1. Are you generally in favour of the Bill and its provisions?

The Moray Council welcome the SDS Bill and are in favour of its provisions. The Bill gives more scope for citizens to design their own support and services.

Carers’ now being able to access SDS in their own right allows us to recognise the support that they provide and the impact that this may have on their lives.

Councils will need to have clear guidance when appointing a person with ‘interest’ in the supported person where no attorney or guardianship is in place.

2. What are your views on the principles proposed?

The Moray Council agrees with the three principles proposed in the Bill, allowing individuals to have greater control in the design of their support package. It gives clear assumptions on how the Bill should operate and be interpreted.

3. What are your views on the four options for self-directed support proposed in the Bill?

The Moray Council agrees with the four options of SDS. In relation to option 2, this may have an impact on the commissioning of services. Citizens would greater choice over what services they want and would not be restricted to services commissioned by the local authority.

4. Do you have any comment on the proposal that the self-directed support options should be made available to children and their families, together with the proposal that the degree of control a child may have over the process should vary with age?

The Moray Council agrees that SDS options should be available to children and their families and children should have their views and opinions heard.

5. Are you satisfied with the provisions relating to the provision of information and advice, together with those concerning the support that should be offered to those who may have difficulty in making an informed decision?

The Moray Council is satisfied with the provisions relating to the appropriate person but councils need to have equity and strict guidelines on who is deemed to be an appropriate person. In this section the Bill indicates the appropriate person can assist the service user, but the appropriate person may not be merely assisting but will be making the decisions and choices as
the supported person may not have capacity. Assist has connotations that the person still has a degree of capacity and this may not always be the case.

6. Are you satisfied that the method for modernising direct payments in the Bill will result in the change that the Government seeks?

The Moray Council agrees that Direct Payments should be modernised and the Bill seeks to address this. Direct Payments empower individuals, carers and families by providing more choice and control. Practitioners need to promote the flexibility of direct payments and not restrict direct payments to “time and tasks” and the Bill needs to reflect this. Practitioners need to give the direct payment option the same promotion as the other three options.

7. Do you have any views on the provisions relating to adult carers?

The view of the Moray Council agrees with the principle that the carers should be made eligible to receive SDS and direct payments in certain circumstances.

There would need to be clear eligibility criteria and guidance as to what the payments could be used for. The outcomes for carers will differ from the outcomes for the supported person.

8. Do you agree with the approach taken by the Scottish Government not to place restrictions on who may be employed by an individual through the proposals in the Bill?

The view of The Moray Council is that the employment of close relatives should still be prohibited unless the person satisfies the criteria under exceptional circumstances. The Moray Council supports the discretionary powers local authorities have in deciding whether a close relative could be employed.

However, The Moray Council feel that the regulations regarding the employment of close relatives should be robust with clear guidelines.

9. Do you have any views on the assumptions and calculations contained in the Financial Memorandum?

In principle, The Moray Council agree that implementing SDS - transforming the culture systems and approaches to social care will have a large financial impact.

However, at this stage, predicting accurate costs would be difficult.

10. Are you satisfied in the assessments that have taken place in regard to these matters and in the conclusions reached by the Scottish Government?
The Moray Council is satisfied with the assessments and the conclusions reached.

11. Do you have any comments on any other provisions contained in the Bill that you wish to raise with the Committee?

No further comments.

Moray Council
20 April 2012