



Official Response – Call for Evidence

SUBJECT: Social Care (Self-Directed Support) (Scotland) Bill

REQUESTED BY: Scottish Parliament's Health and Sport Committee

SUBMITTED BY: CrossReach (Church of Scotland Social Care Council)

About Us:

CrossReach follows the Church of Scotland's long tradition of providing care and support across Scotland. This work started back in 1869, so we have a long history in the field of social care. CrossReach's mission statement is 'in Christ's name we seek to retain and regain the highest quality of life which each individual is capable of experiencing at any given time'. Our service areas cover children and families, older people's services and adult care, which includes learning disabilities, mental health, substance misuse, counselling, homelessness and criminal justice.

The wide range of people we support, diversity of services we offer, and geographic spread of our delivery illustrates our legitimate interest in how the new *Social Care (Self-Directed Support) Bill* will impact on the many individuals who access and shape our support as well as the 2000+ staff and volunteers who enable us to deliver it. ***Thus we express our willingness to give oral evidence and warmly invite the committee to visit and speak with our staff, and the individuals we support and their carers, to hear their views and experiences directly.***

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

CrossReach is positive about supporting people to have more choice and control in their lives and over the support they receive. We support the vision for social care that the Bill seeks both to represent in statute and to implement. However, consideration of the wider context in which the Bill sits is fundamental. The impact of welfare reforms, wider public sector cuts across Local Authorities, as well as the wider Health and Social Care integration agenda are important to any debate shaping the Bill and its provisions if Self-Directed Support is to effectively, safely and equitably support people with complex needs. For example, recent research interviews with individuals supported in one of our learning disabilities service, identified that some have become anxious and confused at the pace and scale of change to their support. Changes have become increasingly associated with efficiency savings within one Local Authority, partly as SDS was only adopted once the extent of revenue funding became clear; hence, the laudable aspects of Personalisation have been somewhat tainted by cuts in funding to individuals' support packages. It is also important for those accessing our Mental Health services that there is clarity about how both health and social care engage with the self-directed support agenda when supporting people whose needs might rapidly change in their journey towards recovery.

2. What are your views on the principles proposed?

CrossReach supports that the proposed principles of 'involvement', 'informed choice' and 'collaboration' held in section 1 and subsections (2) – (4) are at the heart of the

Bill. It is important that such principles are put into practice with accountability measures for local authorities clearly outlined in supporting regulations and guidance.

Greater 'collaboration' and partnership working between local authorities and the voluntary sector would also be beneficial for building stronger shared understanding and clarity around the changing responsibilities and roles in supporting people's choices and to reduce duplication/conflicting information and advice about available choices and their cost or value. For that collaboration to be genuine, this must be more meaningful that voluntary organisations doing what the local authority instructs or risk losing their patronage; partnership should be about equals sharing, not commissioners exercising their authority over dependent providers.

3. What are your views on the four options for SDS proposed?
CrossReach supports the principle of local authorities to fulfil their duty to offer four options to individual adults, children, families and carers (sections 4, 6 & 7) in how they would like to direct their support. Consistency and transparency are important for raising the awareness and understanding needed to make an informed choice about available options. As choice is dependent on resource, a common approach to resource allocation, assessment and contracting would also support greater consistency and equity across the four options – limiting the risk of a postcode lottery.

Within learning disabilities services, we have also seen applications for guardianship increase in certain local authorities, where this was not required before. It is important that the process of choosing an option and arranging support does not result in the person's loss of control over other financial and welfare decisions they could still make for themselves. This must be considered if the Bill is to promote an 'assets' approach to individuals and their capacity. Greater awareness is also needed that individuals can choose to maintain their current type of support if it continues to meet their outcomes – in accordance with the principle of 'available to all; imposed on no one' outlined by the Scottish Government's Self Directed Support Strategy.

4. Do you have any comment on the proposal that the SDS 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?

It is welcomed that the same four options above will be offered to children and/or families in need who are eligible for support under s.22 of *The Children (Scotland) Act 1995*. The impetus of appreciating the experiences and voice of children according to their age and stage aligns with the recommendations of the *Christie Commission* and builds on the principles embedded in *GIRFEC*. It is important for instilling respect for children and families, for preventative work, and greater understanding of rights and responsibilities.

Careful identification of potential risks and conflicts of interests between the choices of the 'appropriate person' and the views of the child as a 'supported person', is needed. Wider roll-out of SDS to children and families will also require consideration of what blueprints and provisions, regulations and guidance are needed to support 'Looked After Children' and to promote choice in complex circumstances where children and/or their families are involuntary engaged with services. It is also

important that implications of SDS for young people in transition are identified and that such young people are listened to and effectively supported to make informed choices and take control and responsibility for these.

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?

CrossReach welcomes the duty placed on Authorities in section 8 to provide the necessary assistance, information and advice to people. However, if choice is to be informed, the infrastructure for this information and advice must be in place and easily accessible from the outset and at each point of need. There must be uniformity across Local Authorities, on-going and dedicated investment, with the cost not being borne by the person's individual budget. Failing to do so undermines the integrity, transparency, and indeed the effectiveness of the process.

This has been the case for some individuals supported by our services who have received conflicting messages and a lack of timely advice from their local authority in a format appropriate to their needs. The need for education about the costs/quality ratio informing the price of support and also the role expected of social workers and care managers is crucial. The above provisions must go beyond tokenism and this requires investment in a range of information and advice options.

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

The Bill is a welcome step forward in rationalising legislation surrounding Direct Payments and introducing a uniformity of approach throughout Scotland. Descriptions of persons who may be ineligible for direct payments under option 1 or option 4, will need to be clearly outlined in regulations and guidance. Clearer guidance and support is needed about how to set up and manage direct payments, especially where take up has been traditionally low e.g. older people. Raising awareness of option 4 and a person's right to choose a direct payment for a specific element of their care or support might be beneficial for encouraging uptake.

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

It is important that carers, including the many who are unpaid, are able to access assessment and support in relation to their role and the needs of the 'supported person'. Therefore it is good that sections 2 and 6 in the Bill show carers the possibility of support, including the same range of 4 options, to help them continue to care. However, as this is only a 'power' and not a 'duty', local authorities are under no legal obligation to provide services for carers than they have been to date. Thus, it is of concern that, in a period of continuing financial austerity, this may be unlikely to change.

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?

It is right that undue restrictions are not placed upon an individual's choice in this regard. However, careful attention is needed when agreeing and reviewing a support

plan, so that all chosen providers, circles of support, and personal assistants provide the support will do so safely and to agreed outcomes. Recognised qualifications and appropriate professional registration will assist in this respect. Taking a positive and balanced view of risk is important in supporting a person to achieve their goals – but so, too, is consistency in the regulation and standards required to support a person to achieve these outcomes safely, regardless of which of the four options or provisions is chosen.

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

It is encouraging that the Memorandum reiterates the message from the IBSEN (2008) study - that the process is at best 'cost neutral' (paras.79-81). However, the above-mentioned study does not take into consideration the full extent of implementation costs. The Memorandum rightly acknowledges the scale and cost of change for local authorities and outlines the Scottish Government's investment of £24m towards this goal. Yet, while it is encouraging to have the cost to providers and individuals also noted in the Memorandum (paras. 90-1), it is crucial that the transformation cost to providers is not undermined in delivering funding.

Any investment, including the further £1m to build capacity of providers and £1m to develop the information and advice strand, should be open to continual review in appreciation of the impact the Bill and its provisions will have on service delivery to the large numbers of people supported and staff employed in the Third Sector. Accountability and transparency on how local authorities deploy their transformational funding should also be expected in a climate that prioritizes the evidencing of outcomes and value for money.

10. Policy Memorandum: Are you satisfied in the assessments that have taken place in regard to matters of equal opportunities, human rights, island communities and sustainable development?

In a context of changing demographics, increased demand for services, and raised expectations, equitable distribution of limited resources is fundamental – not only for those accessing social care for the first time but those who have been supported for many years. As a national organisation meeting needs on both the mainland and the islands, CrossReach also welcomes the Memorandum's acknowledgement of the challenges posed for Island Communities. However, if the Bill and its implementation are to 'enhance wider human rights and principles beyond legislation' (para. 53) and fulfil its duties in the above matters, then the Scottish Government will need to ensure that appropriate timescales and sufficient investment in funding streams, research, and reviews are identified.

11. Do you have any comments on the any other provisions contained in the Bill?

CrossReach, the social care arm of the Church of Scotland, is pleased to have been consulted; the foregoing is submitted in good faith. However, we re-iterate our offer made within paragraph 2 above; we are also willing to give oral evidence to committees should it be deemed helpful so to do.