Social Care (Self-directive Support) (Scotland) Bill

Legislation Governance group of NHS Greater Glasgow and Clyde

In general we support the aims of the bill, in that it seeks to increase the choice for individuals as to how, and in which form they receive support. We also believe that the aim of providing access to all levels of self directed support to individuals with impaired capacity is the correct way forward.

We do have concerns, however, that where decisions are to be made by a proxy, a Power of Attorney, Guardianship or Intervention Order, this may expose the individual to financial abuse. This is of particular note with regard to the provision of a Power of Attorney, where the stipulations concerning controls and monitoring are less stringent than those relevant to a Guardianship Order. Clarity with regard to the type of powers to be considered in any one case would also be helpful: decisions about medical or social care usually concern a person’s welfare only, but the management of direct payments, particularly as outlined in option 1, may require financial powers as well.

There appears to be no restriction as to who could be employed as a provider of support. This lack of stipulation around vetting carers could provide opportunities for unscrupulous carers. Even when a person requiring care has capacity, he could still be pressurised into choosing a person purporting to be a friend, but who would ultimately take advantage, to be his carer.

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