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

Perth and Kinross Council

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

Yes.

2. What are your views on the principles proposed?

While these principles – involvement, informed choice and collaboration – are fundamental to the underpinning values of social work, they have been compromised by the service led model of provision which has developed during the 20 years since the National Community Care Act was implemented. This Bill is a welcome change in direction and will promote a greater leaning towards person centred planning models and personalised solutions to support the achievement of agreed outcomes.

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

3.1 Option 3 of local authority arranged support is, to all intents and purposes, the status quo, excluding people who opt for Direct Payments. The inclusion of this as an option implies that this is Self-directed Support. While it is necessary to ensure a full range of options for people and their families, and while the principles of involvement, informed choice and collaboration may be incorporated to a certain extent, its inclusion creates confusion.

The culture shift required to embed the model of working which the Bill aims to promote is considerable. The workforce needs a clear message of a fundamentally new direction which this dilutes.

Perth and Kinross would like to see this option as a fall back position to ensure local authorities can carry out their statutory duties where people eligible for support are unable/refuse to make choices for whatever reason and who have no-one to take these decisions for them. A separate section encouraging application of the principles to “traditional” care packages would provide for those who effectively are unable or chose not to opt for Self-directed Support. Clearly it can still be used together with options 1, 2 and 4 when required.

3.2 The “direct available resource” or managed package as referred to in other guidance, while necessary to promote choice and control raises some problematic governance and auditory issues. The local authority’s liability in commissioning personalised, one-off, non regulated resources, where PVG cannot be enforced raises safety and
protection issues. The purchase of individual items e.g. computers to promote independence and equipment to support independent living is indicated by the Bill but raises issues of safety. Some clarity around the intentions of the Bill committee is necessary to ensure consistency of implementation across Scotland.

3.3 The employment of personal assistants by local authorities under option 2 imposes duties in relation to continuing employment. How can this be resolved? Perth and Kinross has the view that the range of options available under options 1 and 2 should be as near as possible the same.

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

In Perth and Kinross a resource allocation system for carers is being developed which is seen by the carer consultation group as a positive step.

Individual budgets for carers will offer greater choice and control, however there are some challenges in relation to the application of charging/contributions policy. To date, the cared for person has been charged, following financial assessment, for residential short break to give their carer respite. If carer respite is seen as part of the carer support package for which they are allocated their own budget, to be managed according to the options under the Bill, the responsibility for financial contribution transfers to the carer. What is the view of carer organisations on this matter?

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?**

Perth and Kinross would seek clarification on whether this means that family members can now be employed, and what the definition of family member in this context would be. If the family member is also managing the direct payment they would, in effect, be paying their own wages. This introduces contractual complications and conflict of interest. Liability insurance is also problematic. While Perth and Kinross welcomes the greater flexibility some clarification is required around these matters.

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

The Financial Memorandum to the Bill anticipates that implementing SDS thereafter will be cost neutral. Although the assumption that SDS may deliver savings over the longer term it is clear that both changes to culture and associated infrastructure will take time to emerge. It is likely that there will be additional costs for Councils in the first period of the 10 year SDS Strategy. It is clear that we have the same view of
most other Councils that the level of additional costs anticipated will be significantly higher than those estimated by the Scottish Government.

Acknowledging that our Council is at an early stage of developing SDS it is difficult to express any evidence based comment on the calculations within the Financial Memorandum which have been developed from Research and also involvement of COSLA.

Perth and Kinross Council

30 April 2012