

***WEST
DUNBARTONSHIRE
COMMUNITY HEALTH
AND CARE
PARTNERSHIP***

***SELF DIRECTED
SUPPORT POLICY***

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1. INTRODUCTION

- 1.1 This policy has been developed to support the implementation of the Social Care (Self Directed Support)(Scotland) Act 2013 that comes into effect on 1 April 2014. West Dunbartonshire Community Health and Care Partnership (CHCP) is committed to the implementation of Self Directed Support, ensuring individuals and families have choice and control over the support they require.
- 1.2 Self Directed Support (SDS) is “the support individuals and families have after making an informed choice on how the individual budget is used to meet the outcomes they have agreed.” (Scottish Government, 2010). Self Directed Support means more choice and control for people who receive community care.

2. SCOPE

- 2.1 This policy applies to all West Dunbartonshire CHCP employees and all individuals assessed as requiring support from the CHCP.
- 2.2 This policy supports the priorities and aims of West Dunbartonshire Council’s Operational Plan.
- 2.3 West Dunbartonshire Council is committed to fulfilling the three key elements of the general equality duty as defined in the Equality Act 2010.

3. KEY PRINCIPLES

- 3.1 This purpose of this policy is:
- To provide clear guidelines on the expected practice by employees in implementing the Social Care (Self Directed Support)(Scotland) Act 2013.
 - To ensure employees are aware of their responsibility to comply with this Act.

4. LEGISLATIVE CONTEXT

- 4.1 This policy complies with the following core legislation which continues to be the legal basis for assessment in respect of the Social Care (Self Directed Support)(Scotland) Act 2013:
- Section 12A of the Social Work Scotland Act 1968 provides the legal basis for community care assessments for adults.
 - Section 12AA of the Social Work Scotland Act 1968 provides the legal basis for community care assessments for carers of adults.
 - Section 23 of the 1995 Children (Scotland) Act provides the legal basis for community care assessments for children.

- Section 24 of the 1995 Children (Scotland) Act provides the legal basis for community care assessments for carers of children.

5. APPLICATION OF POLICY

- 5.1 To support the application of this policy, a separate Practitioner Procedural Guidance on Self Direct Support has been developed.

6. SELF DIRECTED SUPPORT – NEW DUTIES

- 6.1 The Social Care (Self Directed Support)(Scotland) Act 2013 places the following new legal duties on local authorities with respect to adults, children/families, adult carers and young carers eligible for support or provided with services:

- Duty to have regard to the general principles of collaboration, informed choice and involvement as part of the assessment and the provision of support
- Duty to take reasonable steps to facilitate the person's dignity and participation in the life of the community
- Power to provide support to carers (of adults) following a carer's assessment
- Duty to offer four options to the individual. The options are intended to support the flexibility and creativity intended in the core social welfare and wellbeing duties relating to both adults and children.
- The four options are:

Option 1: a direct payment: the definition of the direct payment remains unchanged from its previous incarnation under Section 12B of the 1968 Act

Option 2: "Directing the available support": this option should provide greater transparency and control for the individual without the requirement to take this support as a direct payment. There is a degree of discretion for the local authority in how it can develop and deliver this option. However the authority should take steps to ensure that Option 2 differs in nature from both Option 1 (the direct payment) and Option 3 (arranged services).

Option 3: "Services arranged for the person by the authority" – this is where the authority arranges any services on the person's behalf

Option 4: A mix of the first 3 options for different aspects of the person's support.

Duty to explain the nature and effect of the 4 options and to "signpost" to other sources of information and addition support.

7. ELIGIBILITY FOR SELF DIRECTED SUPPORT

- 7.1 Practitioners are responsible for facilitating assessments which determine eligible needs and resources required in line with West Dunbartonshire CHCP's eligibility criteria and the Scottish Government eligibility framework for access to social care. This framework prioritises risk and the need for funded support into four bands: critical; substantial, medium and low. West Dunbartonshire CHCP's eligibility criteria will be subject to ongoing review as Self Directed Support is implemented across West Dunbartonshire CHCP.
- 7.2 Individuals, who do not meet the eligibility criteria for support, will not be entitled to access Self Directed Support funding. Assistance and/or advice will be provided to individuals on how best to meet their needs. This may include signposting to appropriate services in their local communities.
- 7.3 Individuals who lack capacity under the Adults with Incapacity (Scotland) Act 2000 will not be excluded from choosing any of the options under the Social Care (Self Direct Support)(Scotland) Act 2013. Appointed guardians or attorneys have the legal power to make decisions on behalf of the individual who lacks capacity.

8. EXEMPTIONS

- 8.1 Descriptions of persons who are ineligible to receive a direct payment (Option 1) -
1. The descriptions of persons specified for the purposes of section 15(2)(a) of the Act are:
 - (a) a person who is subject to a drug treatment and testing order imposed under section 234B of the Criminal Procedure (Scotland) Act 1995(a);
 - (b) a person who is released on licence under—
 - (i) section 22 of the Prisons (Scotland) Act 1989(b);
 - (ii) section 1 or 1AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993(c);
 - (iii) section 37(1) of the Criminal Justice Act 1991(d), who is subject to a condition to submit to treatment for a mental condition or a drug or alcohol dependency;
 - (c) a person who is required to submit to treatment for a mental condition or a drug or alcohol dependency by virtue of—
 - (i) a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000(e);
 - (ii) a community punishment and rehabilitation order within the meaning of section 51 of that Act;
 - (d) a person subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000;
 - (e) a person whose direct payment has been terminated by a local authority in accordance with regulation 8(b) or (c).
 2. A person who is ineligible to receive direct payments by virtue paragraph (1)(e) ceases to be ineligible if the local authority so determines.

8.2 Services for which direct payments (option 1) are not available:

(1) A local authority is not required to give a person the opportunity to choose Option 1(direct payment) and, so far as relating to that option, Option 4 in the circumstances specified in paragraph (2) and (3).

(2) The circumstances are that the support which the local authority has decided could satisfy the person's needs is—

(a) support for individuals who are homeless as defined in (Part II of the Housing (Scotland) Act 1987(f));

(b) support for individuals who are fleeing domestic abuse;

(c) support for individuals in relation to drug or alcohol dependency;

(d) the provision of residential accommodation for a period in excess of four consecutive weeks in any period of twelve months; or

(e) the provision of residential accommodation with nursing (under section 13A (residential accommodation with nursing) of the 1968 Act(a)) for a period in excess of four consecutive weeks in any period of twelve months.

9. ASSESSMENT

9.1 The purpose of the assessment is to determine a person's eligibility for support. The practitioner will establish whether there are eligible needs based on the level of risk to the individual's independence, health or wellbeing that requires the provision of social care support. Where an individual does not require local authority funded support, the practitioner will be able to provide information and advice on alternative support options.

9.2 Where an individual is eligible for funded support, the assessment process will involve more detailed exploration of the person's needs and desired outcomes. At this stage, an individual may wish to seek information and advice from independent agencies. If an individual is assessed as having eligible needs, an Individual Resource Framework will be completed as part of the assessment process.

10 INDIVIDUAL RESOURCE FRAMEWORK (IRF)

10.1 For the purpose of allocating resources under self-directed support, West Dunbartonshire Council have developed an Individual Resource Framework (IRF) which is a transparent financial assessment tool based on current West Dunbartonshire CHCP financial processes.

10.2 Completion of an IRF will provide an indicative personal budget to meet the individual's eligible needs. The IRF will be applied to all four Self Directed Support options ensuring fairness and equality across all individuals eligible for local authority funded support.

11 SUPPORT PLANNING

- 11.1 A support plan is used to map the agreed outcomes the individual person aims to achieve including timescales and what/who is required to achieve these. The needs and outcomes identified in the assessment process will inform the support plan.
- 11.2 There must be robust evidence that services or activities funded through Self Directed Support are meeting the individual's needs and personal outcomes.

12 RISK ENABLEMENT

- 12.1 During support planning, the individual will be supported to consider how any risks arising from their needs or proposed support will be addressed. Risk enablement is on-going and will be considered and discussed at each review.
- 12.2 The individual should be fully involved in considering risks. Where the individual has difficulty in understanding or identifying their personal risk, the practitioner will seek to involve others who can assist in the task.
- 12.3 All parties should take a proportionate approach to risk and seek to enable positive, informed and proportionate risk taking.

13 SUPPORT SERVICES

- 13.1 West Dunbartonshire CHCP has a dedicated Self Directed Support Team to provide support and guidance in relation to Self Directed Support. In addition, a range of independent support will be available to all individuals if and when required.

14 FINANCIAL ASSESSMENT

- 14.1 In line with the current West Dunbartonshire CHCP charging policies, individuals assessed for support will be subject to a financial assessment as part of the assessment process. This may result in them having to make a financial contribution towards the total cost of their support.

15 MONITORING AND REVIEW

- 15.1 West Dunbartonshire CHCP has a duty to undertake annual reviews where support is provided or more frequently as a response to a significant change in circumstances.