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

Response:
Yes, Social Work Services, Scottish Council, is in favour of the Bill and supports the embedding in legislation of the duty to provide a range of choices to individuals as to how they are provided with support.

However, the Bill is more limited in provision than we would prefer. We support the Bill’s inclusion of joint health and social care packages, and provision for delegated social care provision. However, we would also support further consideration of the options for SDS within health care given the potential for increased health and wellbeing through this approach. The key duties within the Bill are social work’s. The SDS approach is likely to be most successful where there is ownership within local authorities as a whole and with key partners to promote community supports and networks.

We are also concerned that there is no longer the provision (as proposed in an earlier consultation on the Bill) for an appropriate person to support and manage a direct payment for an adult who does not have the capacity to do this. Our experience indicates that a direct payment could offer the supported person the best option for support. Appropriate people able to manage the direct payment are often put off by the lengthy and complex process of guardianship – and this does not give the person the immediate, flexible support they may need. We understand the need to consider the protection of the supported person but would prefer the option of being able to agree to an appropriate person or ‘circle of support’ as a suitable option. This would be done in the spirit of the ‘least restrictive’ option for individuals. As the Bill stands with this omission it does not adequately represent people who lack capacity.

2. What are your views on the principles proposed?
Response:
We are in agreement with the three principles.

3. What are your views on the 4 options for SDS?
Response:
The four options provide a spectrum of choice for the individual. However, there is potential for significant variation in how the options of ‘directing your own resources’ and ‘local authority arranged support’ are interpreted by local authorities, and therefore the choice that will be available to individuals. Local authorities may feel cautious about what can be purchased through these routes and enabling legislation and/or guidance would be helpful.

There is a focus in the Bill on direct payments and ‘relevant amount’ confines its application to direct payments rather than including all the options in what would be the person’s individual budget.
4. Do you have any comment on the proposal that SDS 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.
Response:
We are in agreement with this proposal. Given the national experience of direct payment use for support for children further work is required to provide an impetus to this. However there is very patchy understanding of how this will operate in practice. There needs to be a national dialogue about how it is anticipated this will roll out for children’s services. It would be helpful if the legislation here set out the anticipated exceptions as currently linked with direct payments

5. Are you satisfied with provisions relating to information and advice, together with those concerning the support that should be offered to those who may have difficulty in making an informed decision?
Response:
We are in agreement with the provisions and support the steps to try to ensure everyone has the opportunity to make a choice, and that if no choice is made then option 3 would apply.

6. Are you satisfied that the method for modernising direct payments in the Bill will result in the change that the Government seeks?
Response: The Bill, in conjunction with the SDS Strategy and targeted funding, provides a significant driver to assist local authorities and partners to implement the changes required to introduce more flexible support that is determined by people eligible for social care. It should be clear that direct payments are one option of achieving self-directed support.

7. Views on provision to adult carers.
Response:
SBC agrees that SDS could prove a valuable opportunity to support carers in a more flexible way.

8. Do you agree with the approach taken by the Scottish Government not to place restrictions on who could be employed by an individual through the proposals in the Bill
Response:
This is in line with the SDS approach and SBC support risk enablement through a positive risk management approach. We support statutory guidance and propose that it is recognised in the guidance that there is a tension for organisations in protecting and empowering adults who could be at risk.

9. Do you have any views on the assumptions and calculations contained in the Financial Memorandum?
Response:
The additional funding for the change to SDS is welcome as is the recognition that the costs lie not only with the Bill but also in the implications of the SDS strategy. The main costs that are difficult to estimate are the transitional costs associated with funding block contracts and building based services whilst providing a more flexible approach. Although commissioning arrangements are addressing this change it is taking time and the funding may not be sufficient to cover this cost, in addition to the other requirements to progress SDS. The timescale of three years may also not be sufficient to make the transition. The assumption of 1 days training for staff is an underestimate given the level of culture change, plus the training required in new processes and procedures. We would anticipate at least two days per staff member and support through the change.

The memorandum proposes the use of other funding streams eg Change Fund, and we would anticipate that this would be required. There is an increasing gap between assessed need and resources available, requiring local authorities to set criteria of eligibility. It would be useful for this to be reflected in guidance.

We would agree that most of the key areas requiring funding are mentioned within the memorandum. (See additional detail in Finance Committee questionnaire)

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?

Response: We are satisfied with the assessments aside from the point made above in question 1 regarding people who lack capacity.

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

No comment

Scottish Borders Council Social Work
24 April 2012