
Report to Housing, Health and Care Committee

Date of Meeting: 22 May 2014

Subject: Self Directed Support

Report by: Head of Social Services

1.0 Purpose

- 1.1 The purpose of this report is to provide Committee with information about progress with the implementation of the Social Care (Self-directed Support) (Scotland) Act 2013 (the Act). It is proposed that a series of reports will be presented to Committee throughout the course of 2014-2015, focusing on different aspects of implementation.
- 1.2 This report provides a general overview of implementation to date, and presents for approval recommendations in respect of changes particularly in associated processes for charging for non-residential services.

2.0 Recommendations

- 2.1 It is recommended that Committee:
- 2.1.1 Note progress on implementation of the Act Self Directed Support (Scotland) Act 2013 by Social Services and provide comment and challenge as appropriate (paragraphs 3.1 -3.10).
- 2.1.2 Approve the revised definition of non- residential services and supports as contained in the Social Services non-residential services charging policy (paragraphs 3.11-3.15)
- 2.1.3 Note the potential financial implications both of the implementation in respect of waiving of charges to carers, currently estimated at £180K (paragraphs 3.16-3.19) and the broader potential impact of the move towards individuals accessing a wider range of flexible support options (paragraphs 3.20-3.22)

3.0 Considerations

Background

- 3.1 The Scottish Government published a ten year national strategy for self-directed support in 2011. The strategy is part of a wider public services reform

agenda, centred on delivering better outcomes for individuals and communities. The core purpose is to ensure that care and support is delivered in a way that promotes choice and control for those with social care needs. This involves a shift in practice, culture, systems and processes, moving away from a focus on deficits, towards strengths and risk enablement.

3.2 The Social Care (Self-Directed Support) (Scotland) Act 2013 (the Act) came into force on 1 April 2014. The Act applies to adults, children/families, adult carers and young carers. Four principles give expression to the fundamental aims of the Act: participation and dignity, involvement, informed choice and collaboration. The principles are enshrined in the legislation and local authorities are required to apply these principles when implementing the duties contained in the Act.

3.3 The Act introduced a number of new duties for local authorities:

- Ensure that individuals have as much involvement in their assessment and support planning as they wish.
- Following assessment, identify a relevant amount of resource from which the individual can make decisions about appropriate supports. A relevant amount is a reasonable estimate by the local authority of the cost of securing the provision of support for the supported person.
- Offer options over how that support is organised, purchased and delivered.

3.4 The options are:

Option 1 : The making of a direct payment by the local authority to the supported person;

Option 2 : The selection of support by the supported person and the making of arrangements for the provision of it by the local authority on behalf of the supported person. Where the support is provided by someone other than the authority, payment can be made by the local authority to a third party e.g. a provider agency;

Option 3: The selection of support and the making of arrangements for the provision of it by the local authority;

Option 4: A mixture of any of the above - the selection by the supported person of Option 1, 2 or 3 for each type of support.

Progress in Implementation

3.5 Significant progress has been made to support implementation of the Act. There is an overarching steering group and four workstreams in place to plan and support implementation. The workstreams cover 1) practice development, 2) communications, 3) finance and systems development and 4) the implementation of self-directed support in children's services. Alongside this, ongoing work is taking place to address the implications for commissioning of social care services.

- 3.6 In adult services, outcomes based assessment documentation has been piloted and feedback has been collated from service users. An information leaflet about self-directed support is available and is now given to every individual who is assessed as having eligible needs (see Appendix 1). This is supported by a range of factsheets and web-based information. Training and awareness raising is ongoing to ensure that social services staff (and key partners in service delivery) have an understanding of the duties contained in the Act as appropriate to their roles.
- 3.7 All new referrals will be assessed under the four SDS options. Existing service users and carers will be assessed as part of the existing review arrangements.
- 3.8 Once an assessment of need has been agreed, it will be necessary to identify the appropriate level of funding - the *relevant amount*. This is defined as the "amount the local authority considers is a reasonable estimate of the cost of securing the provision of support for the supported person". The Service has tested and agreed to adopt an **equivalence model** which determines the cost of the services and supports that would have been required by the individual prior to the introduction of Self-directed support. This is used to determine the appropriate indicative level of funding. The support planning process is then used to devise a plan for how the support will be provided and determine the agreed level of funding. The level of resource identified in the support plan should be sufficient to meet the eligible needs as defined in the assessment. A diagram is included at Appendix 1, covering each step from initial contact through to the provision of support and review.
- 3.9 The Service is committed to supporting the development of Self-directed support in partnership with key stakeholders. The Service recognises that this will require a significant degree of cultural change and a shift in the way we deploy resources - as a single service and in partnership. This is reflected in the ten year timescale set out in the national strategy.
- 3.10 The intention is to set out in reports to the Service Committee during 2014-2015, the implications of the implementation of Self-directed support. This report highlights the requirement to review the current non-residential care charging policy during 2014-2015 and to make changes to the definitions contained in the current policy. This report also notes the potential financial implications associated with implementation, specifically with respect to waiving of charges for carers.

Implications of implementation in respect of charging

- 3.11 Self-directed support can consist of a range of innovative arrangements that meet the agreed eligible outcomes, provided that their needs are met and risks are addressed. This development challenges the existing definitions contained in the charging policy for non-residential services, based on charging for specific care and support services received (e.g. care at home or day care provision). The flexibility afforded by self-directed support means that the connection between the support arrangements and the charge can be more difficult to define. The proposed change in definition will ensure that if the supported person chooses to use their allocated budget in a more imaginative way, that the Council can still apply charges equitably and fairly.

3.12 The current COSLA guidance confirms that the implementation of self-directed support has implications for the approaches adopted to charging by local authorities. The guidance cites the move towards a care and support charge by several local authorities, reflecting the more flexible ways in which supported persons may use an individual budget. The Statutory Guidance for Self-directed Support states that: 'Historically, charges have tended to be based on established "service" charges with some services exempt from charging. However, where a supported person's package is predicated on flexible use of an identified budget rather than a menu of services, the authority is no longer able to charge on the basis of service types. The authority should consider new approaches to charging which will enable them to charge on the basis of a proportion of the supported person's budget as opposed to one form of service or another.'

3.13 It is therefore proposed that there is a change to the definition of support as contained in the current policy and that the overall policy is reviewed over 2014-2015 with a view to making recommendations for a revised scheme for 2015 -2016. The following is proposed:

- the definition of care and support, in the non-residential, charging policy will be extended to cover these wider care and support services the supported persons may receive within care plans. The definition will become *care and support as detailed in the individual's support plan*.

- the charge will be calculated as an annual contribution and will be invoiced to supported persons on a four weekly or in line with the payment terms in place for the individual budget;

- that this policy is reviewed as Self-directed support is implemented during 2014-2015.

Any further changes that may be required to the existing policy will be on the basis of evidence, information and consultation as Self-directed support is implemented over 2014-2015. Any proposals for a revised charging scheme, arising out of this, will be brought back as recommendations to committee.

3.14 There is no proposal to change the rates or the basis of the financial assessment. No adverse financial implications for the individuals or for the service will arise from the implementation of this policy.

3.15 The charging policy will continue to ensure personal and nursing care is free for those over 65.

Requirements of the Social Care (Self-directed support) (Scotland) Act 2013 in respect of Carers

3.16 The Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 came into effect to accompany the implementation of the Social Care (Self-directed support) (Scotland) Act 2013. The regulations give effect to the Scottish Government's commitment that charges for support services for carers would be waived. This is in recognition of significant role played by

carers in supporting people to remain at home and avoiding the need for hospital admissions. It is estimated that carers save the Scottish Health and Social Care system over £10 billion each year by carrying out tasks that might otherwise be undertaken by health and social care staff.

3.17 The waiving of charges means:

- support to carers and young carers is based upon the assessed need of the individual carer or young carer who will be offered the four Self-directed Support options;

- charges will be waived for any support the carer receives under section 3 of the SDS Act or for any services the young carer receives under section 22 of the Children (Scotland) 1995 Act.

- support for the carer or young carer should be based on agreed outcomes. The associated Guidance sets out the types of support that carers and young carers may access.

3.18 The Service fully recognises the benefit of providing preventative support to enable carers to continue with their caring role and currently commissions and directly delivers a range of services and supports to both adult and young carers. It should however be noted that there are financial implications arising from these proposals. It is anticipated that there will be both a rise in the number of referrals for carer's assessment and there an increased demand for a wider range of services and supports following assessment. No additional funding has been made available by the Government to meet the potential costs of implementing these requirements.

3.19 Clackmannanshire Council currently receives income of around £540k per annum from charges for care and support and respite services. The financial impact for the Council associated with waiving charges to carers is estimated at around £180k. The impact will be monitored and if necessary, further quantified, based on the experience of implementation. If this is identified as a financial pressure, this will be presented for further consideration through the budget challenge process.

Financial Risks around Self-directed support and Carers Regulations

3.20 At this stage, the Service is not able to quantify all of the financial implications that may result from implementation of the Act. There is some evidence from Local Authorities in England that the introduction of individual budgets and enabling individuals to exercise increased choice and control of the design and delivery of their own support services, can lead to reduced costs for the Local Authority. The findings are not, however, conclusive. In Scotland, the evidence of financial impact gathered through pilot sites has presented a mixed picture. Additional implementation costs associated with individuals choosing alternative options for service delivery are evident in some cases. An essential element of implementation will be the monitoring and financial control of expenditure to ensure the Service meets needs within allocated resources. The Service will build on existing budget monitoring processes to support this.

3.21 The financial implications associated with the Carers Regulations are noted within the report (paras. 3.16-3.19) including the potential for the loss of £180K of income as a result of legislative changes. An essential element of implementation will be the monitoring and financial control of expenditure to ensure the Service meets needs within allocated resource. The Service will

build on existing budget monitoring processes to support this. If this is identified as a significant financial pressure, the Service would seek to present this in the context of budget setting for 2015-2016.

- 3.22 It is necessary to identify the potential financial impact of the waiving of charges for services and supports for carers, nevertheless, this should be set within the context of recognising the critical role of carers in reducing the demand for formal care and support services. The wider, preventative benefits of targeted support for carers to enhance their health and wellbeing are well evidenced.

4.0 Sustainability Implications

- 4.1 The implementation of the Act will require a significant shift in approach to ensure that services and supports commissioned and provided by the Local Authority are significantly flexible and diverse to meet evolving needs and requirements within available resources. The service will take actions to minimise the financial implications wherever possible. There is a requirement for comprehensive financial analysis, monitoring and review, the development and review of financial and business processes to support the implementation of Self-directed support, the continued scrutiny of care packages and the review and redesign of internal services.

The likely impacts of this report's recommendations on the Council's sustainability objectives have been identified. Through the introduction of greater flexibility and enhanced choice and control for individuals with social care needs, it is assessed that there will be a positive impact in respect of the following:

Improve quality of life in Clackmannanshire

Reduce social exclusion

Reduce health inequalities

Encourage community participation in decision making

5.0 Resource Implications

5.1 Financial Details

- 5.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.
Yes

- 5.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4 Staffing

- 5.5 *No staffing implications*

6.0 Exempt Reports

6.1 Is this report exempt? No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box ())

The area has a positive image and attracts people and businesses ()
Our communities are more cohesive and inclusive ()
People are better skilled, trained and ready for learning and employment ()
Our communities are safer ()
Vulnerable people and families are supported ()
Substance misuse and its effects are reduced ()
Health is improving and health inequalities are reducing ()
The environment is protected and enhanced for all ()
The Council is effective, efficient and recognised for excellence ()

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?
Yes

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Self Directed Support leaflet
Appendix 2 - Supported Person's Pathway (Statutory guidance to accompany the Social Care (Self-directed Support) (Scotland) Act 2013

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes

The Carers (Waiving of Charges for Support) (Scotland) Regulations 2014
Statutory guidance to accompany the Social Care (Self-directed Support)
(Scotland) Act 2013
Social Care (Self-directed Support) (Scotland) Act 2013

Author(s)

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| Val de Souza | Head of Social Services | Signed: V de Souza |
| Nikki Bridle | Director of Finance & Corporate Services | Signed: N Bridle |

Will there be a charge for my support?

Whatever option you choose you may be financially assessed. You will be advised if you need to contribute to the costs of support and, if so, how much.

What happens next?

Once your plan is agreed you can put your support in place. Your Individual Budget can be paid to you or used by social services to pay for your chosen services. We will review how your plan is working, checking that your outcomes are being met and that you are managing your responsibilities in making the support plan work.

For further details on what happens next see *Factsheet Four – Living Your Life and Making Sure it all Works*

Self Directed Support in Clackmannanshire and Stirling

Get in touch

If you or your family would like more information about Self Directed Support, please contact us

Clackmannanshire Council

Phone: 01259 450000
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Stirling Council

Phone: 01786 471177
Municipal Buildings
8-10 Corn Exchange Road
Stirling
FK8 2HU

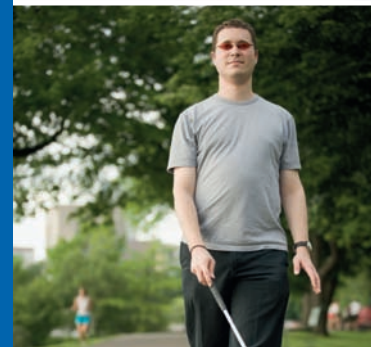
You can also email us at selfdirectedsupport@stirling.gov.uk

Formats

Copies of our leaflets are available by request in a range of other languages, large print and on audio tape. To request articles in any of these formats please email or call 0845 277 7000.

Translate

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Self-directed support is an approach to social care that offers you more control and choice over the support you receive.



The key benefits are:

- Choosing services that suit and improve your lifestyle
- Controlling your support at the level that works best for you
- More choice and flexibility

It means, if you are eligible for social care support, that you will be allocated an Individual Budget. That budget will be based on an assessment of your need. You can then have as much control of your Individual Budget and support arrangements as you want.

How can you receive Self-directed Support?

If you feel you need support to live your life safely and independently then you (or someone on your behalf) should contact the Social Services. Contact details are at the end of this leaflet. You will then be told if you are eligible for an assessment of need.

What is an assessment of need?

A social care worker will contact you. They will have a conversation with you about what is important to you, the things in your life you are managing and what you need support with. You will be asked what you are hoping to achieve with your life.

Will others be involved in your assessment?

Yes. With your agreement the worker will speak to important people in your life. This might be relatives, friends, a nurse, GP, support worker and anyone you think can provide helpful information. The aim is to work out if you need support and what kind of support will best help you.

For further details on assessments see *Factsheet One – Assessments of Need*

Is everyone eligible for support?

From your assessment we can work out if you are eligible for support. Unfortunately we are not able to help everyone. We use guidelines to decide who is eligible for support. These guidelines are called “Assessment and Eligibility Framework” and are based on Government guidance. Their aim is to make sure that everyone has fair and equal access to support.

If we cannot provide support we will explain our decision and give you information about other ways you might find help and support.

What happens if I am eligible for support?

If eligible, the information from your assessment will allow social services to calculate your “estimated budget”. This is not a final figure. The aim is to give you an initial estimated amount so you can use this as a guide to help think about the best ways, for you, to arrange your support.

You can now decide how much control you want in arranging your support. There are four options you can choose:

Option One – Direct Payment

Your Individual Budget will be paid (in instalments) into a bank account. This gives you the flexibility and choice to use this money to buy your own support.

Option Two – Individual Service Fund

You can ask social services (or, in the future, another person/agency) to hold your budget for you. You direct them how you wish to spend this money to achieve what you need.

Option Three - Arranged Service

This involves you asking social services to arrange for and directly pay for the support you need. You will be consulted about any decisions and you leave social services to organise the support you need.

Option Four – Combined Support

You can have a combination of the above options e.g. some services arranged by you and some by the social services.

For further details on the four options see *Factsheet Two – SDS Options*

Making a Support Plan

Once you have chosen your preferred option you now develop your support plan. You can have help from family, friends, support organisations and social services staff. The plan should state what you want to achieve and the supports that are right for you. Your plan must then be agreed with social services.

In most cases the plan will be agreed. Reasons not to agree might be that your plan puts you or others at risk, or will not achieve the outcomes you wish or if the costs will be in excess of your estimated budget.

For further details on making a support plan see *Factsheet Three – Making a Support Plan*

Supported Person's Pathway

