember the vital role of the individual's guardian or attorney (if any).

3. **General Comments.**

Camphill Scotland endorses the points made by CCPS about the timing of a financial allocation on a person's pathway. It would seem illogical to establish needs and aspirations then find resources and then allocate a budget. If the idea is to fit services more closely to what the individual needs and wants then it would seem more logical to decide upon a budget based on those needs and wants and then see what could be purchased with it.

What you have here seems more like a resource-centred approach to budget allocation rather than the person-centred one we all want.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 3: Values and Principles

Question 2a: Was this section of the guidance clear and easy to understand? (please tick)

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Question 2b: How useful did you find this section of the guidance? (please tick)

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Question 2c: Do you have any further comments on this section of the guidance?

Some advice to help you to answer this question – Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

1. General Comments. I agree with anchoring the guidance in a few key principles but surely less is more here? At present, however, we have 13 concepts to work with.

Respect, fairness, independence, freedom, safety, participation, dignity, involvement, informed choice, collaboration, innovation, responsibility, risk enablement

I also wonder if the paragraph on values is a little 'preachy' in tone. I don't see what it adds to have a little lesson on the distinction between values and principles at the beginning. I'd prefer

Section 3: The Principles of Care and Support

The 2013 Act (Sections 1 and 2) providesetc

This way we are right into the heart of the matter in a simpler and more direct way.

2. Table 3. Again, for the sake of simplicity and clarity I'd prefer that only the 5 statutory principles are included and elaborated. There is a danger of duplication and diluting the clarity afforded by the original legislation – e.g. the statutory principle of involvement establishes that the supported person must have as much involvement as they wish. Yet, rather than say as much in Table 3 we have a separate principle called 'responsibility' which tells us that 'the supported person

must have as much involvement as they wish'. This risks confusing matters

I am a little puzzled at the choice of 'innovation' as the title of one of added principles. This principle is glossed as 'The professional and the supported person should develop creative solutions to meet the outcomes identified in the support plan'. From this it seems as though 'creativity' would be a better title for this principle?

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 4: Eligibility and Assessment

**Question 3a: Was this section of the guidance clear and easy to understand?
(please tick)**

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Question 3b: How useful did you find this section of the guidance?
(please tick)**

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 3c: Do you have any further comments on this section of the guidance?

Some advice to help you to answer this question – Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

In common with CCPS we welcome the statement that the local authority should 'publish its eligibility criteria in a clear and transparent way'.

Similarly, we echo the emphasis given by CCPS to underlining the importance of involving the right people in assessment. The professional should always attend to the question – are the people here that the supported person wishes and needs to

be there – their guardian, carer, support worker, relative etc.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 5 : Support Planning

This section of the guidance covered:

- general guidance on support planning
- risk
- resources
- the choices that must be made available to the supported person and
- information and support

**Question 4a: Was this section of the guidance clear and easy to understand?
(please tick)**

Yes	No
X	<input type="checkbox"/>

**Question 4b: How useful did you find this section of the guidance?
(please tick)**

Very useful	Quite Useful	Not very useful	Not at all useful
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 4c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

1.**Risk.** The section on risk seems measured, proportionate and balanced. This is welcome as this can be a topic that causes anxiety and misunderstanding.

2. **Resources.**The point that money is not the only resource is an important one. To echo my earlier point about imagination and enthusiasm I wonder if this part of the guidance could be a little more explicit and encouraging. For example, rather than:

The "resource question" should not be about financial resource - money - alone. The professional should consider **all** of the possible resources available. The main types of resources that the professional and user will wish to explore are:

What about...

It is vital to look at resources creatively and imaginatively. It is not about money alone. The main types of resources that the professional and user will wish to explore are:

3. Section 5.4

We welcome the reference to the vision and values of the social work profession and their connection to self-directed support. It is really important for the implementation of SDS that social workers positively identify with the liberating potential it has. It is good to see the direct appeal to the social work profession included in the guidance.

Finally, we agree with CCPS in proposing the following addition:

“In the interests of fairness and transparency the local authority should publish their resource allocation methodology, and how this methodology was developed on the local authority website.”

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 6 : Monitoring and Review

**Question 5a: Was this section of the guidance clear and easy to understand?
(please tick)**

Yes	No
X	<input type="checkbox"/>

**Question 5b: How useful did you find this section of the guidance?
(please tick)**

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Question 5c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

This is an important section as life is fluid and changing – both the needs and aspirations of individuals change and there will be changes in the environment. Our only comment here would be a sentence at the beginning stressing the value and necessity of review.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 7 : Facilitating genuine choice for individuals

**Question 6a: Was this section of the guidance clear and easy to understand?
(please tick)**

Yes	No
X	<input type="checkbox"/>

**Question 6b: How useful did you find this section of the guidance?
(please tick)**

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Question 6c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

We agree with the CCPS suggestion that it would be useful to strengthen "may wish to adopt" to "should adopt".

Please also see our later response to the question about the exclusion of residential care from SDS. Here we make the even more basic point that access to choice 'on paper' is of little value if people are not told or do not know about the choices available to them

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 8 : The role of the NHS professional

**Question 7a: Was this section of the guidance clear and easy to understand?
(please tick)**

Yes	No
X	<input type="checkbox"/>

**Question 7b: How useful did you find this section of the guidance?
(please tick)**

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Question 7c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

that are more appropriate for statutory guidance rather than Regulations?

The case study was effective in illustrating good practice.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 9.1 : Children and Families

Question 8a: Was this section of the guidance clear and easy to understand? (please tick)

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Question 8b: How useful did you find this section of the guidance? (please tick)

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 8c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

We endorse the view expressed by CCPS that the guidance and principles for Self-directed Support relating to children and young people should be embedded throughout the Statutory Guidance on Care and Support and not as a separate

section. Clearly, SDS fits with the wider policy agenda of Getting It Right For Every Child and the Children and Young People Bill.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 9.2 : Supported decision-making and circles of support

Question 9a: Was this section of the guidance clear and easy to understand? (please tick)

Yes	No
X	<input type="checkbox"/>

Question 9b: How useful did you find this section of the guidance? (please tick)

Very useful	Quite Useful	Not very useful	Not at all useful
<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Question 9c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

As communities working with people with learning disabilities we welcome explicit attention to giving assistance with understanding and/or making decisions and explicit mention of the role of guardians or attorneys. ~The phrase 'circle of support' sets the right tone.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 9.3: Carers

Question 10a: Was this section of the guidance clear and easy to understand? (please tick)

Yes	No
X	<input type="checkbox"/>

Question 10b: How useful did you find this section of the guidance? (please tick)

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Question 10c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

We very much welcome separate attention to the role of carers in the guidance.

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 9.4: Direct payments

Question 11a: Was this section of the guidance clear and easy to understand? (please tick)

Yes	No
X	<input type="checkbox"/>

Question 11b: How useful did you find this section of the guidance? (please tick)

Very useful	Quite Useful	Not very useful	Not at all useful
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Question 11c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

This section seems written in a helpfully precise and clear way.

Draft Statutory Guidance on Care and Support

Section 9.5: Wider legal duties and strategic responsibilities

Question 12a: Was this section of the guidance clear and easy to understand? (please tick)

Yes	No
X	<input type="checkbox"/>

Question 12b: How useful did you find this section of the guidance? (please

Very useful	Quite Useful	Not very useful	Not at all useful
<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Question 12c: Do you have any further comments on this section of the guidance?

Please provide your suggestions for improvements or additions to this section. Are there any further topics that you would like to see included, any changes that should be made or any other comments you'd like to make?

Please see our extensive comments on residential care later in this response.

Draft Statutory Guidance on Care and Support

Consultation Questions – General Questions

The Guidance document as a whole

Question 13: Do you have any further general comments on the guidance?

For example, are there any gaps in terms of the topics covered by the guidance? Are there any major changes that you would recommend? Do you have any comments on the style and layout of the guidance, or the language used in the guidance?

I've made a number of comments about style but on the whole feel it is written in a clear and accessible style with appropriate use of charts etc. I note the CCPS response says that providers liked the emphasis on values and principles. I think we were saying we liked the emphasis on the values of the social work profession and how these chimed with SDS. I did not hear others say specifically they liked the list of values and principles in Section 3. But, as you know, I felt fairly strongly this was a bit unnecessary.

The costs and benefits arising from this guidance

Question 14: Do you have any comments on the financial costs or benefits of the requirements set out in the guidance?

Can you identify any financial costs or benefits to individuals, local authorities, health boards, providers or any other person or organisation affected by the guidance. In considering the costs and benefits you may wish to consult the Business Regulatory Impact Assessment published for the Social Care (Self-directed Support) (Scotland) Act available at the following hyperlink:

<http://www.scotland.gov.uk/Publications/2012/03/5525>

We plan to update the BRIA in light of the comments and information from this consultation.

We are concerned about the costs of implementing the changes. Experience in a number of communities indicates an increase in administrative time and effort to negotiate and implement different sorts of agreements and contracts with each individual (rather than one or two overarching contracts with the local authority). This could be a very significant additional cost of implementing direct payments.

There may be other effects on communities' financial systems if funding came directly from individuals rather than from local authorities. There may be an impact on cash flow and a greater potential for bad debt. There may be costs associated with upgrading financial recording systems to deal with multiple payments from individuals rather than one from the local authority.

It is very important the levels of financial support provided under SDS is maintained at the same or better levels than previous arrangements. We know of some examples where the implementation of self-directed support led to providers coming under pressure (from the local authority) to maintain previous levels of support on a lower budget.

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The equality and human rights impacts of the guidance

Question 15 (a): Do you have any views on the impact of the guidance on any or all of the following equality categories:

- i) age;**
- ii) disability**
- iii) gender;**
- iv) lesbian, gay, bisexual and transgender;**
- v) race, and;**
- vi) religion and belief**

Some advice to help you to answer this question - By “equality impacts” we mean whether or not the guidance will affect certain groups in a positive or a negative way. In considering the impacts you may wish to consult the Equality Impact Assessment published for the Social Care (Self-directed Support) (Scotland) Act available at the following hyperlink:

<http://www.scotland.gov.uk/Publications/2012/03/9876>

We plan to update the Equality Impact Assessment in light of the comments and information from this consultation.

We have no comments on this section

Question 15 (b): Do you have any views on the impact of the guidance on human rights?

For more information about human rights please see the Scottish Human Rights Commission’s website at:

<http://www.scottishhumanrights.com/abouthumanrights/whatarehumanrights>

We have no comments on this section

Consultation Questionnaire

Draft Regulations

Consultation Questions

Question 1: What are your views on Part 2 of the draft Regulations (calculation, payment and termination of direct payments)?

We agree with CCPS that the regulations could usefully urge local authorities to conduct financial assessments in a timely fashion and agree that guidance and regulations should say who collects any charge the local authority makes. Like CCPS we feel that providers should not be given the task of collecting on authorities’ behalf.

Question 2: What are your views on Part 3 of the draft Regulations (appropriate/inappropriate circumstances for the employment of close relatives)?

We have no comments on this section.

Question 3: What are your views on Regulation 11 which deems individuals who are placed under a variety of criminal justice orders to be ineligible to receive direct payments?

For example, is it appropriate to impose the exclusions listed in Regulation 11? Are there any persons not listed in regulation 11 to whom it would be inappropriate to offer the option of a direct payment?

No comments

Question 4: What are your views on restricting access to direct payments for those who are homeless, those who are fleeing domestic abuse or those who require support in relation to drug or alcohol addiction?

We agree with CCPS clear and well-argued points here.

Question 5: What are your views on restricting access to direct payments in relation to the provision of long-term residential care?

This question was raised during the initial consultations on a draft SDS Bill. The Scottish Government would like to invite detailed views before making a final decision prior to the laying of the Regulations before the Scottish Parliament. Should the restriction be removed from the final regulations, thereby allowing direct payments for residential care? Or should it be retained? Please provide reasons as to your support or opposition to requiring authorities to provide direct payments for residential care.

We believe that people should be enabled to use long-term residential care through direct payments. To us, this seems to be in accordance with Section 1. (2) of the Act that 'A person must have as much involvement as the person wishes in relation to – a) the assessment of the person's needs for support or services, and b) the provision of support or services for the person.' If long term residential care were subject to an exception here it would amount to an overt denial of choice and control.

We also believe that the use of direct payments can stimulate service improvements and better outcomes for service users. It would seem illogical to exclude long term residential care from this stimulus given that many vulnerable people rely on residential care now and will do so in future.

We can point to an example of this with the Camphill Newton Dee community in Aberdeen. The Newton Dee community sits where the city of Aberdeen meets the countryside. It provides supported tenancies where people live in the community full time, craft workshops, a bakery, a farm, a shop and a café. There are organic connections between the various parts of the community as those who live there also work and socialise alongside those who go daily or weekly to the various places of work and recreation. The café and shop attract many visitors who come to know the community through the products available and the ambience of the shop and the surrounding community. Over the last two years Aberdeen City Council has introduced direct payments in relation to the day service aspect of Newton Dee and the community has noticed some changes.

To begin with they now get a lot more phone calls directly from parents and carers of people with a learning difficulty. Sometimes the conversation includes questions like: 'I've got (so much money) per day. What can I get for it?' Newton Dee has found that when parents and carers have direct control over payments they are much more specific about what they want. For example, a typical request takes the form of: 'I'd like (my relative) to work in the bakery on a Thursday'.

Direct payments also seem to stimulate a closer understanding of what individuals are looking for from their activity or experience. Initial discussions focus more closely on what the individual wants and conversations with parents/guardians focus more meaningfully on the question: 'How will the individual benefit from this activity?' This clarity at the contracting stage allows the community to review a person's experiences with a very clear question in mind – 'Is (this activity) delivering the benefit we agreed for this individual?' These changes affect those

who attend Newton day on a daily and weekly basis and it would seem logical and very valuable to include those who need and wish to live in the community full time.

Since direct payments were introduced Newton Dee has noticed a much wider variety of people coming to the community and enquiring about their services. More time is now spent negotiating individualised agreements and there are now many more agreements to negotiate. This has meant more staff time devoted to this activity which has financial implications. These will be considered in more detail later in our response. For now, however, we would like to emphasise that our initial experience of direct payments in Camphill has been a positive one. We believe our experience provides an example of the stimulus direct payments can make towards service improvement. The overt exclusion of long term residential care would unnecessarily limit the potential service improvements which can flow from direct payments.

So far, we have considered the negative effects of overt exclusion of long term residential. We are equally concerned, however, about covert exclusion. While long term residential care may be technically available through direct payments they may not be *in effect* be available as individuals may not be told about us to begin with, may be given a misleading picture of what we do or may lack the skills and knowledge to exercise meaningful choice.

Camphill Tiphereth in Edinburgh, for example, tell us that they have built a positive relationship with schools and transition services in Edinburgh City Council. This has led to the local authority suggesting Tiphereth to families as a suitable placement. However, the ideal situation would mean being approached by families who have identified Tiphereth as a suitable placement because they have had easy access to information about all potential services, and have chosen according to preference. We believe that the successful implementation of direct payments is dependent on easy access to full and independent information about opportunities. For example, Scottish Government funding could support the creation and maintenance of service directories that might also be available on line. This would enable individuals to find out what services are available and see where their direct payment might best be spent. A brother of one of our residents in the Loch Arthur community has told us that he would welcome 'a system that allows different solutions to be compared...this would not be based on cost alone but would include benefits to the recipients, their relatives and the community...otherwise there will be a tendency for services and families to be driven to the cheapest option.'

Clearly control is only worth something when individuals have the information needed and the personal skills necessary to exercise that control. We are concerned that more vulnerable and less able individuals have access to appropriate forms of advice and support to help them manage their role in SDS.

In Camphill we have experienced a number of situations where individuals, parents and carers wish to make use of our residential care provision but their wishes have been opposed by the local authority. Sometimes this opposition has taken the form of concerns over cost and can be accompanied by more diffuse prejudices about 'residential care' as a form of 'institutionalisation'. As the above picture of Newton

Dee illustrates, Camphill communities offer a blend of residential accommodation, specialist services, workshops and social enterprise that cannot be neatly categorised in this way.

In conclusion, we want to assert our view that that people should be enabled to use long-term residential care through direct payments for the following reasons:

- The inclusion of long term residential care in direct payments accords with the basic principle of choice enshrined in the Act.
- Including the residential care sector in direct payments would enable it to better serve the vulnerable people who use these services. Direct payments have helped us match up opportunities and activities even more closely to an individual's needs and interests.
- Direct payments would remove some of the barriers faced by prospective residents and their carers/relatives in joining communities.
- We could find that a greater diversity of people would have the opportunity to go to Camphill. While this may involve challenges it would also be stimulating and help us to break down preconceptions of what Camphill places are and do.
- We believe in the value of the opportunities offered in Camphill places including opportunities to live and work there full time. It is a sign of our confidence in what we offer that we wish people to have the opportunity to choose to go there.

Question 6: The draft Regulations do not specify circumstances where the direct payment option should be unavailable for care and support to children/families. *Should* there be specific restrictions on choice of support in relation to children/families support (i.e. support provided under Section 22 of the Children (Scotland) Act 1995) and should these restrictions apply to the direct payment only, or to other options as well?

Again, the CCPS response accurately reflects our views at Camphill Scotland.

Question 7: Do you have any further comments on the draft Regulations?

For example, are there any gaps in terms of the topics covered by the Regulations? Are there any major changes that you would recommend? Are there any topics that are more appropriate for statutory guidance rather than Regulations?

We have no comments on this section.

Draft Regulations

Consultation Questions – General Questions

The costs and benefits arising from these regulations

Question 8 : Do you have any comments on the financial costs or benefits of the Regulations?

Can you identify any financial costs or benefits to individuals, local authorities, health boards, providers or any other person or organisation affected by the Regulations. In considering the costs and benefits you may wish to consult the Business Regulatory Impact Assessment published for the Social Care (Self-directed Support) (Scotland) Act available at the following hyperlink:

<http://www.scotland.gov.uk/Publications/2012/03/5525>

We plan to update the BRIA in light of the comments and information from this consultation.

Please see our earlier response about the added costs of implementing SDS.

The equality and human rights impacts of the regulations

Question 9 (a): Do you have any views on the impact of the Regulations on any or all of the following equality categories:

- i) age;**
- ii) disability**
- iii) gender;**
- iv) lesbian, gay, bisexual and transgender;**
- v) race, and;**
- vi) religion and belief**

By “equality impacts” we mean whether or not, and in what ways, the Regulations will affect certain groups, and whether they will impact on those groups in a positive or a negative way. In considering the impacts you may wish to consult the Equality Impact Assessment published for the Social Care (Self-directed Support) (Scotland) Act 2013, available at the following hyperlink:

<http://www.scotland.gov.uk/Publications/2012/03/9876>

We plan to update the Equality Impact Assessment in light of this consultation.

We have no comments on this section.

Question 9 (b): Do you have any views on the impact of the Regulations on human rights?

For more information about human rights please see the Scottish Human Rights Commission’s website at:

<http://www.scottishhumanrights.com/abouthumanrights/whatarehumanrights>

We have no comments on this section.