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

Getting There

1: Are you generally in favour of the Bill and its provisions?
Yes we do support the Bill. The provisions seem to establish a sound basis for the development of self-directed support (SDS).

2: What are your views on the principles proposed?
We are strongly in favour of SDS, a positive and progressive development for the provision of care support packages in this country. The Bill sets out the general principles of involvement, collaboration and informed choice quite clearly.

3. What are your views on the four options for self-directed support proposed in the Bill?
The four options are clear and would appear to be underpinned by the general principle of involvement and informed choice wherever possible. However, true involvement and properly informed choice for everyone will not be easily achieved. Many if not most people will require access to advice, guidance and support from an independent source with good knowledge of the range and quality of services in the area, and of SDS. Funding of accessible, independent brokerage services, therefore, will be important to ensure the principles are applied.

Similarly, review and appeal procedures will demand independent advocates to support service users, with provision for funding outwith local authority SDS budgets may be necessary to ensure independence.

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?
There is no reason children supported by their parents or other responsible adults should not enjoy the full benefits of SDS. SDS is likely to have such a profound influence on the future shape of the entire care and support sector that children (and their parents) can only gain from the experience of the system that may become applicable to some when they reach adulthood.

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?
Provision of information, advice and support outlined in the Bill does not seem adequate. Independent brokers will be necessary to provide support, enabling people to become fully involved, make informed choices and, where appropriate, facilitate collaboration. Independence from local authorities and major providers will also be important, so separate funding should be considered.

We believe independent brokerage will act as quality assurance too, making for a healthier diversity of smaller user-led providers and niche services. This input can also support individuals to explore options, understand the implications and responsibilities that will follow from their decisions and negotiate better deals perhaps in co-operation with other service users.

Diversity of providers and services will be crucial to the ultimate success of SDS – the principle of informed choice is only meaningful with a reasonable range of distinctive services realistically accessible. Developing and maintaining a diverse local market will not happen without thoughtful strategies from local authorities committed to this principle, so independent brokers and advocates will be an essential component of the controlled market mechanism.

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

In some respects yes, but more robust provisions are needed. The Bill will allow many more access to direct payments and make personalisation of services far more inclusive but the breadth and quality of services will not necessarily protected or even enhanced. SDS demands innovation and diversity but local authorities under pressure to deliver cuts in expenditure in an unfettered marketplace could rapidly lead to a situation where a few large providers dominate, stifling the very diversity desired for successful delivery of SDS. Moreover, many services may be used by people who may not have a level of need requiring formal assessment or an SDS care package, but their involvement is beneficial as a preventative towards a worsening of their situation, especially in the field of mental health.

Establishing and sustaining a healthy diversity of service providers therefore must be a conscious policy in each local authority area, with good practice from all areas of the country and beyond shared. We would like the legislation strengthened to require local authorities to implement positive strategies to develop and sustain a healthy diversity of providers in their respective areas.
7. Do you have any views on the provisions relating to adult carers?  
Yes. Carers will need the same level of access to independent advice and support as people who use the services.

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?  
We agree individuals should have the right to employ who they wish, subject to minimum standards and checks. Wholly unrestricted conditions on the employment of P.A.s leaves the system open to abuse: Will agencies be entitled to employ untrained staff to work as P.A.s? Will job seekers have no option but to accept offers of employment as a P.A. whether they are suitable for this kind of work or not?

The care sector has worked hard in recent years improve standards and ensure safety. There is a danger some of those advances may be undermined and standards reduced. Many who wish to employ P.A.s will have levels of vulnerability that could leave them open to abuse, while poor pay and conditions for P.A.s is not in the interests of anyone who wants to see SDS deliver real improvements of in the lives of users of care and support services. Further work is necessary to ensure minimum standards, proper checks, inspection and review by the local authorities, the Care Commission or independent agents.

We would ask consideration be given to establishing a register of P.A.s to enable checks and reviews to take place as necessary, and as a safeguard against abuse.

9. Do you have any views on the assumptions and calculations contained in the Financial Memorandum?  
Withdrawal or phasing out of block grants or service level agreements means most if not all providers will be obliged to market (or tender) their services for individuals at Full Cost Recovery on a per head basis – basically, block price arrangements may prove to be significantly less than individualised SDS prices. Local authority policies to fix rates for services within an individual care package must take this into account.

Though we believe SDS will reduce overall costs, we also feel most benefits will only arrive in the longer term. SDS will be implemented in a time of acute austerity yet significant investment may be required to facilitate the adaptation of the care sector – i.e. sudden withdrawal of block grants / service level agreements could see many worthwhile services collapse under the financial strain of managing a less stable cash flow while trying to develop more
tailored services, seriously damaging the quality and range of services and so restricting the choice of service users.

There is a need for local authorities to support smaller service providers through a reasonable period of adjustment, meaning some costs may in fact grow initially. Developing the infrastructure to enable informed choice, suitable support and advice throughout the new processes will need investment for long term sustainability, while the possibility of unqualified P.A.s downward pressure on wages and standards threatening the viability of good quality providers cannot be dismissed.

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?
A good deal of work is progressing on issues arising from the implementation of SDS, extension of direct payments and the personalisation agenda. Major change of this nature must be managed so a period of transition would assist providers making the necessary adjustments if supported by a coherent strategy from local authorities and government to achieve a healthy, diverse and thriving sector.

11. Do you have any comments on any other provisions contained in the Bill that you wish to raise with the Committee?
CARE MANAGERS: Care Managers negotiating and agreeing individuals’ care packages will be pivotal to the success of SDS. What size of caseload will any one Care Manager – or Care Team – be expected to handle? Pilots and experience elsewhere in the UK (and abroad) should inform optimum numbers, but it will be important to guard against overloading these professionals in a drive to cut costs.

Also, we do not believe Care Managers can fulfil a dual role of supporting the individual to explore and make informed choices while having the final say on what is permitted within that individual’s care package (and at what price). This underlines the necessity for independent brokerage services.

RURAL AREAS: Specific issues about the availability and viability of services in rural areas may need special consideration. Where the population is spread out over a large geographical area, and where actual numbers eligible for services may be numerically small, providers – particularly smaller providers – may struggle to survive if people using their services fail to reach the critical mass needed if there is no underpinning subsidy. This could lead to further reductions in service and choice.
VARIATION: People with fluctuating conditions, notably in mental health, could pose problems for a system not designed to cope with change. SDS promises more discrete services and greater flexibility. For many people the proof of this will be the ability to vary services within a minimum and maximum range on any given day or week. This is where the caseload size for Care Managers will be tested, as will mechanisms for review, appeal and development.

ENABLING RISK: Enabling reasonable levels of risk by individuals making properly informed choice is a necessary part of the SDS process. To enable that then professional independent advice and support must be on hand from brokers and/or advocates at the key stages during the research or agreement of care packages.

EMPLOYING P.A.s: People assuming the role of employers must have access to accurate, comprehensible information and training – e.g. easy to follow handbooks or checklists; starter and refresher workshops on responsibilities and expectations – and understand the full implications of their decisions. Peer support networks and specialist local agencies could help build the confidence of individuals to take on employer responsibilities.

CULTURE CHANGE: Local authorities must engage constructively and openly with providers from the public, independent and third sectors to help bring about the changes needed to make SDS work for people in reality. Flexibility, diversity and co-operation led by local authorities can help bring about this culture change.

Getting There
23 April 2012