



Policy position on holiday provision

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Purpose

The purpose of this document is to offer clarity around the registration requirements for applicants and service providers who intend to offer support to children, young people, or adults with a disability or additional support needs to go on holiday.

Background

[Schedule 12 to the Public Service Reform \(Scotland\) Act 2010](#) does not define holiday provision or respite as specific service types. Services that provide overnight respite or short breaks together with accommodation are expected to register as a care home service, as the definition of a care home in [Schedule 12 to the Public Service Reform \(Scotland\) Act 2010](#) is "a service which provides accommodation, together with nursing, personal care or personal support, for persons by reason of their vulnerability or need..."

Normally when organisations such as uniformed groups or sport and activity clubs offer holidays to children and young people, they do not have to register with the Care Inspectorate as no personal care or personal support is being provided. Historically, where organisations have offered or arranged holidays for people with learning disabilities or additional support needs, the Care Inspectorate has required these services to be registered as care home services. This was on the basis that the organisations were "providing" both the holiday accommodation (by supplying it) together with the personal care or support.

Parameters

The main purpose of arranging and supporting people to go on holiday is to enable the person to participate in social activities and enjoy the holiday experience. This does not usually include what we have come to know as respite care, nor does it usually include the provision of any other personal care or personal support provided together with accommodation. Respite care is commonly defined as a short break for the caregiver (this may be during the day, or overnight), with the focus being on the caregiver, rather than the person experiencing care, benefitting from the break.

Criteria

The provider offering the holiday should only be booking or arranging the accommodation and not actually "providing" it. The accommodation, whether it consists of a holiday cottage/caravan, holiday camp, or hotel should be supplied by and under the control of, a third party, unconnected to those providing care. The fitness of the accommodation therefore remains the responsibility of that third party. Holiday accommodation should comply with the regulations of the relevant regulatory body for the specific holiday accommodation.

The organisation/provider supporting/arranging the holiday has no control over the accommodation as it would do if it owned, leased, rented, or had a licence to occupy it. It simply arranges the temporary use of the accommodation for the duration of the holiday. We do expect that the provider of the care service will always carry out their own risk assessment of the holiday accommodation and implement any necessary controls for the safety and wellbeing of people experiencing holidays.

Policy Position

Our position is that if personal care or personal support, but no accommodation, is being provided, the holiday provision falls within the definition of a support service. The definition of a support service in is "a service provided, by reason of a person's vulnerability or need (other than vulnerability or need arising by reason only of that person being of a young age), to that person by

- (a) a local authority;
- (b) any person under arrangements made by a local authority;
- (c) a health body; or
- (d) any person if it includes personal care or personal support."

This means that services supporting people with a disability or additional support needs to go on holiday are registered and regulated by the Care Inspectorate, offering a level of assurance and protection to children, young people, adults, and their families. Care Inspectorate methodologies are also more tailored to meet the inspection of holidays as support services rather than care homes. This results in more effective scrutiny of the service.

Organisations already registered to provide support services to children, young people and adults could support them to go on holiday under their existing registration rather than being required to register a separate care home service, if it meets the above criteria. Services may be required to adjust their aims and objectives, or to apply for a variation to change the service's conditions of registration to ensure compliance with this policy.

We would expect the service to be able to demonstrate how they would support choice of holiday destination/activity. We would not expect the service to engage in a long-term let or rental agreement for the same accommodation as it is unlikely all people would choose the same holiday location/accommodation. At other times, we would expect that the holiday accommodation would be available to the general public to enjoy a holiday and not for the provision of care. If the accommodation is not available for booking by other parties unconnected with the care service, we would consider this to be a care home service as the accommodation would be inextricably linked to the care service.

Any exceptional circumstances should be discussed with the Care Inspectorate.

We would expect services to separate the holiday arrangement fees and the care cost and be able to evidence this. This is because the cost of holidays differ and the care and support required for each individual should be based on their individual assessed needs. The care and accommodation should not be invoiced as one package.

Examples of types of provision (this is not intended as an exhaustive list and, if in doubt, advice should be sought from the Care Inspectorate)

- Children and young people with no additional care and support needs may access holidays provided by e.g. uniformed groups or sport and activity clubs as part of their social activity. This is not deemed to be registerable.
- Children and young people with additional support needs may access holidays arranged by e.g. uniformed groups or sport and activity clubs as part of their social activity:
 - If personal care or personal support is required, and this is provided by the group or club, along with overnight accommodation which is exclusively under the control of the group or club, this would be registerable as a care home.
 - If personal care or personal support is required, and this is provided by the group or club, along with overnight accommodation which is not exclusively under the control of the group or club, this would be registerable as a support service, with condition(s) of registration referring to holidays being provided.
 - If personal care or personal support is required, and people are supported with this by their own carer rather than the group or club, this would not require to be registered.
- Adults with learning disabilities may access holidays arranged for them by a provider. This should be registered as a support service, with condition(s) of registration that refer to holidays being provided.
- Overnight respite may be provided to adults, children, or young people with learning disabilities or additional support needs. This is registerable as a care home service as both care and accommodation are being provided. This remains the case if, for example, a Health and Social Care Partnership provides the accommodation and the Local Authority provides the care, as both legal entities are closely linked. If not registered as a care home, then anyone residing in the accommodation should be able to choose whichever care provider they choose, which would not be the case. Therefore, even although two different legal entities are providing the care and the accommodation it would seem they are inextricably linked as one will not be provided without the other.
- Services with long-term lets or rental agreement for the same accommodation would be registerable as a care home service as the accommodation would be inextricably linked to the service.
- Registered Support Services supporting individuals to enjoy a holiday in a caravan park not owned, rented full-time, or leased by the support service, could support them to go on holiday under their existing registration rather than being required to register a separate care home service.

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