Social Care (Self-directed Support) Scotland Bill

R Buchanan (individual)

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

The Bill outlines the proposals for all clients to be offered choice in the provision of services. Given the scope of section 13 “Power to make further provisions about direct payments” there are many areas that remain unclear. It may also be beneficial to consider the identification of persons having an interest in the care of the supported person and involvement of them in assisting the supported person in making decisions about relevant matters more broadly than as defined in Section 5 (4).

2. What are your views on the principles proposed?

The principles of the Bill reflect what should be good “social work practice”.

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

The four options are clearly defined.

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?

I would agree with the proposal that the degree of control a child may have over the process should vary with age including that a child over 12 years is “presumed to be of a sufficient age and maturity” however I am unclear as to how this translates into the responsibility for managing a “direct payment”.

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?

I agree with the provision relating to the provision of information and advice but would wish included along with “information about how to manage support” some reference to the responsibilities involved. I have already commented above regarding the involvement of persons having an interest of the care of the supported person.

Direct payments

6. Are you satisfied that the method for modernising direct payments in the Bill will result in the change that the Government seeks?
Much will depend on any regulations made under Section 13 but would agree that the Bill should increase the options offered to people requiring support.

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

I would support the choice of the four self directed options being offered to carers.

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?

I do not agree that there should be no restrictions on whom an individual may employ. Given that the Local Authority will be meeting the costs of the service being provided I would expect that any individual employed should at least be subject to disclosure checks. I am concerned that the responsibilities of the individual as an employer are not given greater prominence.

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

The transitional costs for both Local Authorities and service providers may be considerable due to the “overlap” of services being provided but accept that the amount of this is very difficult to predict as it involves predicting the number of people who will choose self directed support and the services that they then chose.

Effects on equal opportunities, human rights, island communities and sustainable development

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?

Yes

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

It is only within the Explanatory Notes and other accompanying documents that (in paragraph 92) the additional “burden” either administrative or financial (on individuals) is made clear. Given the considerable responsibilities accompanying option 1 (direct payments) this should be made clearer within the Bill.

It is only within the Policy Memorandum that reference is made to Local Authorities being empowered to allow the employment of family members but this being subject to regulation. This again raises the issue of disclosure (see question 8) as both Child and Adult Protection research highlights that abuse
is often perpetrated by family members and also raises the issue of undue pressure.

Ruth Buchanan (individual)
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