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

People First (Scotland)

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

Yes. However we are very surprised that independent advocacy is not referred to at all in the Bill.

General principles underlying the Bill

What are your views on the principles proposed?

We agree with these principles. We think the Bill also needs to include the principles of Equality and Independent living.

Equality: SDS should be based on the principle that disabled people of all ages have the same freedom, choice, dignity and control as other citizens.

Independent Living: the legislation should be implemented in a way that works toward the aims of independent living as defined by the Independent Living Movement.

We are aware that self-directed support started in the independent living and disability movement and we think it is very important that any new law keeps these principles.

Options for self-directed support

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

OK

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?

We agree with these proposals.

It will also be important to consider the possible support needs of parents with learning disabilities and disabilities in making these choices.

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?

We think that local authorities should have a duty to make sure that individuals have accessible information about independent advocacy to support them to make a decision about the different options (s.5(4)) and to
support them to access the right sort of support to manage their self-directed support.

Independent advocacy is important as it can help someone to work out which option is best for them free from the conflict of interest which may arise with a family member or support worker. It also ensures that people who do not have contact with family members get access to good independent support to make these choices.

If we ensure that people have good access to independent advocacy they are also likely to have a better understanding of the implications of each of the options and would be less likely to rush into it and then need to change option.

We know that not all support organisations provide the right sort of support for people with learning difficulties and that advocacy can be helpful in enabling them to fully understand the sort of support that someone may need to manage SDS.

We also think that information about support is not enough. Local authorities should also have a duty to ensure that the right sort of support to manage SDS is available in their area. This should include ongoing support that meets the needs of people with learning difficulties. Without funding for this support we do not think that all disabled people will have equal access to direct payments.

**Direct payments**

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

Yes

**Adult carers**

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

OK

**Individuals’ responsibilities and risk enablement**

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 worried that this will leave people with learning difficulties very vulnerable to exploitation. Unless there are guarantees that the right level of ongoing support is provided in each area we think that the Scottish Government should require individuals to carry out disclosure checks. People with learning difficulties will need support to adopt safe recruitment practices, not just information.
Financial Memorandum

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

We know that current support service agencies are very stretched. We also know that they do not meet the needs of all client groups. We therefore think that if SDS is to be extended there will be some ongoing costs. We think that support agencies will require additional ongoing funding to meet the costs of providing ongoing support to meet the needs of people with learning difficulties, and that independent advocacy organisations will require additional ongoing funding to ensure that all individuals access good support to make meaningful choices in relation to SDS options.

Effects on equal opportunities, human rights, island communities and sustainable development

Are you satisfied in the assessments that have taken place in regard to these matters and in the conclusions reached by the Scottish Government?

We are very aware that unless the right sort of support is provided for people with learning difficulties to manage direct payments they will not have equal access to this option.

Other matters

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

No

People First (Scotland)
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