

Consultation Questionnaire

Draft Statutory Guidance on Care and Support

Consultation Questions

Section 2 : Values and Principles

**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?

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?

This section is useful however more emphasis on outcomes would be beneficial.

- The Person Pathway was felt to be simple and easy to understand however perhaps a diagram would make it more versatile across reader groups making it easier for staff to follow.
- The roles and responsibilities were felt to be particularly good.
- Table 2 -We are actively encouraging staff to realise that it is their role to familiarise themselves with the range of services from public/private/voluntary etc. services to increase the choices discussed with individuals during planning stage.'
- The pathway does not discuss the role of Reablement and Intermediate Care or offer guidance in relation to Self Directed Support.
- As the legislation does not enforce the responsibilities of the NHS, the guidance is limited in reflecting the role of the healthcare in the "persons pathway" which does not align with the integration agenda. There is no duty to cooperate as with Community Planning.

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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?

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?

- This section was felt to be succinct, important and easy to follow. Whilst there is no issue with the principles it may be useful to refer to Section 9.2 if there are capacity issues.
- Table 3- Under the principle of involvement, there should be reference to primary carers. In addition, in relation to Involvement it may be more appropriate to move “communities should be assisted to play an active role in the commissioning of services” to Participation

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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 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?

- Section 4 is lengthy and unclear, it would benefit from restructuring or reordering of the paragraphs. As stated, the purpose of assessment is to determine the person's eligibility for support. This should be reflected as an outcome of the assessment and, therefore, the section on eligibility should follow the section on assessment.
- The eligibility criteria pre-date Self Directed Support, however given the current applicable eligibility criteria there should be reference to the fact that the local authority has an obligation to meet the needs of an assessed person. There should be reference to the "persons pathway" in this section applying to children's services
- The section is very prescriptive. Although it will benefit staff groups it may be more effective to include this information in practitioners' guides which will reduce duplication.
- This section appears to refer to adults only with no reference to children and families to whom the eligibility criteria do not apply. There needs to be clarification regarding children's service in this section.

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

- The guidance makes little reference to the involvement of others including professionals, family, friends etc. in the support. This is an omission, given the emphasis on the principles of involvement and participation.
- Support planning is a key activity and consequently section 5.3 'Resources' should be moved and should follow the section on support planning.
- Section 5.3 Outlines the options appropriately however Paragraph 58 is confusing . It is suggested that the last two sentences are removed.
- Section 5.3, Paragraph 60. The first sentence should be removed or reworded as it may apply currently, but this may change in the future.
- Section 5.3 Paragraph 64,65, and 66 is confusing. The Local Authority has wider duties in relation to safeguarding, such as Community Safety. The paragraphs relating to professional discretion described here only relate to individuals assessed need and the form of support chosen. The local authority works with individuals' who are not subject to compulsory orders, but may still present a risk to others. Therefore, the risk posed to others may not relate to the assessed need of the individual, but rather to their ability to undertake the responsibilities of an employer if they wish to choose Option 1. This may leave such individuals vulnerable and open to legal retribution. There is no reference to parents in relation to children in need. The needs of such parents may be different to those of other adults.
- Professional Judgement is crucial in this area and that any issues relating to compliance with Adult Support and Protection and Child Protection duties should take precedence.
- Section 5.3 Paragraph 66. It may be of benefit to include an example of exercising a duty of care which includes the possibilities that the support may fail as the supported person may be at risk from influence of others. There is little emphasis on the interface with Adult Protection issues within the guidance.
- Section 5.5 This section is confusing in terms of the order. Information and

Support would be better placed before Section 5.4, which would reflect the “persons pathway”.

- Paragraph 69. It would appear that there has been a typing error within the guidance and it should refer to Section 9 not 8.

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?

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 is relatively clear, however Paragraph 80 needs to reflect all the reasons for a review rather than simply focus on two points. A review can be triggered by a number of circumstances such as change of needs/ outcomes, management issues, adult protection issues, planned review or change in circumstances.

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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 checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<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?

- Paragraph 81 and 82 provide general guidance to local authorities about their role under the terms of the Act. Table 8 is also, in our view, helpful guidance but we would like to propose that this is strengthened to reflect the following considerations:
- There is a need to develop stronger links with those who live and work in our communities, with groups and organisations, which are already actively promoting the development of community capacity and with service users and carers at locality level. This requires a shift in emphasis for planning and commissioning teams, operational social work teams and other Council, health and statutory services towards a community focus.
- The traditional approach for planning and commissioning social work and support services should be adapted to facilitate new models and approaches under SDS, which increasingly draw upon the community and informal networks. This presents a number of challenges for the Council and its partners - information on individualised service requirements collated by local social work teams must feed into the planning and commissioning process; service users and carers at local level must also have a way of inputting to the process; information about community resources, voluntary groups and organisations must be made accessible to clients and carers in order to facilitate choice.
- The Guidance does not make specific reference to preventative intervention. Preventative intervention has a key role to play in sustaining vulnerable people, within the context of SDS. It may have been useful to offer greater clarity as to how these services are considered within the current eligibility framework.

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 checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<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 section needs to focus on the role of the NHS and the Integration of Health and Social Care. There is evidence of pooled budgets working well and examples would be helpful. It would also be useful for the agenda for personalised healthcare to be discussed in a bit more with comment on and how this relates to SDS.
- Paragraph 84, requires further clarification, particularly in relation to health funded support that could replace social care.
- The examples are only for physical disability, it would have been useful to have examples for Mental Health & Learning Disability, where the act may be more difficult to apply. Legal responsibilities of health workers are unclear.
- Paragraph 85. Whilst we agree with a joint approach, already underway in Perth and Kinross, there should be reference to multi agency assessment and NHS continuing care.
- The new Public Bodies (Joint Working) (Scotland) Bill has placed an emphasis on a single budget. However, there remains much debate on what should be included within this budget and this has been left to local determination.
- One of the issues when determining single budgets is how to extrapolate what is a community provision from hospital provision as some services cover both e.g. Allied Health Professional (AHP) services – an area it would be assumed may form part of SDS.

- On a practical note, with regard to transfer of money for community based services, it is not clear how this can be achieved. If the provision of any health care activity (e.g. physiotherapy) is to be provided, this would form part of the overall package and should not necessarily mean a transfer of funding as individuals cannot pay NHS for these services. However, it may be useful to account for this in the overall cost of the care package albeit that money is not transferred to the recipient.
- The resource transfer mechanism highlighted within the guidance has been in place for a considerable period of time however, locally within Tayside, this has historically come about through the closure of hospital wards and transfer of monies to develop community health and social care services. Therefore, it is perhaps unrealistic to assume that this mechanism will necessarily work in the case of SDS. This will require to be agreed by the respective Chief Executives within Health & Social Care.
- As it would appear that there is no intention to provide bridging finance to enable that shift over time from public to more personally sourced provision, public bodies will require to reprioritise current commissioning and provision arrangements to meet the demands of SDS. Perhaps this is something that could be taken forward through the development of joint commissioning strategies and therefore also joint budget setting arrangements.
- Discussion about the relative shares of jointly funded packages should not prevent the most appropriate care solutions being in place and should not delay this process either.

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?

- This section needs to provide more clarity in relation to how SDS will be implemented in the wider Children and families context including Child Protection and those who are Looked After or who are in Kinship Care.
- Paragraph 99 provides a definition of the term 'appropriate person'. This would be better placed in paragraph 98 where the term is first used.
- Paragraph 103 – Incapacity (actual/perceived) –the legal position needs to be clearer when a Young Person has reduced capacity, Guardianship is not deemed necessary yet they may still not be capable of taking on the role of the employer. What is the position if issues arise from this situation?
- The ability of a parent to manage a Direct Payment in respect of a child must be considered particularly where addiction or poor financial management could be an issue.
- Current PVG regulations are worrying as there is no legal requirement for parents to ensure that Personal Assistants are members of the scheme. Will this change?
- Young Carers are another group where more clarity is needed as parental views of needs may conflict with those of the child.
- The exclusions in the Self Directed Support Draft Regulations for Direct Payments present as appropriate, but under Rule 12 some professional discretion would seem appropriate particularly for those fleeing an abusive situation and/ or those who are homeless.

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 checked="" type="checkbox"/>	<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"/>	<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?

This section is relatively clear, however, it would be helpful to outline whether circles of support are viewed as formal or informal structures.

Further guidance is required to cover those situations involving people whose capacity to consent is in doubt. Where the local authority is acting as Welfare Guardian, there should be clarity as to whether option 3 is automatically applied.

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 checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<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?

- The section does not refer to the regulations, which has allowed the employment of relatives in certain circumstances. There are many questions as to how this works in practice and how unpaid and paid care is assessed and managed as a relative and as an employer respectively. There is a need to consider how carers who are relatives are supported and how the roles are differentiated.

The guidance needs to be clearer in relation to young carers and how SDS is applied.

There are some practical situations where the Guidance could have further offered further explanation, such as:

- How should the paid support be viewed in relation to provision of short breaks/respite?
- How should we view the circumstances where the carer is not accessing appropriate breaks from the paid support e.g. asserts that they are providing the support on an unpaid basis while on paid annual leave? This effectively means that family carers don't take the statutory breaks required under employment law which can impact on both the paid and unpaid support.
- What plans should be put in place to cover sickness, annual leave etc when the supported person and the carer decline to have any contingency/back up support built in to the support package?

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
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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?

- Paragraph 125 does not provide a clear explanation of the roles of the supported person and the third party. There should be reference to the section relating to professional discretion whereby the Council may not support provision of Option 1 due to concerns regarding risk to others or to the supported person. It should also be stated in the guidance that a Personal Assistant employed to provide support should not be appointed to manage finances.
- Paragraph 124- 130 should clarify the role of the social worker/ care manager and that the provision of specialist advice is not their responsibility.
- Paragraph 133 refers to independent support organisations however not all local authorities have independent support services and the service is provided by the local authority.
- A recommendation as to what would constitute a reasonable 'minimum period of notice' for notifying the discontinuation of direct payments would be useful support a consistent approach.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<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?

- Paragraphs 140 -142 do not adequately cover the relationship between SDS and Adult Support and Protection legislation. There seem to be conflicting agendas, however, in that supporting choice and control must be balanced against wider duties in relation to adult support and protection. This would also apply to child protection.
- Paragraph 143- 145 the clarification that Reablement and Intermediate Care is not subject to Self Directed Support is useful however further guidance in relation to how such services can be provided to those who already have their support provided through Self-directed Support option would be helpful.
- Paragraph 152- 153, this section applies to housing adaptations, however, there is no guidance on how it impacts on current funding sources and obligations. Guidance on how this will apply to owner-occupiers and landlords is required.

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?

- Perth and Kinross Council welcome the opportunity to comment on the Guidance and Regulations and is committed to the implementation of Self-Directed Support.
- It should be noted that the ability to implement SDS within the given timescales will depend on the extent of the regulatory burden to support its introduction. Whilst Councils may be in a position to begin to offer options through SDS that full transformation will not be realised for some years to come and we should remember that the Personalisation strategy was a 10-year plan.
- The guidance is lengthy and in some sections too prescriptive. This should be addressed in the final Guidance.
- The role of the health service within the Guidance is limited and not in keeping with the integration agenda. The legislation does not enforce a duty on the NHS in relation to SDS, which is short-sighted given the very importance of integration of health and social care.
- The Social Care (Self-Directed Support) (Scotland) Act 2013 places significant new duties on local authorities however there is a need to work within a wider legal framework. As a result, clear guidance is essential. It should be noted that

whilst much responsibility can be transferred to the individual, the Council retains its statutory duties to protect vulnerable groups and should be able to discharge this function without fear of challenge that to do so interferes with the exercise of Personal Choice.

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 proposal to allow individuals to elect to receive direct payments 'gross' rather than 'net' of their assessed contribution has the potential to put local authorities at considerable financial through being unable to recover the individuals contribution. This situation would not be cost effective from a Council's point of view if invoices need to be paid and then pursued through a debt recovery process.

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.

- The Guidance appears to fulfil 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>

Comments: The concerns raised in relation to Adult protection and Support would suggest that there are wider implications in relation to the human rights of individuals who are vulnerable.

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)?

Comments

The option for the Direct Payment user to seek gross payment involves additional administration for local authorities, which increases costs unnecessarily.

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

Comments

The draft regulations for employing relatives will be difficult to manage and monitor for a number of reasons.

- 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 assessments for family members who are both paid and unpaid.
- The regulations set out nine factors to determine exceptional circumstances where a relative can be employed. These are very broad and could apply to an increasing number of people, calling into question whether the circumstances remain 'exceptional'.
- The proposals for waiving charges for carers will be difficult to apply where the carer is also being paid through a direct payment.
- It is difficult to assess any influence placed on individuals/families.

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?

Comments

The option of a direct payment should be discretionary where there are concerns around safeguarding both of the individual and of the person providing support. Adult Support and Protection and Child Protection duties should take precedence over the duty to offer a direct payment. Otherwise the professional assessment could be significantly compromised in relation to duties associated with statutory roles. There are significant concerns over the legal position for professionals and local authorities.

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?

Comments

Whilst it is acknowledged that the option of direct payment may not be appropriate in some cases, this judgement cannot be applied to all. It could be considered appropriate for the above groups if based on professional judgement and supported by evidence that better outcomes can be achieved through a direct payment. As stated earlier, the application of risk assessment and risk management is essential to ensure that the level of risk to the individual, family or wider community is acceptable.

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.

Comments

There are some concerns that those accessing direct payment for residential care could be subject to 'top-up' fees unless a level of protection is agreed with providers.

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?

Comments

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.

Comments

The full cost of implementation is difficult to estimate and it is impossible to determine whether further transformation funding may be necessary after 2015.

The cost implications of wider application of Self-Directed Support are unknown at this stage, particularly in relation to support/advocacy arrangements to enable people to make informed choices.

The regulations in relation to Carers support and waiving charges may have financial implications for Councils.

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.

Comments

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>

Comments As above in relation to safeguarding and equalities