

## 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
X	<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"/>	X	<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 you'd like to make?*

The statement of intent is weighted towards people with a disability and does not reference those from other groups that may be eligible for support using SDS.

There is a significant difference between assessed need and eligible needs and this needs to be highlighted within the 'eligibility and assessment' section. It would be more beneficial to separate these two sections and that the difference between the two should be reflected throughout the whole guidance document.

The shift in the relationship between the practitioner and the supported person is not captured in the guidance.

### 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
X	<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"/>	X	<input 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?*

No further comments on this section.

**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
X	<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"/>		X	<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?*

The section around assessment is confusing and in conflict with discussion later in the guidance around assessment of needs. The local authority has a duty to assess an individual's needs which then progresses to discussion about outcomes and support planning. If the duty is to assess need then the query is how will this fit with an outcome focused assessment? We feel that this is not clear in the guidance.

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

The guidance advises that where the professional believes that a particular form of support (not the mechanism for delivering the support) will not meet the assessed need, duty of care allows the local authority to secure provision of support which they may consider suitable and adequate. It states that the professional cannot refuse a particular option under the 2013 Act (i.e. the mechanism under which the care is provided). There are going to be occasions when it is the actual mechanism that the local authority feels would not be appropriate, in particular, the direct payment option. This option may be considered to place an already existing adult or child protection service user at greater vulnerability and in these instances it would be the mechanism that the local authority object to and would need to refuse under the duty of care. This is not clear within the guidance. It is important that the local authority uses professional judgement through assessment processes and support planning to determine whether a mechanism or a form of support is unsuitable in order that the supported person has a less likely chance of failing to meet their outcomes.

## **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?*

The implementation timetable for SDS needs to be clarified in relation to how local authorities will approach the introduction of SDS. It is clear that on enactment any new service user/carer will be offered the four SDS options if eligible for support but clarification is required how the local authorities will be expected to offer SDS options to existing service users, i.e. will this be through the natural process of review? In order to ensure consistency around Scotland. It should also be taken account that the first review (for the service user) where SDS will be offered will require additional time than perhaps would normally be required during the review process to ensure that the service user is fully aware of the options and to support them to instigate their choices.

## **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?*

No further comments in this section.

## **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
	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?

This entire section needs more clarity around the integration agenda, roles and responsibilities.

**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"/>	<input checked="" 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"/>	<input checked="" 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?*

The guidance in relation to Children and Families is too vague. There is no clarity or guidance about how SDS for children and families links with compulsory measures and statutory orders. Can family be given genuine choice if the children are placed on a statutory order? What happens if a family is in receipt of SDS and a statutory order is imposed? No consideration appears to have been given to statutory considerations. Has there been consultation with Children's Panel members and Reporters when producing this section of the guidance? It needs to link to children's legislation.

The entire section is optimistic and does not recognise the realities of protection. There is no discussion regarding the capacity of the parent to manage SDS and more emphasis needs to be placed on professional judgement.

The local authority has the challenge of deconstructing existing services to offer a wider range of support whilst also ensuring that these supports are appropriate and have the abilities to carry out supervised support.



The guidance in relation to those children approaching transition to adult services is also too vague and requires more clarity.

There is no clear definition of the roles and boundaries and further guidance is required in relation to situations where family views conflict with the professional judgement.

There is no clear distinction between the named person and the lead professional. More clarity is required to separate these two roles and define their responsibilities.

Further guidance is required with regard to areas such as fostering and kinship care in relation to the use of SDS.

Some examples of where SDS has been implemented for children without additional support needs would be beneficial.

## **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
<b>X</b>	<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
	X	<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?*

There are concerns, given the expected levels of increased referrals, whether current information and support services will have the capacity to deal with this increase and in particular where the support is being provided to a number of people i.e. a circle of support in relation to one service user. There are also concerns whether the information and support services have the capacity/knowledge/training to support individuals where the local authority considers that there are elements of risk involved.

More explanation is required in relation to the term 'Circle of Support' as this can be defined differently by individuals and organisations. Issues of capacity would also change the remit of a 'Circle of Support'.

This section is not explicit enough where there are concerns about capacity i.e. it does not specifically state that if a person lacks capacity they cannot choose SDS if there is no Power of Attorney or Guardian therefore more guidance is required.

This section also assumes that a person can be supported to any level. There may be circumstances where this is not appropriate i.e. becoming an employer and while capacity may be in question the service user is still, in the eyes of the law, responsible for the employee/s.

**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?*

More clarity is required in relation to young carers and whether they would be considered to receive direct payments i.e. capacity, age, ability etc. Could the direct payment be given to an adult to manage on behalf of a young carer (who is not the supported person i.e. parent)?

It should be noted that carers' assessments are also undertaken by other practitioners working outwith Social Work Services i.e. Carers Centres etc and it is imperative that the individuals working in other organisations are fully informed/trained to ensure that SDS is discussed and explained to carers.

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

Local authorities will need to liaise with their legal departments to ensure that appropriate contracts are established, not only with the supported person, but also with the third party person/organisation that the supported person has chosen to manage the financial responsibilities of their direct payment. These contracts need to clearly stipulate the roles and responsibilities of each and also reaffirm that while the third party person/organisation will manage the finances, the supported person will remain in firm control of decisions regarding the support they receive and how the money should be spent. More guidance is required in relation to when the local authority has concerns about the chosen third party.

Providing a list of ways that direct payments can be used is not helpful. The use of lists can either be restrictive or exploited dependent upon the individual's understanding. The use of the direct payment would be explored in the support planning process. This list could also be construed as restrictive if we are to truly work on achieving outcomes and personalisation for individuals. The use of the word 'holiday' could also be misleading and such a list is to remain in the guidance should be changed to an alternative form of wording such as 'short break'.

The 'third party' person has also been referred to as a 'supported person' – this is misleading and leads to the blurring of the roles and responsibilities around decision making.

The guidance should be clear that a Personal Assistant cannot manage the service user's finances but can assist the person to manage their own finances.

There needs to be clear guidance that the third party person cannot also be employed as a Personal Assistant (similar to a POA/Guardian).

Sections 124 and 130 are contradictory. In Section 124 it describes the professional taking steps to learn about the nature and effect of a direct payment in order to ensure that the supported person understands what a direct payment is and how it could be used. In Section 130 it states that responsibilities should be explained to the supported person but there is no specific legal requirement to do this.

It should be noted that while reference is made to 'independent' support organisations some local authorities do not have 'independent' support organisations as these are provided by in house services. It should also be clear that it is the supported person's option to choose to utilise the information and support service and that assistance can also be provided by a professional worker.

Where reference is made to support packages which include health, there is no clarity in terms of linking with the integration agenda and roles and responsibilities.

Where the supported person in receipt of direct payment is admitted to hospital the guidance stipulates that the local authority will take all necessary steps to ensure the direct payment continues to pay staff cost. It should be made clear that the local authority has a responsibility to continue the direct payment but it is the employer who is responsible for ensuring that staff costs continue to be met. This section does not take account of the different types of contract that employers may have in place with staff members.

## **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
<b>X</b>	<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"/>	<b>X</b>	<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?*

The section that refers to Adult Support and Protection and Child Protection needs to be clearer and include information around the employment of Personal Assistants, highlighting clear information about safeguards including the PVG scheme, employer's responsibilities and information regarding the local authorities'

requirement to take a more hands on approach to monitoring in these instances. There are no circumstances where the local authority can provide/fund unregulated support (through any SDS option) to children or adults considered to have adult support and protection concerns. The service user would require regular monitoring and invigilation of a higher level than other service users. The local authority's ability to use discretion is not clear in this section of the guidance. There may be ASP issues in relation to the supported person and/or the carer therefore this should be addressed separately.

In relation to the section on 'Charging' local authorities will need to ensure equity across their charging policy and ensure that the provision of a flexible individual budget does not eradicate any charging policy. The charging undertaken by local authorities provides an imperative resource stream to support the continuation and continued development of support and care services.

It is important that professionals are required by law to offer all four SDS options and that the decision to withdraw any of the options from the service user/carer would be determined by the assessment and support planning process. It would be stigmatic to prevent some service user groups i.e. drug or alcohol addiction, people fleeing domestic abuse from accessing SDS options i.e. direct payment as there may be circumstances determined via assessment and support planning that this would be appropriate.

In terms of re-ablement/intermediate care we are clearly of the view that the SDS options should not be available in these circumstances. The purpose of these supports is to address outcomes of a short term nature while the ongoing assessment continues. Therefore these sections are extremely helpful. It should be noted however that re-ablement or intermediate care may complement existing care packages provided via SDS options.

More clarity is required around the area of equipment and adaptations in relation to responsibility for ongoing maintenance costs, for example, if a budget is used to purchase a bike, would the service user be responsible for paying for maintenance such as new tyre? More guidance is required in relation to what is meant by 'Housing Adaptation' and stipulate that direct payments should not replace current funding streams for some adaptations i.e. Housing Grants etc. The existing direct payment regulations in the area of equipment and adaptations would be usefully incorporated here.

## **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?*

The guidance is extremely lengthy and could be construed as more of a training manual for professionals. In some parts it could be viewed as a glossary with short paragraphs for explaining terms such as re-ablement and intermediate care. As per comments in the children's section, the guidance is not clear about children and families and overall is generally insufficient in this area. The guidance does not appear to reflect the evaluations of the test sites in relation to guidance and timescales for implementation. Consideration also needs to be given to the integration of health and social care running parallel to the implementation of SDS.

#### 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.*

The choice for service users/carers to receive their direct payments net or gross (in relation to client contributions) will incur additional costs for the local authority in relation to administration, invoicing and the potential costs of recovering unpaid contributions.

#### 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 do not believe the guidance will have a more positive or negative effect on certain groups.

**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>

No further comments about 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)?**

Regulation 4: the choice of receiving the direct payment gross or net (regarding client contribution) will lead to increased costs for the local authority in relation to administration, invoicing and recovery of unpaid client contributions resulting in lost revenue. Client contributions (via the Charging Policy) are a resource stream and imperative to the continuation and development of support and care services.

Regulation 6: Local authorities would need to consider and review contracting arrangements in relation to paying the direct payment to a third party, whether that is an organisation or an individual nominated person by the service user. The service user would need to be clear about their responsibilities within the contract ensuring that they remain in control of decisions and expenditure (as referred to in the consultation re guidance above).

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



The circumstances around the employment of close relatives is too prescriptive. Decisions regarding whether this is an appropriate form of support should lie with the local authority and be determined via assessment and support planning processes. The 'limited choice of service providers' could be construed differently by individuals, local authorities, support providers and voluntary organisations. What is the definition of 'limited'? If such a list remains within the regulations would this be better reading 'lack of availability of service providers'? In relation to the factor 'difficulty interacting with strangers' would local authorities be expected to take this at assessment stage on advice from service user/family/carer or would agreement to instigate this factor be given after exploring unsuccessful experiences and assessment/support planning. In relation to the factor around 'the provision of intimate care' the local authority cannot compensate and does not have the financial resources to pay families for the shared responsibilities. This could cause a blurring of the distinction between state and family responsibilities. It may be that this factor could be influenced by other economic policies and issues i.e. welfare reform, unemployment and financial climate. While some factors are more applicable than others, could this be captured under the one factor heading of 'Circumstances which make it appropriate in the opinion of the Council for the family member to provide support'?

Has consideration been given to the impact on whether the Carer's Allowance will be affected if the person in receipt of this benefit becomes the supported person's Personal Assistant?

The employment of family members as Personal Assistants could also be restrictive in relation to the professional's input to assessment and support planning.

It is generally felt that the current 'exceptional circumstances' contained within the current direct payment legislation has not encountered significant problems within this authority therefore we cannot see any justification for changing this to the suggested list of factors.

**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?

This section is a progressive advancement on current legislation and is viewed as extremely positive in relation to the provision of SDS options for those on Compulsion and Community Treatment Orders. The statement regarding ineligibility for those who have had a direct payment terminated by the Local Authority in the past may be construed as unduly harsh (although it mentions if the local authority determines that the DP is ineligible). Service users and carers in this situation, after reading the guidance, may believe that they are no longer eligible when the decision to reinstate a direct payment should be based on current circumstances, assessment and support planning. Any exclusions from direct

payments should be based on assessment, support planning and professional judgement and acts against the principles of personalisation.

**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?**

This section could be viewed as stigmatic and there may be appropriate situations (determined by assessment and support planning) that a direct payment would be appropriate in these instances. Therefore there should be no restriction on offering the four SDS options to these categories of service users.

**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.

The provision of a direct payment for the provision of long term residential care could disadvantage the service user i.e. the local authority could only provide financial payment as determined by the CoSLA rates that have been set. The service user negotiating cost with a care home privately may then incur top up costs as the care home may charge a different rate from that set by the local authority/CoSLA for the private purchase of long term care. If the service user determines that with the direct payment they could purchase the accommodation elements of long term residential care and purchase the care elements from another provider this would have an effect on the overall cost. If the care home providers are required to split the elements of the accommodation, meals, care etc then this could result in higher costs for each element due to cost and volume. This could also have a negative effect on the support providers' financial viability. We do not see any advantage to the service user/carer of providing a direct payment for the purchase of long term residential care.

**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?**

The regulations need to take account of other children's legislation and consider links to statutory orders. In the case of where statutory measures have been implemented for a child/children will restrict the availability of the SDS options and this should be accounted for in the SDS regulations. More weight should be given to professional judgement, assessment and support planning in this instances.

**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?

No further 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.

There are concerns that the income generated via service user charging policy for residential respite could be compromised if the respite is agreed via the Carer's Assessment and the waiving of Carers' Charges. All income generated from the local authorities' charging policies are imperative resource streams for the continuation and further development of support and care services.

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 do not believe that the regulations will have a more positive or negative impact on certain groups.

**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>

No further comments about this section.