

Consultation Questions

Question 1(a): Is paragraph 9 clear and easy to understand? (please tick)

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

Question 1(b): Do you agree with the waiving of charging circumstances as set out in paragraph 9? (please tick)

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

Question 1(c): If you do not agree with the waiving of charging circumstances as set out in paragraph 9, please state your reasons below:

Falkirk Council would agree that support provided directly to carers, in their own right, should not be subject to charge. (Lines 1 and 2)

While we accept the aspirations for improving support outcomes in relation to short breaks, the draft regulations need to be accompanied by clear Guidance. There is no reference to the allocation of individual budgets, which will have a financial limit based on eligible need, and the choice and control which can then be exercised by carers and those they care for as to how their available budgets are spent. It should be clear that the level of funding will be set by the local authority and if the carer wishes to access a more expensive break e.g. to go abroad, they will need to meet additional costs. There also needs to be clarity about what is meant by the 'whole cost'. When a budget is allocated the carer will have flexibility around what they purchase to meet the assessed need. However, additional costs, such as transport because the carer has chosen to travel significant distances or travel abroad, can't be met by the local authority.

To some extent, additional expenditure associated with the needs of the cared for person is addressed within the welfare benefits system. Many people are in receipt of Disability Living Allowance and associated benefits which are designed to meet expenses incurred as a result of their additional needs. We would therefore suggest that, where the local authority is meeting the cost of the carer's break, additional costs for the cared for person could be met at the discretion of the local authority but this should not be a duty.

Loss of the income generated from charges to the cared for person for replacement care, when a carer takes a short break, will amount to a significant budget cut for local authorities unless funding is allocated from Government for implementation. When this is added to the requirement to fund the whole cost of the carer's break it increases the financial burden on the local authority. We suggest that this could lead to greater prioritisation of eligible support for carers to those who are most at risk, with less emphasis on prevention for carers who may be at risk in the future.

Where replacement care cannot take place at home, it may take place in a residential setting. The total cost of the break will include accommodation and meals. We would suggest that charges are waived only for the care and support element and seek clarity on this.

It would be helpful for paragraph 9 to be redrafted as this lacks clarity and in the main relates to short breaks, when it is recognised carers may benefit from a wider range of support services.

There also appears to be a contradiction in paragraph 8, where it states that local authorities can charge individuals for other services yet in paragraph 9, support appears to be discretionary, a power and not a duty, and the services/support if provided, appear to be without charge.

There is agreement about not charging for young carers, which is clear as many will not be in receipt of benefits or income to meet these charges. However, for young carers to access short breaks, there needs to be consideration about “pocket money” to enable them to take up this opportunity, as the household income may not support this additional expense. Without such a provision, there may be a risk that adult carers will be treated more favourably than younger carers as they may not have income to use to enable them to take short breaks. It would be helpful for further clarification on this issue.

The issue of ‘intended’ caring, set out in paragraph 2, is also problematic, and could result in additional work for local authorities to assess an intention.

Question 2(a): Are you content with the examples of support to carers and young carers, as set out in paragraph 10, where charges will be waived? (please tick)

No

Question 2(b): If you are not content, please state your reasons below:

Again where budgets are allocated for carer support, the flexibility around how the funds are spent will be associated with meeting outcomes. Additional funding is unlikely to be provided for transport. Where the cared for person is in receipt of mobility benefits they should fund their own transport. Transport for NHS appointments will be the responsibility of the NHS.

Through the Reshaping Care programme, partnerships have been asked to clarify local definitions of direct and indirect carer support, recognising that carers will get indirect support from service provided to the cared-for person. One of these services would be day care. Therefore is there a potential for the examples provided at paragraph 10 to be extended, which would have significant financial implications for local authorities.

Services such as housework or gardening may benefit a whole household, and there should be scope for local authorities to decide whether it is reasonable to charge for these services, which could be fair and reasonable in the financial climate.

Question 2(c): Are there further examples that you would like to add? (please tick)

Yes	√No

Question 2(d): If there are further examples that you would like to include in the list, please state these below and also set out your reasons for suggesting their inclusion.

Comments

Question 3(a): Do you agree with the exceptional circumstances set out in paragraphs 12 (with examples) and 13 about support to carers to help pay for driving lessons and taxi fares? (please tick)

Yes	√No

Question 3(b): If you do not agree, please state your reasons below:

When a budget is allocated to provide support for the carer, how the funds are spent, as long as it meets the agreed outcomes, will be agreed jointly with the local authority.

The exceptional circumstances and examples given in paragraphs 12 and 13 are poor and vague, and do not take account of NHS responsibility to provide transport for appointments. The use of taxis is unhelpful and could potentially raise expectations of this provision, as it does not recognise other options such as Dial-a-Journey or voluntary driver services, which would be more cost-effective for local authority budgets. Is there an inherent contradiction in policy direction eg re-enabling and empowering approach with service users, in particular transport, yet an expectation that carers will have this provided free of charge?

In the example provided of attending an art class, is not clear how a carer who wants to attend but needs a taxi to get there is any different to any other person who wants to attend. There is a public perception issue to also be taken into account about the desire to pursue a hobby and the financial support provided by local authorities to enable this, which will require careful consideration.

Question 4(a): Do you agree with the waiving of charges as set out in paragraphs 14 and 15 with regard to short breaks? (please tick)

Yes	√No

Question 4(b): If you do not agree, please set out your reasons below:

Again the nature of expenditure to meet outcomes will be decided by the carer. The local authority should not be prescriptive about whether it is spent on particular items as long joint agreement that it meets the agreed outcomes. We suggest there is too much prescription around what the funding will be used for and not enough focus on outcomes.

The examples would benefit from further clarity to ensure clear differentiation between every day life and the support needed to allow a carer to experience or take part in everyday life.

Question 5(a): Do you agree with the position set out in paragraph 16 that when the carer and cared-for person take a break together, then as well as waiving the cost of the break for the carer, the additional costs of the break to enable the break to take place will also be met by the local authority? (please tick)

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

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

The additional costs associated with support needs are, to some extent, addressed through the welfare benefits system (DLA, AA etc). We suggest that the local authority should have the discretion to make additional payments where it believes it is right to do so but this should not be a duty. Again there is too much that is prescriptive about this paragraph and not enough emphasis on the flexible use of budgets to meet agreed outcomes.

Question 6(a): Do you agree with the position set out in paragraphs 17 and 18 that local authorities will waive the cost of replacement care when they provide or commission replacement care in circumstances when others cannot provide replacement care free of charge? (please tick)

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

Question 6(b): If you do not agree with the position, please set out your reasons below:

We suggest that it should be made clear that this applies solely to replacement care to benefit the carer, based on carer's assessment and eligible need, and not to care at home services or day services which provide coincidental breaks for carers.

Question 7: Do you have any additional comments? If so, please use the space below to provide these further comments. Local authorities may wish to comment on any financial consequences arising from the Regulations. If so, please set out estimates of anticipated support to be provided to carers and cost estimates.

There are some inconsistencies with the regulations and further clarity required, particularly with the examples.

The financial implications for Falkirk Council are difficult to quantify, given the potential range of services described in the consultation paper that would be eligible for no charge. However a conservative loss if income is in the region of £166,000 based on short breaks bureau services and will be significantly more if services such as day care were to be included.

It would make sense that carer assessment is conducted by the local authority in which the cared for person is ordinarily resident. Greater clarity in the Guidance (which directly reflects the policy intention) around the needs of carers who live in a different local authority area to the person they support, would be welcome. This would support development of local agreements to ensure a consistent approach.

Question 8: Do you have any comments on the draft Regulations as set out in this Annex A? If so, please use the space below to set out these comments:

Thank you for completing this consultation. Please return your completed 'Respondent Information Form' and this 'Consultation Response Form' to alun.ellis@scotland.gsi.gov.uk by **Wednesday 10th July 2013**.