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

Quarriers Adult Disability

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

Yes, we are generally in favour of the Bill. We see self-directed support as a natural progression to the work we already undertake with the people we support, to promote individual choice, control and independence. As a provider organisation, we are currently developing our own thinking, vision and strategy to take this forward.

2. What are your views on the principles proposed?

We believe that the principles of involvement, informed choice and collaboration provide a robust value base for the legislation.

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

We believe that these four options provide an appropriate level of choice for individuals. We particularly welcome the recognition that self-directed support should not be imposed on any individual and hope that this will be adhered to by all.

There are, however, implications for providers, particularly for option 2, where it may be necessary for providers to develop new processes and procedures to hold and manage budgets on behalf of individuals. This has not only cost implications but will require new guidance to ensure robust governance.

It would be useful for providers who are currently developing such procedures to support current demand, to share learning, experiences – both positive and negative - and good practice.

It is unclear whether the cost of holding and managing an individuals budget will be considered a legitimate care cost by local authorities or whether providers will be expected to absorb this increased cost themselves. For a provider such as Quarriers, we anticipate this could be considerable, given the number of individuals we could potentially be expected to support.

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?

We agree with this proposal, but this will require new commissioning models and, more effective partnership working. This means that ‘choice’ becomes a key principle with ‘expressing views’ being a specific standard.
We believe that self-directed support could have a particularly beneficial impact on the transition process, which can be a stressful time without adequate and appropriate support.

However, we have concerns about the rigidity of registration requirements, and the impact this may have on enabling flexible and responsive self-directed support to be developed during the period of transition from children’s to adults’ services. Consideration needs to be given to addressing the way in which providers are registered with the Care Inspectorate and a more flexible attitude developed which gives priority to the best interests of the individual, rather than bureaucratic processes.

Self-directed support will also ensure compliance with the provisions of UNCRC, particularly article 12, and will strengthen the right of children to have their views heard and taken into account.

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?

We believe that this is particularly important in view of the need of many people for support to make choices, and this could be strengthened by the inclusion of the right to an independent advocate for the person using services and the duty of the local authority to provide one.

We are concerned that there may be a conflict of interest where the Local Authority is the guardian and is also making decisions around assessment, resource allocation and options for self-directed support.

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

We support the policy objective of ensuring that choice and control is transferred to the individual. The powers of local authorities to stop or require direct payments would appear proportionate, although it should be noted that in our experience the majority of people will underspend their budget, so we do not feel that a significant focus on the bureaucracy associated with auditing will necessary.

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

We feel that this area of the Bill should be strengthened. There is a right for carers to an assessment of their needs but no legal duty on local authorities to provide the support that has been assessed as being required. This fails to take into account the interdependency between carers’ support needs and those of the person for whom they care and is, in our view, a serious omission.
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?

Yes, but guidance needs to include the issue of risk management, developing and sustaining good practice, and the rights of the individual and their employee. Clear guidance needs to be given on the role and responsibilities of Local Authorities, of providers and of families in managing risk, including less tangible risks such as social isolation.

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

We do not believe that sufficient account has been taken of the likely increase in costs for providers, particularly in establishing and maintaining the systems and processes necessary to manage a significant number of individual budgets, and the support that may be required.

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?

We believe that the omission of the right to support for carers may have an adverse impact on women, as 58% of women are carers.

We also feel that it may not be possible for individuals in some rural areas to access all four options, due to difficulties in, for example, public transport for support workers.

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

The issue of appeals has been omitted from the legislation and, whilst it may be planned to address this in regulations, we believe that it would be helpful for this to be included on the face of the Bill.

In addition, the Bill is silent on the issue of eligibility criteria and resource allocation, both of which will have a significant impact on the way that self-directed support is implemented in practice. Regardless of the model adopted, we believe that a formal rights-based approach should be used, which is particularly important when determining levels of support for people with complex needs who may have no family to advocate of their behalf.

I hope that the above is helpful but would be pleased to provide further information about the work of Quarriers and the people we support if that were useful.

Quarriers Adult Disability
24 April 2012