

# Consultation Questionnaire

## Draft Statutory Guidance on Care and Support

### Consultation Questions

Section 2 : The Supported Person's Pathway

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

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

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

Step 3 of the supported person's pathway should be titled "Assessment & Eligibility" as the main focus should be on the assessment not eligibility. Those that are not eligible for support from Social Services can still gain significant benefit from the assessment through the process of identifying outcomes and signposting to support/services to achieve them.

Also step 3 focuses on needs rather than outcomes, personalisation should see a greater focus on outcomes and this should be reflected in the narrative.

Step 7: Monitoring & Review again focuses on needs and has no mention of outcomes. A main focus of future reviews should be on the success of supports/services in meeting the individual's outcomes.

In table 2: Roles and Responsibilities the supported person should be first on the list to reflect the importance of what a person can contribute towards meeting their own outcomes, it's not all about what the professional can do.

## 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"/>

**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 type="checkbox"/>

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

No comments

## **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 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 type="checkbox"/>	<input type="checkbox"/>

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

The guidance should outline the importance of having clear, well-communicated eligibility criteria for all client groups as this would ensure individuals, care and support providers and local authority staff are all clear on how entitlement to support is assessed.

The section on paragraph 38 (Self-assessment) uses terminology that could be misleading. To class the preparation that an individual can do as “self assessment” could lead to the expectation that the assessment is complete with out the input from a health or social care professional. There is certainly a great deal of benefit to be gained from individuals preparing for the “supported assessment” and we would want to encourage them to do so but care should be taken when deciding on the terminology used for this.

Also the comment that self-assessments can take place “often with the support from a provider” may be true for individuals currently in receipt of services that are being re-assessed but this would not be the case for those that are approaching social services for assistance for the first time.

# **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
<input type="checkbox"/>	<input checked="" 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
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

#### **5.2 Risk**

It may be useful for this section to recommend that Local Authorities produce a statement of their approach to risk within the support planning process. If organisations have a clear and transparent approach to risk that elected members, the public, management and staff can sign up to it would give reassurance to staff and families about the approach of the Local Authority. There will always be the need to consider risk on an individual, case-by-case basis but a clear statement of the organisational approach to risk would be of benefit to all.

#### **5.3 Resources**

The guidance may wish to provide clarity about the point in the person's pathway that the "relevant amount" must be communicated with the individual.

#### **5.4 The Choices that must be made available to the supported person**

Further guidance is required on the expectations of the practical implementation of Option 2 of the SDS legislation. Different examples of how Option 2 can be implemented would be useful to give councils further indication of how this can operate and what some of the main issues are to consider.

The guidance states that "The local authority can transfer the resource to one or more providers on the individual's behalf" but does not offer any guidance on care quality or financial checks that should be completed before these payments can be made.

Clarity is required from the Scottish Government if the expectation is that payments should be made to any organisation (may not always be a provider) that an individual would want to hold their budget or if the discretion remains with the council on which organisations can hold a budget (e.g. organisations needs to meet certain framework requirements before the council agree that they are able to hold an individual's budget). As much as we support providing individuals with as much choice as possible, there must be some requirements on organisations to ensure we are protecting the public purse.

Further clarity is also required in relation to the expectations that will be placed on councils when considering the suitability of unregistered providers delivering support through Option 2. For example, if an individual's budget is held by the council and the individual directs the council to arrange art classes to meet their outcomes what checks on the provider would the council be expected to complete (or not). As the council would be seen as arranging the services they would need to ensure the individual is not placed at risk. However as the council may only be spot purchasing a one off service there are limited checks that can be carried out. Guidance needs to give further consideration to what is likely to be a growing demand for these types of service.

Discretion to limit the choices available to individuals

We wish to explore the addition of a regulation enabling local authorities to withhold access to certain features of self-directed support where they consider this would entail an unacceptable level of risk to the individual or the wider public.

Professional judgement has an important role to play here and any issues relating to compliance with Adult Support and Protection and Child Protection duties should take precedence. Failure to include this will inevitably put local authorities at risk of failing in their duties of care.

**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
√	<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"/>	<input type="checkbox"/>	√	<input type="checkbox"/>

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

As we move towards a greater focus on outcomes and the types of services and support put in place will become more flexible and creative, the importance of completing reviews of support plans and success of the support plan in meeting the identified outcomes will become more important.

The guidance should have a stronger focus on the importance of completing reviews of outcomes, with the period of review being linked to the risk of the support plan being put in place.

There should also be a stronger emphasis on the different roles that individuals, families/carers, providers and councils have in preparation for and during reviews.

## **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
√	<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"/>	<input type="checkbox"/>	√	<input type="checkbox"/>

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

The legislation states that a local authority must promote “a variety of providers of support” and “the variety of support provided...”, the publication of the guidance gives the Scottish Government the opportunity to expand on it’s definition of what would be classed as a “variety” but this section leaves it open to interpretation.

It would be helpful if the guidance listed some examples of different methods councils have introduced to capture information on the success of services in meeting the outcomes of individuals and how this information has been used in the commissioning of future services.

## **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
√	<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"/>	√	<input type="checkbox"/>	<input type="checkbox"/>

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

The upcoming integration of Health and Social Services will have a significant impact on how successful delivery of self-directed support is achieved in the coming years and guidance should consider how this would work. An outcomes focussed/SDS approach will need to be maintained for social care needs and adopted for community health care needs at integration and the guidance should stress the need for close partnership working in this area.

The guidance should contain considerations to be taken into account when applying charges for support plans that contain both Health and Social Care funding.

Paragraph 84 – This needs more clarification i.e. the suggestion that health funded support could replace social care.

**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 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 type="checkbox"/>	<input type="checkbox"/>

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

We suggest that this section of the Guidance needs more work and the Guidance around how SDS will work in the wider Children and Families context is required.

The Guidance asks whether there are circumstances where Options 1 or 2 should never be offered. We would suggest that professional discretion is applied on whether these options should be offered, even where compulsory orders are in place, since there may be some useful interventions which would empower the child and the parent to improve their situation.

There needs to be much more clarity within the Guidance as to the interface between legislation for SDS and child protection legislation. Some confirmation is needed that, even where it would appear that all four SDS options could be offered, child protection concerns will always take precedence over the options for SDS. For example, if a family were being investigated due to concerns for a child, a direct payment would not be the most appropriate option until the local authority is satisfied that it would not put the child at risk. Professional assessment and the family's assessment of need could be in conflict and professional judgement should be applied in relation to safeguarding duties.

Where a Self-Directed Support arrangement is in place and compulsory measures are subsequently applied, there will be need for transitional arrangements to be agreed e.g. where there are issues of neglect and the parent is not engaging in the implementation of the child's Plan.

SDS should be used to encourage and empower both parent and child and not be used to create dependency e.g. provision of taxi because the parent is not getting the child ready for school on time. There is a recognition that often the support provided is to support the parent to parent the child appropriately rather than services directly to the child.

The capacity of the parent to manage a direct payment on behalf of a child has to be taken into consideration, particularly where there are money management issues and also problems of addiction. Again we would suggest that professional discretion is applied.

Links and interface with other bodies involved in child protection need to be clear e.g. the Children's Hearing system.

Training for family carers and personal assistants needs to be accessible and sufficient to ensure children are not put at risk. The current PVG regulations are a concern as there is no legal requirement for parents to ensure that personal assistants are members of the PVG scheme.

We need more guidance on how self-directed support can be applied to support young carers who are providing support for a parent or guardian. The parent's view of needs may be in conflict with those of the child. Some exploration of how to ensure the young carer's voice is heard in relation to the four options.

There are also issues during transition to adult services when a young person lacks capacity to consent but the parent has been using a direct payment to employ staff. A guardianship application would have to be made in order that the support arrangements can continue and this process needs to be started well before the young person reaches the age of 18.

Where the young person has reduced capacity and Guardianship is not deemed necessary there may be difficulty if it is considered that the young person would not be capable of taking on the role of being the employer. This could create legal issues for both the family and the local authority in terms of who is the lawful employer. Some consideration of the legal issues surrounding this would be helpful.

## **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
√	<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 type="checkbox"/>	√	<input type="checkbox"/>	<input type="checkbox"/>

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

The guidance should recognise the variety of different decision that need to be taken throughout the process of assessment, support planning, arranging/maintaining/reviewing support. Some individuals may require one level of support to identify their preferred method of arranging care (Option 1, 2, 3 or 4) but depending on their preferred method may required a significant level of support on an ongoing basis to maintain that option (e.g. employing a personal assistant through Direct Payments).

The guidance needs to better reflect these different requirements and explain the expected role of local authority staff in assessing the suitability of support arrangements put in place for any chosen option.

## **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
√	<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"/>	√	<input type="checkbox"/>	<input type="checkbox"/>



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

With the possible relaxation of the direct payment regulations on employing close family members as personal assistants consideration needs to be given to how carers assessments should be applied in these situations. There is potential for carers to be providing high levels of care, both paid and unpaid and the guidance does not take this into account.

**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
√	<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
<input type="checkbox"/>	√	<input type="checkbox"/>	<input type="checkbox"/>

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

Third Party Direct Payments

The guidance should provide further clarification on the role and responsibilities that a third party will take on when accepting a direct payment. This information should be included in the guidance for professionals as well as any guidance for the public to ensure there is consistency in the understanding of the roles and responsibilities.

There should also be further guidance for professionals about the level of responsibility they will take on in assessing whether the third party is appropriate accept payments.

Clarification is required on situations where it may not be appropriate for third parties to accept a direct payment on an individual's behalf. For example is it appropriate for somebody who is looking to become a personal assistant for the individual to also be the nominated third party? Would it be appropriate for workers for care providers delivering care to the supported person to be the third party?

Welfare and Financial Monitoring

Further guidance should be give on how councils should address situations where individuals are not allowing access to the relevant information to allow welfare or financial monitoring to take place. In these situations professionals will be unable to assess if appropriate support is in place and therefore will not know if the individual is being placed at risk.

## **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
<input checked="" type="checkbox"/>	<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"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Adult Support and Protection

As the guidance stands there is a requirement for councils to offer direct payments to all individuals apart from a few particular circumstances. There is a concern that the ability for professionals to use their discretion to restrict access to certain SDS options where they feel an individual or members of the public may be put at risk is therefore limited. This could be seen as contradictory to ASP legislation and the guidance should clarify how professionals should approach these situations.

Reablement & Intermediate care

We would welcome the regulations clearly stating that SDS Options 1 & 2 do not apply to the provision of reablement and intermediate care as there is a need for these to be viewed as part of the assessment and completed before consideration of the 4 options

Equipment and adaptations

The guidance should provide further clarity on the main considerations when applying Options 1 & 2 to equipment and adaptations, in particular when they are to be applied to housing adaptations.

## **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?**

The guidance is seen as helpful and is very useful in explaining the changes required to the assessment and support planning process to enable a truly outcome focussed approach to be adopted. However the document is very long and a lot of the information could be used for staff training rather than be included in guidance on how legislation should be interpreted into practice.

## 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 cost or benefits to individuals, local authorities, health boards, providers or any other person or organisation affected by the guidance. In considering the cost 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.*

As councils are still developing training, support, processes and understanding for all aspects of SDS it is difficult to estimate the long-term financial implications of introducing SDS.

Research from England has shown that implementing an outcomes focussed/person centred assessment and support planning process can lead to further resource being required for both front-line and back office. This reflects the more involved engagement between professionals and individuals and the need for more complex support requirements (e.g. administering Option 2 if budget held by council).

These increasing demands on staff resources could be compounded by the potential loss of income if charges for services for carers are to be waived.

## 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 believe the Guidance fulfils obligations in relation to equality.

### **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 believe the Guidance fulfils obligations in relation to human rights

# 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)?**

##### Regulation 4

The regulations should not place a requirement on councils to pay a direct payment gross of any contribution if requested by an individual, as this would then require an overly bureaucratic process to recoup the individual's contribution. Any additional resource required for back office functions removes much needed resource from front-line services.

##### Regulation 7

The local authority should also be given the discretion to terminate a direct payment if the individual is not providing access to information to allow financial or wellbeing monitoring to take place.

Notification of termination of a direct payment should also be issued to any third party who is receiving payments on an individual's behalf.

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

We would suggest that the draft regulations for employing relatives will be difficult to manage and monitor for a variety of reasons;

- It is unclear how professionals are expected to assess if a family member is capable (should this be suitable?) of meeting the direct payment user's assessed need
- The needs of carers and those they provide care and support to are very different. It is difficult to establish eligible support, including short breaks/respite, within carers assessment for family members who are providing both paid and unpaid
- The proposals on waiving charges for carers will be difficult to apply where the carer is also being paid through direct payment
- The family dynamic is completely changed when family carers are paid to provide support
- It is extremely difficult to assess and monitor whether there is any undue pressure on either the supported person or the carer to agree to the employment arrangement
- There is evidence that some family carers don't access appropriate breaks from the paid support e.g. agree to provide support on an unpaid basis while on paid annual leave rather than accepting replacement care. This effectively means that family carers don't take the statutory breaks required under employment law that can impact on both the paid and unpaid support and places the employer in breach of employment regulations. It is very difficult to monitor this and, where substantial paid and unpaid support is provided by the same person, there are associated risks to the individual and the carer.
- Sickness cover, annual leave etc is often not planned appropriately and there is

often over dependence on family carers without appropriate contingency/back up support built in to the support package

- There is concern that support from other family members may reduce because of the paid role and would therefore require further resource from councils to meet these support needs
- Close family members providing high levels of support to individuals may lead to increased social isolation for both the supported person and the carer

These issues can make the support provision to family carers complex and there is a clear confusion of roles. It is difficult for professionals to assess the level of influence placed on individuals to seek or accept these arrangements. We would therefore suggest that employment of family members remains at the discretion of the local authority.

**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?

Decisions about access to direct payments should be based on professional judgement on a case-by-case basis, allowing for full consideration of and adult support and protection issues or child protection issues.

**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?**

While the exclusions for Direct Payment seem to be broadly appropriate in the draft Regulations, we believe that professional judgement should be used to determine whether people fleeing domestic abuse or who are homeless would benefit from having access to direct payments. These situations are sometimes dealt with in a planned way rather than always being immediate crisis. If this is something the local authority has a power to do it may be helpful in some situations.

**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.

Current arrangements provide individuals with real choice when considering who will provide residential care. If the option to receive direct payments was provided there is concern that top-up fees would be applied and therefore it is unlikely there would be any demand for this

**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?**

As previously stated it would make sense to enable professional discretion in relation to when direct payments are appropriate. This would afford maximum flexibility to professionals to engage with families to secure support which best meets their outcomes at appropriate stages in the support

**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?

Comments

## **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.

We have concerns that making gross direct payments will required additional resource to be taken from front-line services to support the back office functions required to recoup the individuals contribution to care.

We are also concerned levels of informal support from family members may reduce as demands on resource to fund close family members to become personal assistants increases through the new regulations.

#### 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 believe the Guidance fulfils obligations in relation to equality

**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 believe the Guidance fulfils obligations in relation to human rights