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

Penumbra

Penumbra is an innovative Scottish mental health charity, working to improve mental wellbeing across the nation. We provide a wide range of services which offer hope and practical steps towards recovery. Penumbra campaigns to influence national and local government policy, and to increase public knowledge and understanding about mental ill health.

We work to PROMOTE mental health and wellbeing for all, PREVENT mental ill health for people who are ‘at risk’ and to SUPPORT people with mental health problems.

Penumbra is seen as one of the most significant mental health voluntary organisations in Scotland. It is known for the quality of its work, its creativity and ability to work in partnership with a range of organisations and groups. Penumbra is a founding partner in national programmes like ‘see me’ and the Scottish Recovery Network (SRN).

Our comments relate principally to our experience of supporting adults with mental health problems.

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

We are strongly in favour of the Bill as it will increase opportunities for people who use social care services. They will be able to exercise choice and control over the services and activities they require to support them to lead a fulfilling life.

2. What are your views on the principles proposed?

The principles cover the key elements of the Bill. There is always a temptation to tinker with the actual wording as we feel the language could be simpler and more empowering, however the essence and meaning behind the principles is understood.

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

The four options cover what we understand to be the choices available to people. The range of options gives people the opportunity to make informed choices and to take as much control as they would like. The fourth option also allows for a ‘mix and match’ which will be attractive to some people. These options must all be offered equitably by local authorities. Self directed support is not an opportunity to cut the level of support provided to people simply because they choose one option rather than another.
Our main concern in Section 3 of the Bill is that the current wording could lead to someone being offered differing financial amounts or value of support for each option. The reason for this is that the description of a ‘relevant amount’ only seems to be applied to a ‘direct payment’ (Option 1). Whilst we are not proposing that each option should be subject to a calculation of an individual budget we do feel that in some circumstances some local authorities will seek to price the support in Option 1 at a different (lower?) level from what might be offered in the other options (particularly option 3).

People must not be disadvantaged or have a reduction in choice simply because they choose a direct payment. Therefore we feel that some rewording is required so that ‘relevant amount’ applies to all options.

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 see no reason why self directed support should not be available as widely as possible. Using chronological age to determine the degree of control is not in itself a measure of capacity or understanding. We will leave it to others more experienced in these matters to comment on this.

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?

It is very important that people have the support and information they need to make any choices. Enabling and empowering people to take control and to exercise choice helps to build skills, confidence and resilience that can lead to greater independence. The bill gives a good outline of what local authorities will have to provide. We expect that guidance will give further detail to this.

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

This seems to be a sensible approach to ensuring that any provisions remain in touch with the realities of people’s experience. It would seem to enable a degree of discretion to be exercised at a later date once the Act has been introduced.

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

We are content with the provisions in the Bill.
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?

It will be important that the statutory guidance provides robust and clear guidelines on who can/cannot be employed. Currently service providers are subject to extensive scrutiny via the Care Inspectorate and staff are regulated by the Scottish Social Services Council. Neither of these bodies will have jurisdiction over personal assistants and some of the services purchased by people. The guidance will need to be clear about the checks and balances any person employing personal assistants must have in place prior to recruiting their own staff. However we must not let an overly risk averse culture to dominate and any guidance must be proportionate to the particular circumstances of people.

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

Whilst it is difficult to quantify some of the cost impacts of this legislation we feel that the Scottish Government have allocated a reasonable sum of money to the implementation. The unknown costs relate to how providers will manage the process of collecting monies from individuals as opposed to receiving payments from local authorities. In our case this could potentially see us move from issuing 16 invoices a month to local authorities to issuing invoices to up to a thousand people. However we are aware of this issue and have already taken steps to model this process and identify and mitigate risks.

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 are content with the statements in the Policy memorandum.

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

We would like to highlight that a significant ambition for this Bill is that there should be more of a focus on achieving better outcomes for people. The Bill should enable a more creative environment in which people can develop and personalise the support they receive beyond the confines of current service definitions.

Penumbra
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