Camphill communities in Scotland support more than 400 children, young people, adults and older people with learning disabilities and other support needs, through a mixture of residential and day support. All 12 Camphill communities in Scotland are members of Camphill Scotland, which exists to promote and represent Camphill communities.

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

We are fully supportive of the policy drive to ensure that individuals have choice and control over the support they need, and are generally in favour of the Bill and its provisions as we believe that it has the potential for very positive change.

Our concerns lie in the areas which the Bill leaves open, and in its implementation.
   • The Bill leaves open to regulations the issue of whether or not people wishing to access residential support will be eligible for Direct Payments (and potentially SDS overall). We do not believe that the Parliament should limit the choice and control of individuals who might wish to choose to be supported in a residential setting. We explore this further under questions 3 and 6 below.
   • Like many providers, we have concerns that the introduction of SDS in some local authority areas has been accompanied by budget cuts. We understand that this is not inherent in the Bill, but would ask the Committee to be alert to this and to monitor developments, both now and during implementation if the SDS Bill is passed.

2. What are your views on the principles proposed?

We support the principles of “involvement”, “informed choice” and “collaboration” and would like these to underpin all aspects of support for people, as we believe that they will lead to support which is right for each individual. We have some concerns, explained further below, that the Bill and subsequent regulations may limit choice for people who wish to access residential support, and would urge the Committee to refer back to the Bill’s laudable principles regularly when considering all parts of the Bill.

We wonder also whether the duty on local authorities to “have regard to” the principles is strong enough? Where local authorities also have regard, for example, to financial restrictions, is this duty strong enough to ensure that the
principles of choice and control for the individual always underpin local authority decision making?

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

We support the fact that there are four options available. The mix of options allows individuals to choose the option which is right for them, and if implemented properly will be a good thing. We are also very pleased to see that individuals will not be restricted in which options they can access on the basis of their abilities or capacity.

We have some concerns related to two of the options.

Option 1
We welcome the fact that the policy memorandum accompanying the Bill talks about using the regulations proposed at Section 13 to remove the restriction on Direct Payments for those in residential care, and would ask the Committee to consider this issue in detail as part of its inquiry. We understand that some stakeholders would like to see the restriction on those in residential care continue, and that in fact they may be proposing that those in residential care should not be able to access any self-directed support. In considering this issue, we would ask the Committee to remember that residential care is not only an option for older people. We realise that there may be complexities around the re-negotiation of the national care home contract if people in older people’s care homes have access to direct payments, but we do not believe that this political issue should prevent anyone who requires support from choosing a residential support option, if this is what they would like to do. Camphill communities support hundreds of children, young people, adults and older people with learning disabilities who have decided, along with their families and social workers, that residential care is the best option for them at this time. Of the twelve Camphill communities in Scotland, nine are registered as care homes with the Care Inspectorate, two are registered as care at home/housing support services, and one has both a care home and a care at home/housing support service; it seems very unfair to restrict the choice and control of the people who live in some communities just because of the registration status of the place where they receive support. In recent times, many individuals and families have had to fight harder to secure residential support for their loved ones in the face of financial constraints and policies to promote independent living; access to Direct Payments and self-directed support would be an enormous boon to people for whom residential support is a positive option, increasing their choice and control by removing local authority gatekeepers from the selection of support.
Option 3
We seek clarification as to whether, under option three, a specific amount of money will be identified for the individual’s care and support, as it would be under options one and two. If it is not, and the local authority selects and makes arrangements for an individual’s support without an indicative budget, we have concerns that this will lead to local authorities using monies available under option three to fill and subsidise their in-house services, paying themselves more for these services than they pay to external providers and placing people in these services regardless of suitability. We would ask the Committee to investigate what processes will be in place to ensure that local authorities acting under option three are doing so in the best interests of the individual – for example, will the Care Inspectorate look at this as part of inspections of social work departments?

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?

Camphill has two residential schools for children and young people with learning disabilities. In recent times, it has become more difficult for families to secure placements with the schools as local authorities have viewed out of area placements as an expensive option. Families have felt disempowered and in some cases have had to seek legal representation to secure the support that is right for their children. Access to all self-directed support options would assist greatly in helping families to source the most appropriate care and support, and giving children a suitable amount of control over the process is important in ensuring that the support is what is right for the child.

We can also see some potential for self-directed support to make the difficult transition from children’s to adult services easier for families to manage, although we would caution that a drop in budget when moving to adult services would mean that transitions are likely to continue to be tricky.

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 extremely important to ensure that people have access to free, impartial, information and advice to help them to choose the type of support that best meets their needs. We support the need for independent organisations to provide this advice (not local authorities), but note that independence is not
the same as impartiality; we are concerned that organisations which favour a particular model of support, in particular independent living, may be reluctant to provide information on other models, such as residential support. It will be important that information and advice organisations provide information on the full range of options, to enable individuals to make informed decisions about the type of support that is best for them.

While we welcome the provision in the Bill to provide support to people who may not be able to make informed decisions alone, we have some questions about how this will work in practice. The Bill places a duty on the local authority to identify persons having an interest in the care and support of the individual, but we would highlight the difference between this and an individual’s circle of support (mentioned in the policy memorandum), where they choose for themselves who they would like to help them make decisions. Some of the people who are supported in Camphill communities have little or no input from their families, and choose to be supported in their decision making by other people with support needs and/or people without support needs who live and work alongside them in the Camphill community. We would hope that local authorities would take the wishes of both families (who may not feel able to be involved, for a variety of reasons) and the individual (who should be able to choose others to help them make decisions, regardless of how they know them) into consideration.

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

This is a very difficult question to answer without knowing the content of regulations which might be introduced under Section 13. Were it to be the case, for example, that regulations were used to remove the restriction on people in residential care from accessing Direct Payments, we would very much support this (as explained under question 3, above).

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

We very much welcome the support for providers which the Scottish Government has made provision for up to 2014/15. This funding/support is very much appreciated, but we are unsure as to whether or not this is long enough to ensure that all providers are properly equipped for a move to SDS.

We are concerned about the assumption in the financial memorandum that money will be saved as people will chose to move away from residential care – this may be the case for some people, but it is very important to recognise
that residential care is a positive choice for some people, and important not to prejudice individual choice by expecting savings to be made.

If it would be useful to the Committee, we would be happy to provide further information on any of the points raised in our submission either verbally or in writing.

Camphill Scotland
24 April 2012