Children in Scotland

Children in Scotland is pleased to take the opportunity to submit evidence on the Social Care (Self-directed Support) (Scotland) Bill. We welcome the introduction of a Bill that increases individual/family choice and control over support. While the Bill is titled ‘social care’, it seems likely that many payment recipients may use their payments to access support in other areas that are equally relevant to their specific circumstances/conditions, such as healthcare and education. We would not want to see a situation where self-directed support meant people losing payments and/or the suitable arrangements they already have in place.

The Bill states that the ‘supported person’ making decisions on support for a child must (so far as practicable and taking account of the age and maturity of the child):

(a) give the child an opportunity to indicate whether she/he wishes to express her/his views directly;
(b) provide an appropriate opportunity for the child to express his/her views (if that is what is preferred by the child); and,
(c) take into account those views expressed by the child.

For the Bill’s purposes, a child who is 12 years of age or over should be presumed to be of sufficient age and maturity to form a view about needed/wanted support.

We welcome the fact that the Bill makes reference to the supported person taking into account the views of children aged 12 and above before making a support choice. However, the right to be heard does not apply only to older children and adolescents. A child under the age of 12 should also have their views on support taken into account -- whenever it is feasible to do so. However, the same presumption of capacity does not exist for a five year-old as for a thirteen year-old.

Where the supported person is the child’s parent this may not be an issue, as they are likely to discuss options with their child and have their best interests at heart. If the supported person is not the child’s parent (biological or de facto), some assistance may be required in communicating options to that child and arriving at an understanding of the child wishes and needs. Arriving at a considered decision may also require support for children and young people of all ages who have a communication difficulty.

The Bill proposes that children and families are given four options for self-directed support in the Bill – ‘direct payment’, ‘direct available resource’, ‘mix of approaches’ and ‘local authority arranged support’. We support the provisions in the Bill for providing them with information and advice to help them choose among the various options and be supported in doing so. As
above, the views of children of all ages should be taken into account in this process where possible.

Measures such as ‘easy read’ leaflets and packs would be beneficial to children (and often parents, too) in truly understanding the options available to families. Appropriate assistance in obtaining the best support available should be offered, especially to those who are not confident navigating the (often complicated) ‘system’. Advocacy is another way in which a family’s views on the type of support they want to receive can be effectively communicated.

In addition to the above points, we would also note that, as families and their circumstances are liable to change, there should be regular opportunities to review and make changes to support – as and when required. Local authorities should also monitor and evaluate self-directed payments in their area – and then produce robust data indicating whether (and where) it is successful. Feedback from users is an essential part of this evaluation/data.

**About Children in Scotland**

Children in Scotland is the national umbrella agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents more than 400 members, including the majority of Scottish local authorities, all major voluntary, statutory and private children’s agencies, professional organisations, as well as many other smaller community groups and children’s services. It is linked with similar agencies in other parts of the UK and Europe.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It also services groups such as the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland). In addition, Children in Scotland hosts Enquire - the national advice service for additional support for learning, and Resolve: ASL, Scotland’s largest independent education mediation service.

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