Social Care (Self Directed Support) (Scotland) Bill

Scotland’s Commission for Children and Young People

Views on the Bill as a whole

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

I welcome the Bill and am in favour of its provisions. It has the potential to improve parents’ and children and young people’s experiences of support, to give children and young people more choice and control over the services they use. It could also increase their social inclusion, allowing them to enjoy mainstream, community-based activities (Stalker & Moscardini forthcoming 2012).1

At the same time I would like to emphasise the fact that there is little evidence about the long-term effectiveness of self-directed support and little information about any potential negative outcome of its implementation. Monitoring the implementation of the Act and seeking evidence of its impact on children and young people and their families is therefore going to be key in determining its usefulness and taking any corrective action needed (Stalker & Moscardini forthcoming 2012).

I agree with the views expressed by other organisations that the self-directed support could, and should, cover services in other areas, for example health, and would allow for better integration of health and social care. I hope the Committee would consider the most appropriate scope of the Bill.

2. What are your views on the principles proposed?

I am satisfied with the proposed principles in the Bill. I would emphasise that proactive efforts will be needed to ensure the principles apply equally to children and young people. I hope that during the Bill’s transition in the Scottish Parliament, the Scottish Government will elaborate on how it will ensure these principles will apply to children and young people.

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

In my view, the four options provide a sufficient range of choices. It is important that they are available to all eligible children and families (see below).

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?

I welcome this proposal and would like to seek assurances that children and families will be supported in enabling the child to exercise the appropriate degree of control. I am aware of some poor practices existing at the moment, where:

- local authorities are not always aware of their duties and obligations to advise families with disabled children about the full range of options available to them;
- some families have been refused direct payments for their disabled child on the basis that the budget has already been allocated, and told they can only be offered services provided by the local authority;
- at the other extreme, there is evidence that some families felt rushed into accepting direct payments, with little or no sense of choice or control (Stalker & Moscardini forthcoming 2012).

I am also aware of a “strong cultural resistance to SDS within children’s services in Scotland, with some staff concerned about quality of care and risks to vulnerable children being exposed to the largely unregulated private market which is personal assistance” (Stalker & Moscardini 2012).

I would therefore urge the Scottish Parliament to seek assurances from the Scottish Government that it will take steps to ensure that the full range of options of self-directed support proposed in the bill are going to be available to all eligible children and families in Scotland no matter where they live and will work to raise professionals’ awareness of the benefits of self-directed support.

While I welcome the fact that young carers will be able to receive support under the Bill as children covered by Section 22 of the Children (Scotland) Act 1995, I would like to see them explicitly mentioned as a group that would benefit from the Bill, given their special position of both being children (some of them may be looked after themselves) and carers.

Transitions from secondary school to college and generally to adulthood are a crucial period when the arrangements for self-directed support can make a difference. Young people across Scotland are experiencing serious problems because of the way transition planning is currently managed. Part of the problem is that the existing transitions planning guidance is not being implemented, but the underlying problem may be that there is no single agency responsible for coordinating transitions planning. I hope the committee will consider the implications of self-directed support for transitions planning and will seek assurances from the Scottish Government that those involved in transitions planning are aware of the support available under this Bill. Amending existing guidance documents on transitions planning once the Bill is adopted may also be useful.

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?

While I am satisfied with the wording in Section 7, I could not find a corresponding text in Section 8 that would ensure the implementation of Section 7 (5), (6) and (7). Parents and persons will parental responsibility will need support in enabling their child to express their views and will need support and encouragement in order to find ways to have regard to those views. Section 8 (3) should include a provision for the authority to provide the information under 8 (2) in a child friendly language if it concerns support for a child or a young person.

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

The proposed method has the potential to significantly change the landscape of service provision in Scotland. While most of the outcomes are expected to be positive, the commodification of service provision and the opening up of the market for new, possibly smaller and more flexible service providers also carries some potential risks related to the quality and the monitoring of the quality of the services provided as well as to the sustainability of such services.

I have concerns about the coincidence of the introduction of self-directed support with funding cuts leading self-directed support being seen or used as a way of reducing funding for services. These concerns need to be addressed throughout the implementation of this legislation and assurances to that effect need to be provided in Parliament.

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

I share the concerns expressed by other organisations around the fact that support for adult carers in the Bill is optional, i.e. local authorities do not have a duty to provide support to adult carers even if they have been assessed as having needs. This will lead to a significant variation of provision across Scotland and in the majority of cases support is unlikely to be offered to adult carers in the current financial situation.

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?

In my view the Bill should refer to the Disqualified from Working with Children List on the face of the bill.

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?

In conclusion, I welcome the Bill and would be happy to arrange for young carers to give evidence to the committee in May. I hope their perspective would help inform the views of Committee members.

Scotland’s Commission for Children and Young People
27 April 2012