

Consultation Questions

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

Yes	No
✓	

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

Yes	No
	✓

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:

Renfrewshire agrees with Lines 1 & 2 that support provided directly to carers, in their own right, should not be subject to charge.

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.

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.

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:

An individual budget will be provided to a carer to meet agreed outcomes. If a carer wishes to use the budget for transport or driving lessons, as long as this is in line with agreed outcomes, it will be the decision of the carer.
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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:

We felt this was too broad and too big a responsibility for the local authority to meet. We suggest that if an individual budget is provided to meet agreed outcomes, it is up to the carer how their budget will be spent and that their needs to be less prescription and more focus on outcomes.

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	No
	✓

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

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. The additional costs associated with support needs are addressed through the welfare benefits system (DLA, AA etc). 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)

Yes	No
✓	

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

Clarity required re: how this option differs from short breaks.

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 also provide breaks for carers.

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.

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.

Renfrewshire Council welcomes the opportunity to comment on these regulations and acknowledges the contribution of carers to maintaining and supporting people with care needs to remain in the community. However, while we appreciate the aspiration to continue with an ordinary life, we have grave concerns regarding the sustainability of waiving all charges for carers as suggested in the regulations. Without a considerable input of additional resources, the local authority would struggle to meet the needs of carers. The implementation of these regulations would result in reduced budgets and the unintended consequence that preventative services will be low priority.

We also feel that there needs to be a clear definition of a carer who would be eligible under these regulations as, sitting alongside the changes to the Direct payment regulations, it could be difficult for a local authority to make the distinction between a paid and unpaid carer.

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:

Renfrewshire Council has the following queries which we felt required to be addressed as part of the consultation process:

- It is not entirely clear to us which local authority is responsible for waiving the fees relevant to a carer if the carer and 'cared for' person live in different local authority areas
- It is not entirely clear to us which of the draft direct payment regulations apply to carers
- We felt that it is not yet possible for local authorities to fully understand the impact of changes to welfare benefits, such as DLA changing to PIP with its greatly restricted mobility test, and how this might affect future demand for services to be offered to carers via SDS, particularly where those services relate to mobility.

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**.