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

Dundee City Council

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

Yes, we are generally in favour of the Bill and its provisions.

2) What are your views on the principles proposed?

We continue to welcome the core principles set out in the Bill and find them to be consistent with our preferred approach in developing the range of support options for our citizens. We firmly believe that the three underlying principles in the Bill are essential components when supporting individuals with care and support needs to self determine how much control and involvement in shaping and directing their care and support, as they wish.

We believe that to successfully support our citizens achieve better outcomes in life, we and our Health, Housing and Education partners all need to work together to achieve a cultural shift in our practice and embrace our citizens as equal partners. We believe that the principles will support not only a move to better outcomes for people, but also support new methods of working collaboratively between our citizens and professionals as the Bill's duties and powers are implemented.

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

The four options set out in the Bill will provide those with an assessed need a good range of delivery choices available to them. Clarity of the four options, as set out, is helpful for both citizens and professionals.

We strongly agree that those in need of care and support should have all options of support delivery made known to them and in a manner which they understand and which will lead to citizens being able to make informed choice.

We also recognise that in implementing the Bill there will be challenges to ensure that choices are consistently made known to citizens as the route for assessment, review and service delivery will inevitably come through various pathways.

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 that self directed support should be made available to children and their families and would expect that they are provided with the same four
options as others assessed under relevant legislation as requiring care and support services.

In considering the degree of control a child may have over their care and support arrangements and whether this should vary with age we believe that this links to the child's ability to contribute to the process and that participation and involvement at any level is progressive. We would therefore suggest that age itself is not always the best benchmark as this could potentially dilute the general principles of the Bill.

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?

As noted in our previous consultation response, we are satisfied with the provisions set out in the Bill relating to information and advice. With regards to the support that should be offered to those who may have difficulty in making an informed decision we believe that the person should receive as much support as possible in order to reach an informed decision.

We would also acknowledge that control is a very different matter and that our citizens should have the right to decide on the level of control they wish to have in the delivery of their support, care and services. We also firmly agree that this should not be a fixed position as individuals should be able to reconsider their choices as their circumstances change.

As an integral part of our implementation of the Bill we have an expectation that the choice and control options an individual elects will be formally reviewed at least on an annual basis in line with our current practice.

We continue to hold strong reservations around the requirement to discuss and offer all choice options when an individual is initially in a crisis situation and requires immediate support/services to be delivered. At such times it will be neither practicable nor in some circumstances safe to wait for the individual to consider all of the support options available set out in the choice and control "framework" provision. We therefore reiterate our recommendation that a caveat be included to exclude short term crisis situations, which could include measures to address support and protection concerns and enablement provision. We would see this as an interim measure in order to effectively deliver appropriate support while the individual had the opportunity and breathing space to safely consider and explore all four options available to them whilst receiving essential support.

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

Whilst we are supportive of the intention to consolidate direct payments legislation set out in the Bill we do not believe it is possible to provide an unqualified response to this question.
Our interpretation of Section 13 of the Bill is that further provision about direct payments, through secondary legislation, is being proposed without sufficient detail at present to enable us to consider whether what has been proposed will address the change sought by the Government.

In order to ensure fairness any proposed regulatory change will necessitate further consultation, which has the potential to create a delay in fully implementing the Bill.

We are also not convinced that secondary legislation will resolve the underlying tensions between the ambitions of the agenda and the legislative, policy and financial context in which it is to be delivered. It is the resolution of these issues, as well as the weight that legislation will undoubtedly give to the agenda, that will lead to real progress.

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

We completely recognise and value the significant role of our unpaid carers who contribute to a better quality of life for many of our citizens. We also acknowledge that without their support, the health and social care systems just could not cope.

Although we fully recognise that carers have their own needs, there are times when it is less clear where the needs of a carer (an individual with a right to a life of their own) and the needs of the cared for person, begin and end. An example of this could be around the provision of respite or short breaks; if there are conflicting preferences as to how the service response was to be delivered, whose choice would be valued the most and who would make this ultimate decision? This matter we believe has not been fully addressed in the Bill.

We are supportive of the Scottish Government's commitment to supporting unpaid carers. However, we find Section 2 of the Bill ambiguous in that it appears to interchange unhelpfully between powers and duties leaving an uncertainty as to the true intention of the provision in this section. We are concerned about this ambiguity and everything it implies being transferred to local authorities.

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 do not agree with the approach taken by the Scottish Government to not place restrictions on who may be employed by an individual through the proposals of the Bill.

We do not believe that sufficient consideration has been given to safeguarding individuals and ensuring that account has been taken of their informed choices as to who should provide their support. We continue to hold
strong reservations about family members being employees other than in exceptional circumstances and even these are subject to monitoring and review processes.

We are surprised that the Scottish Government has not, to our knowledge, carried out some form of audit of adult protection concerns where a family member has been the perpetrator of the protection concern before reaching its decision not to place restrictions on who may be employed.

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

We acknowledge that it is difficult to project the financial implications of implementing the self directed support Bill. The range of potential additional cost considered in the Financial Memorandum is comprehensive and we feel this covers the main areas where these costs may arise. However we have concerns around the assumption that the Bill will be cost neutral in the longer term as the potential savings identified appear to be over-emphasised with additional costs under-emphasised.

There is an expectation that savings could be achieved through more people choosing to arrange support at home as opposed to residential accommodation, however as this has been the general policy direction for a number of years prior to the introduction of self directed support it would be disingenuous to suggest such savings would be due to the introduction of self directed support.

Reduced bureaucracy costs are also expected with the shift of these to individuals. However local authorities still have to manage and monitor the self directed support package and will in effect have to operate different recording systems for those in receipt of self directed support and those receiving traditional style services, resulting in additional costs.

We have concerns about the long term sustainability of the infrastructure required to support self directed support once the allocated short term Scottish Government Funding ceases, particularly with the lack of clearly identified "resource release" opportunities. There is an assumption that transformation costs will be incurred by local authorities over a 3 to 4 year period, however our expectation is that with a gradual take up of self directed support anticipated; double running costs could be incurred over a number of years with continued demand for traditional services, which through running at reduced capacity become inefficient. We would suggest a longer term financial commitment from the Scottish Government would be more appropriate.

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

We agree that the Bill will have the potential to enhance individuals’ human rights and individuals will be empowered through genuine co-production towards personal outcomes.

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

We do not have any specific comments about the other provisions contained in the Bill. However, we would want to make the following comment; the language of the Bill and the questions were not found to be accessible to our carer and service user reference groups. Finding the easy read version was not straightforward and the information contained within was insufficient to allow informed answers to the consultation questions.

Dundee City Council
24 April 2012