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

National Deaf Children’s Society

Views on the Bill as a whole

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

Yes. NDCS Scotland is supportive of efforts to encourage involvement, informed choice and collaboration. NDCS Scotland is hopeful that under these provisions, support for families with deaf children will enable them to:

- Nurture their child’s development
- Help the child reach their full potential
- Diminish barriers and remove risks posed by deafness to the child’s health, safety, intellectual development and overall welfare.

2. What are your views on the principles proposed?

NDCS Scotland is generally supportive of the principles proposed and hopes these principles will lead to better involvement from individual children and their families to ensure they are having a direct say on the type of support they receive and want. NDCS hope these principles will ensure that any staff providing support for deaf children will have the appropriate expertise in working with deaf children and their families.

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

NDCS Scotland welcomes the range of options available for self-directed support proposed in the Bill as the needs and support needed by each deaf child can differ greatly, as can the willingness of deaf children, young people and their parents to take full control of how to direct support.

The sliding scale of support is useful as it can be adapted to meet the needs of the individual child or family. Every deaf child will have different strengths and needs. The population of deaf children encompasses:

- Diverse language preferences, for example
  - British Sign Language (BSL)
  - Spoken English
  - Other spoken or signed languages (e.g. Sign Supported English)

- A range of communication strengths, for example
  - Better productive spoken language than receptive language skills
  - Better receptive skills than expressive skills
  - The ability to mix and match between visual and aural methods depending on who they are communicating with

- A range of communication and language needs, for example
Many deaf children do not have age-appropriate literacy skills
Some acoustic environments are more conducive than others to good communication
BSL may be used at home but not at school

Users of a wide range of continually emerging technologies that are available for deaf children and young people and deaf children and young people with additional needs.

Deafblind children and deaf children with additional needs.

Whilst this is just an overview of the different strengths and needs a deaf child or young person can have, it demonstrates why the tiered system could work well for this client group, as their needs and willingness to take full control of their support will differ greatly.

No matter what tier of self-directed support a deaf child or their family choose, it will be critical for service managers to ensure that whatever staff support this choice have the skills to work with deaf children and their families, particularly to ensure that the child’s view is properly taken into consideration in the support provided. Staff must have a good knowledge and understanding of the range of implications of childhood deafness and a strong practical understanding of the positive development potential of deaf children. Staff must have full understanding of deafness if they are to ensure they support a child in the design of their self-directed support as identified in option 3 and 4.

NDCS Scotland is also aware that not all deaf children, young people or parents will feel confident enough to take full control over their support and in this case staff must still find tools to consult with these individuals to develop the best level of support that suits their needs.

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?

NDCS Scotland supports proposals made for the self-directed support options to be made available to children and their families, together with the proposal that the degree of control may have over the process should vary with age.

NDCS Scotland welcomes the proposal that parents will be encouraged and supported to use self-directed support with a view to enabling their children and young people to access the same kinds of opportunities and activities as their non-disabled peers, and we can see that self-directed support should play a key role in sustaining and delivering the GIRFEC approach.

NDCS Scotland welcomes that the framework of choice and control will apply to children’s social care and support in the same way that it applies to adults support. But we would sound a note of caution – to ensure that the services are in place to meet the choices of families of deaf children, an appropriately skilled team with specialist knowledge of childhood deafness is critical.
NDCS Scotland are pleased that young people aged between 16 and 18 will be able to choose and manage all available options, including direct payment. While this is very positive and gives young people a great deal of responsibility NDCS Scotland is concerned that some deaf young people may not be ready or feel able to control their support. NDCS Scotland would like to see extra support and guidance offered to any young people aged 16-18 who choose to manage all the options available and ensure that they are able to cope with the high level of responsibility this requires, and would suggest that education services are best placed to deliver this, particularly with the curricular flexibility that the Curriculum for Excellence affords. NDCS Scotland would also recommend that the review period for 16-18 year olds is more frequent than it currently is set for adults.

NDCS Scotland welcomes that children under 16 years old, their parent, or person with parental responsibility will be able to choose the relevant self-directed support option, and that they will have full powers to manage the available resource or direct payment. NDCS is aware that many parents will welcome this responsibility as many currently do not feel the support being provided for their children is being well placed, and invariably would like more or less of a given support service. NDCS Scotland is concerned that this may not be the case for all parents some of whom may not feel capable of following the self-directed support option but may feel pressured into choosing it in the best interest of their child.

NDCS Scotland would like to see every local authority in Scotland employ the services of, or invest in training existing staff to become, a specialist social worker for deaf children who has:

- An understanding of the complexity and variety of linguistic and psychological developmental challenges deaf children and young people might face
- An awareness of deaf cultural identity and its implications for deaf children and their families
- Experience of the range of developmental trajectories of deaf children and young people
- An understanding and up to date knowledge of what technology and equipment exists and how to use it
- An ability to recognise and assess the strengths and needs of individual deaf children within their particular family and social environments.

This type of expert knowledge is key to ensure that all parents of deaf children are properly advised if they decide to use the self-directed support option for their child’s support. NDCS has produced a Practitioners Guide to Social care for deaf children and young people which provides detailed information about
the mechanisms of providing specialist social care support for deaf children and their families. NDCS Scotland supports the compliance with duties under both the Children (Scotland) Act 1995 and the UN Convention on the Rights of the Child, that the child should be able to exercise the maximum possible input to the initial decision and all subsequent decisions on how to meet their assessed needs.

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?

90% of deaf children are born to hearing parents with little or no prior experience of deafness. It is critical that parents have access to specialist and unbiased information about the variety of communication methodologies and technology available to their child to inform their decision making. Effective multi agency communication is therefore also critical to the success of the proposed model to ensure consistency of approach, support and financial resource around the deaf child at the centre of the process. NDCS Scotland would like to ensure that all the information and advice that is offered is made available in a number of formats to ensure that BSL users have access to all the information available. NDCS Scotland is pleased that that exceptions to a person’s choice have been made available, for instance:

- Where it is clear that the option itself or the implementation of a particular option will fail to meet assessed needs and desired outcomes. This reflects the local authority’s ongoing duty of care to meet assessed needs.

- In the case of direct payments, where the individual or type of support selected is one of the people or circumstances defined in regulations as being ineligible for direct payments.

NDCS Scotland wants to see a balanced practice of empowering people to manage support against potential risk to their assessed needs. NDCS Scotland believes that input from skilled care professionals and statutory guidance is needed to ensure that self-directed support does not overrule legislation to protect people at risk from harm.

NDCS Scotland agrees that equal access to all the self-directed support options must be given to everyone but this can only happen if we can ensure that the options they use do not contravene the local authority’s ongoing duty of care.

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

NDCS Scotland supports the modernising of direct payments and believed it will improve the flexibility of support and better outcomes for individuals. NDCS is concerned that the proposals may result in all services provided by local authorities changing to charge services resulting in many people who do
not qualify for direct payments losing out on key services currently provided free from local authorities.

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

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?

NDCS Scotland does agree with the approach by the Scottish Government not to place restrictions on who may be employed by an individual as quite often family members who currently carry out this role may be the most suitable person for employment. NDCS Scotland is concerned about the level of responsibility an individual must take as an employer and must be properly supported to ensure they understand the practices they must follow in the recruitment practice.

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

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?
N/A

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

National Deaf Children’s Society
24 April 2012