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

The Richmond Fellowship Scotland

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

Yes.

2. What are your views on the principles proposed?

We agree with the principles proposed.

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

We approve of these as they maximise choice and don't assume an 'all or nothing' approach. We are pleased to see a recognition in the Policy Memorandum of the responsibility and accountability that is inherent in Option 1, as well as the recognition that, if choosing Option 3, the local authority should continue to maximise the degree of choice and control available to the individual.

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?

This appears to be a measured approach.

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?

Yes.

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

Yes, we agree that the regulations will be helpful in further supporting the implementation of changes required.

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

We agree that once the need for support has been identified that there should be a duty to offer from the four options.

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?
We are concerned that the Personal Employer may be vulnerable because of the way that the Protection of Vulnerable Groups scheme operates in respect of them. They will only be able to have access to a Membership Statement. They can ask the potential personal assistant to let them see their Scheme Record if they have one, but the Personal Assistant can only possibly have one if they have previously been employed by an organisation. This means that the Personal Employer may not know about any number of things that may be on a Membership Statement that would merit risk assessment by them in order to make an informed decision about whether to continue with offer of employment.

There is one further scenario that could leave the Personal Employer at risk because of how the PVG scheme operates. If the potential Personal Assistant has presented the Personal Employer with their Membership Statement, obtained themselves, without the Personal Employer having been a counter signatory, and then is subsequently barred from working with protected adults, there is limited opportunity (perhaps none?) for the Police to be able to advise the Personal Employer, (as they may choose to do) as they will not know who the employer is.

So while it would seem reasonable to publish statutory guidance, ensuring individuals are aware both of their duties as an employer and of the risks involved in choosing not to adopt safe employment practices, there are limitations imposed on that safe practice by the PVG scheme.

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

Transformation costs for local authorities - We note that the recent Stirling University study on cost of SDS is cited and that this study readily acknowledges that the findings were based on direct payments only. It is difficult to see how conclusions drawn from this can be used as the basis to predict costs relating to other forms of self-directed support.

We are aware of a number of local authorities who are unable to commit to further direct payments as they have no money freed up from current service provision to accommodate that. In order to free up money, there is a pushing down of hourly rate for Providers. In some cases, this mitigates against full cost recovery for Providers which we know Scottish Government is committed to. We would suggest that Providers are sharing the associated implementation costs.

We would like to see the bridging finance alleviating these difficulties for people who want a direct payment, for Providers, as well as for local authorities but note that in England, there was no formal evaluation of how the money made available to local authorities there, was used or the effectiveness of that.
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?

Yes, we are satisfied in terms of the conclusions reached by Scottish Government as reflected in the Bill and associated documents. Local authorities are being entrusted to take this forward within the spirit of both the Bill and Human Rights legislation.

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

No

The Richmond Fellowship Scotland
24 April 2012