

## **Questions for Scottish Government from LCIL**

**1. Are the Scottish Government going to change the rules on taking into account a person's income if they have a full time job and get a direct payment? At present if you have a full time job a portion needs to go to a DP. This doesn't really encourage people to strive for full time employment! In England this isn't taken into account.**

To receive any service from your council you will be financially assessed (means tested), to see whether you should contribute some money to help pay for it. Your local authority will charge you for services purchased through SDS in the same way that it charges people it provides arranged services to. Undergoing a financial assessment before receiving social care services is standard practice in both Scotland and England (although the assessment process itself may vary between local authorities).

**2. What extra funding is now available after the demise of ILF?**

ILF is a reserved body and is not under the control of the Scottish Government. However, ILF is still a functioning body that distributes money to Disabled people across the UK. There has been changes to ILF eligibility that has led to a restriction in the number of people eligible. The Scottish Government will be investigating with ILF and DWP, how criteria can be set for future years to manage their funds more effectively. No extra funding has been made available due to the restrictions but Local Authorities still have a duty to provide support of a suitable standard that meets an individual's needs.

**3. How legal is it for LA to give a DP at a set rate and then reduce it to same money?**

We cannot answer your specific query because the Scottish Government is not able to offer legal advice. More generally, in line with our guidance, it is for local authorities to determine the value of a direct payment. This ensures that local authorities can take into account local conditions and workforce considerations. Our guidance advises that a direct payment should be sufficient to purchase a service of an equivalent standard to a council provided service. If a person's circumstances deteriorate, then it is Social Work's responsibility that resources are matched to support an individual. If, however, a person's circumstances improve, then support should be reduced. The Social Work Scotland 1968 Act requires local authorities to ensure the direct payment is sufficient to enable the recipient to secure support of an appropriate standard.

**4. As referred to in my letter of 7/9 consideration must be given to drafting UK legislation to govern the transfer of DP funding from England to Scotland and vice versa. What is being done about this?**

Unfortunately, we do not hold a record of this letter (it may have been dealt with by another team), however if they have not received a response, please feel free for this individual to contact us directly. However, to date in terms of transfers of specific DP

funding across the UK, there has been no discussions with the UK Government. Within the draft SDS strategy, it outlines how we aim to work with the reserved departments to create a more joined up approach. This is something we can investigate further.

#### **5. The Scottish Government should intervene to ensure that PAs get the same wages as council workers.**

The responsibility for the setting of DP rates that effect the levels of PA pay is the responsibility of Local Authorities. This is because there are local workforce and cost of living considerations that need to be made. We would expect that the terms and conditions for PAs will be investigated through the SDS strategy implementation group.

#### **6. The Scottish Government talks about empowerment and choices - lovely phrases, but where do local authorities get money from for DPs?**

The Scottish Government has delivered on its commitment and increased the share of funding for local government year-on-year, from 33.4 per cent in 2007-08 to 34.1 per cent in 2010-11. Councils will receive over £300 million or almost 3 per cent more this year than they did in 2009 – 10. The 2007 Concordat allows local authorities to take responsibility for their own expenditure and service provision decisions, which reflect local needs and priorities. Local authorities need to ensure that resources are used in the most effective way to meet local needs but they also need to focus on the outcomes for service users.

Specifically, the money for Direct Payments is already within Local Authorities. It is however tied up within building based services and large block contracts. The key is to deconstruct some of these services to free up the money to allow people to access Direct Payments. That way individuals that choose a Direct Payment can access one and those who chose another service can also access that as well.

Also evidence demonstrates that forms of support with a focus on intervention, prevention and re-ablement, such as SDS lead to more effective services that will meet people's outcomes at lower costs. Our strategy also emphasises the importance of other responsible sectors contributing from their budgets such as other local authority departments and health boards. The Scottish Government will continue to work with local authorities through the implementation of the strategy to improve the provision of self directed support across the country.

#### **7. What plans are there to improve and simplify DPs for the user?**

The Scottish Government, currently fund 3 Local Authority test sites, which are looking at making the process simpler for DP users. The evidence from this is due to report back early next year. After this, the evidence will be distributed through Local Authorities, with a view to a roll out of simpler processes in the future. The Scottish Government recognises that the process needs to be simpler and the draft strategy aims to improve the system.

**8. What are the provisions for early re-assessment of care needs? (eg. Degenerative conditions)**

We are not quite sure of the meaning of this question but if the following does not answer the intended question, please feel free to contact us directly. Individuals are entitled to a re-assessment from their Local Authority, if a significant change has taken place in an individuals circumstances. The Local Authority is then responsible for ensuring suitable support is put in place for the individual.

**9. Carers have to make a choice to look after/support family member resulting in lack of personal income – career prospects and pension. This is wrong – the Scottish Government should fund informal carers!**

The Scottish Government recognises the invaluable contribution unpaid carers make to Scottish society and the importance of supporting them in their caring role. The self-directed support bill proposes to extend local authorities' powers to allow them to make direct payments to carers for their own needs. It is true that this does not mean that carers will be funded or paid for the care they provide. But these Direct Payments would be an important tool to assist both carers and councils and provide a bit of support and help when carers need that help the most. They would be low level interventions to help prevent the escalation of difficulties and to enable carers to continue in their role.

**10. When you apply for a DP there are so many different assessments/decisions made by different panels – there are too many. What will happen with this? It takes a long time for anything to happen. Will this legislation mean just one panel?**

The SDS draft strategy aims to ensure a more efficient and easier and outcomes focused assessment procedure. It is difficult to say exactly how many panels this may include because this is very much down to local practice. We will however be demonstrating best practice as the strategy evolves, which will ensure easier procedures for individuals.

A significant change to the assessment process proposed by the Self-directed Support Bill is to make the offer of DPs/SDS an opt out arrangement. This will place self-directed support – the principle that individuals can and should direct their own support – as the “default” option. The “personalisation” of service provision is the future of social care and support, and other public services too. It is only by embedding this choice into the process that we can ensure that all individuals get the option to access their support in this way. Appropriate safeguards will be consolidated from existing law and considered for the Bill so individuals have the absolute right to opt out of this arrangements and to ensure that local authorities retain their duty of care.

We're interested in hearing about any issues that you currently have with the assessment process and we encourage you to tell us about what works for you and what doesn't in your response to the consultation. If you think there are too many assessments and that the decision process takes too long, please tell us about it.

This will help us to consider whether or not there is a compelling case for the law to be changed.

**11. Who do you feel benefits from current time sheet structure? Too complicated. Weeks runs Sun-Sat. Month ends last Sat before 21<sup>st</sup>. Rota sheet runs Mon-Sun.**

Time sheets are part of a Local Authorities way of monitoring the use of public money. The Scottish Government is encouraging local authorities to adopt a less burdensome system for the individual. Advances in terms of charge card technology may assist with this. The whole ethos of SDS is that the person is at the centre with the structures in place to support them and not the person around the structures.

**12. When will the Strategy and Bill be implemented?**

The introduction of the proposed Self-directed Support Bill depends on Cabinet's announcement of the legislative timetable. It is possible the bill will be given a slot in the 2011 -2012 session. It would take upwards of 6 months to pass through the parliamentary process. If the Bill is successful there will be a phased implementation the exact timings of which are yet to be determined.

In terms of the draft Strategy, this is a 10 year vision, with a number of recommendations to be achieved in 2010. There will soon be a strategy implementation group, which will help prioritise the work of the strategy and ensure it is implemented effectively.

**13. The Scottish Government comes out with a lovely phrase like empowerment and choice, but where do local authorities get the money for Direct Payment?**

Please see Q.6

**14. If City of Edinburgh are £90 million in debt – how is there going to be money for more people to get DPs?**

Please see Q6

**15. The consultation time on the SDS Bill is far too short. I didn't know about it.**

Our timetable needed to take in many considerations including the parliamentary legislative programme. In line with internal guidance a 12 week consultation was determined as a suitable amount of time to allow responses while keeping us on schedule for a potential 2010-11 introduction to parliament. I am sorry that news of the consultation did not reach you quickly as you would have hoped. We sought to publicise the consultation as widely as possible and obtained the assistance of local authorities, NHS Boards, voluntary groups and support organisations to distribute the consultations through their networks. News of the consultation was also posted on

the Scottish Government website and on the Self-directed Support in Scotland website.

**16. Are the Government doing this to save money?**

The main driver for this policy has always been better outcomes for the individual. This is supported by a large body of evidence including research published by the Scottish Government in 2007 demonstrated SDS can give people greater independence, better quality care and an enhanced lifestyle.

However we emphasise that SDS is only one option and it is not right for everyone. Local authorities will continue to offer arranged services but must also offer clients the choice of directing their own support.

**17. I was born with Cerebral Palsy and I first employed my own staff in 1990 when I moved from institutionalized care. In 2007, the social work dept/LA have been trying to reduce my care package because of lack of money, in my opinion, DPs don't work because criteria keeps changing because of lack of money, my question is where will the money come from?**

Please see Q.6

**18. Isn't self direct support just a fancy word for lack of money and you asking other organisations to help, if you are cutting care packages then why bother?**

Please see Q.6 and 16.

**19. You say it is our choice but it's not really. Disabled people put a care package together that suits their needs best, it's not just about care, it's about getting out into the community, housework, going to appointments, going shopping etc. my question is, are you going to just pay for the care that people need and that's all?**

The outcome focussed assessment process should allow people to exercise their choice on how their agreed individual outcomes are met. If these outcomes are met by going shopping etc. then a DP should be of a sufficient level to make sure this can take place.

**20. If Direct Payments are really about choice and control why don't the Scottish Government make it clearer to council staff that disabled people can take on a DP with support from organisations as well as family and friends? Not everyone has somebody who can help with a DP or maybe they do but they want to keep their relationship with their family separate from looking after a DP.**

The Scottish Government recognise this as key barrier to the uptake of DPs. There is certainly an issue around training provision for council staff and that is being addressed within the draft strategy. We also propose to work with education institutions to ensure that SDS and DPs are taught to all future council staff.

**21. Is the Scottish Government going to ring fence money for the councils to ensure it is spent in the right areas?**

This is not currently the plan. The concordat between the Scottish Government and local authority precludes this from taking place. More importantly, a ring fenced budget is not the answer. In Local Authorities, where they have traditionally ring-fenced DP money, they have found it more difficult to release funding for more packages. The key is to release the funding from within current council services to allow a flexible growth of DP users and not restricted to a different pot of money. This approach will also mean that councils are better placed to adapt to any changes in DP numbers and those using other council services.

**22. People with mental health problems, could they have an assistant to help with payment transactions?**

If you decide to use a direct payment to employ a personal assistant they may be able to support you with payment transactions. This will be subject to agreement from your local authority that it meets your assessed needs.