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

Aberdeen City Council

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

Yes, Aberdeen City Council welcomes the introduction of legislation for Self-Directed Support. It will add legitimacy and enshrine legislative powers/duties, which are in line with the council’s position of Self-Directed Support.

2. What are your views on the principles proposed?

The principles proposed are very much reflective of the ethos of Self-Directed Support. Local Authorities, in a collaborative and contribution based approach, should actively promote the principles of SDS naturally, however through legislation it provides a legal framework in order that this is no longer just classed as best practice. The extent to which Local Authorities must encourage the principles is unclear though, especially in cases where individual capacity must be considered as well as other risks surrounding a person. Also where we have a culturally diverse popularity as well as specific needs related to understanding of information (its presentation and content), will Local Authorities have the resources (not just in monetary terms) to promote these principles?

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

Aberdeen City Council welcomes the 4 options for SDS as proposed in the Bill however guidance/best practice notes will be necessary to ensure that this legislation is more productive than that of Direct Payments in the past. Clarity will be required to ensure a ‘postcode lottery’ does not continue to exist in terms of information, resources and service provision. Some legal/contractual guidance may also be required in terms of the 2nd option, particularly with regard to tender and procurement regulations. Also clarity on the provision of any regulation for workers employed as Person Assistants would be welcome. As currently PVG legislation is very wide of the mark in terms of assisting with Risk Enablement.

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?

In general, Aberdeen City Council is in agreement that children and their families can make good use of the SDS options, and these may be more responsive to individual/family needs and outcomes. Clarity may be required in terms of the duty or power to be place on Local Authorities, particularly in times of budget restriction. It will also be necessary to consider where certain SDS Options can not be utilised, perhaps due to the LA accommodating a child. We are also in favour of extending control and choice directly to children, with various support mechanisms in place for informed choice, and
that the process of exerting control would naturally vary with age. Aberdeen City Council would welcome the role of the professional in this, as staff judgement, experience and discretion is critical to ensuring children are well supported and safe.

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 detailed in response to Question 2 the council would seek clarity on the extent to which provision of information and advice is required. Aberdeen City Council wishes to give as much support as necessary to individuals and families to assist them to make informed choices, however this is a resource pull. Some guidance as to the role of the Local Authority would be welcomed, particularly where we may seek to utilise other organisations in the provision of this advice or information.

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

Take up of Direct Payments has been notoriously low across the country, even though it can produce very positive results for individuals and families. Regulations and guidance are required to ensure that option 1 is fully utilised by individuals and that bureaucracy is kept to a minimum. Aberdeen City Council would welcome the chance to have an input to regulations for Direct Payments, as it is an option for SDS that we feel has been neglected in the past.

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

Aberdeen City Council welcomes the proposal to have a power to make provision of SDS options to adult carers; however we are wary about the uptake of this given budgetary pressures. However the benefits of this power will give better outcomes in a more holistic sense to families.

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?

Safe recruitment and employment practices are crucial for individuals using Direct Payments. Aberdeen City Council actively uses its discretionary powers in terms of exceptional circumstances for employing relatives at the moment, and would welcome the retention of this. In addition where a person to be employed through a Direct Payment constitutes a significant risk to the individual, again it is important for profession judgement and discretion to be utilised.

9. Do you have any views on the assumptions and calculations contained in the Financial Memorandum?
As Local Authorities are system orientated, the majority of transitional costs will arise in this area. It is very hard to predict the extent of these costs at the moment. Investment will be required in various areas to ensure the success of SDS. One key area will be social work training (in terms of cultural change). Aberdeen City Council has started to work with our current staff to raise awareness and change practice with regard to SDS. To role this out wider requires resources, but again the extent of these is difficult to predict at the moment (particularly with uncertainty regarding the enactment date of legislation).

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?

In our view insufficient work by COSLA and Scottish Government has been undertaken in addressing risk and contingency strategies in relation to potential market failure. Specifically if some current service providers fail to adequately prepare for SDS the service provider could fail with the consequence local authorities have to find alternative service provision at additional cost, organisational failure most recently exampled by the situation in relation to care provider Southern Cross. As earlier response from COSLA indicated following a survey of council’s additional implementation costs could be between £50M -£90M across Scotland. ACC welcomed £878K Scottish Government has announced for this council over the next 3 years as part of £23M going directly to Local Government across Scotland. However £23M falls well short of the above lowest estimate for SDS implementation. Using the Government distribution formula if we take the lowest estimate of £50M for implementation that would correlate to £1.935M to ACC – therefore the shortfall for ACC is a minimum of £1.057M for additional implementation costs.

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

Aberdeen City Council welcomes the opportunity to provide feedback on the SDS Bill, and looks forward to engaging further with Scottish Government and its partners to ensure the Bill’s success.

Aberdeen City Council
24 April 2012