

Clackmannanshire and Stirling Self-directed Support Policy 2024- 2027



Self-directed Support - Plan on a Page



Community Assets Digital/ Technology Housing/ Living Third Sector Equipment

Policies for SDS Asset Based Tool Support Planning Financial Review

Learning and Development

Introduction

On 1 April 2014, the Social Care (Self-directed Support) (Scotland) Act 2013 came into effect. This is the law that tells local authorities what they must do to give access to Self-directed Support (SDS) in a way that supports people's rights to choice, dignity and being able to take part in the life of their communities.

Clackmannanshire and Stirling Health and Social Care Partnership (HSCP) is committed to continuing to transform the way that social care support is provided within localities and communities. Ensuring a personalised approach to supporting individuals and enabling the HSCP to meet the challenges it faces regarding changing demographics and increased demands for support.

SDS is not the name of a type of service, but a way of arranging support that is individual to you so that you can live as independently as possible. It is for everyone who needs social care services or support. This includes children, adults and unpaid carers.

Principles and Values

Self-directed Support is a principle and practice offering choice and control to individuals and their carers who are eligible to access social care services and support.

The values of Self-directed Support are respect, fairness, independence and safety. These values are supported by four principles:

Participation and dignity - the worker will respect the individual's right to dignity and will aim to support the individual's right to participate in community life.

Involvement - the individual will be supported to be as involved as they wish in the assessment and provision of support.

Informed choice - the individual will be supported to make informed choices and co-produce a support plan which will meet their outcomes.

Collaboration - the worker must collaborate with the supported person in relation to the assessment and the provision of support to meet the individual outcomes.

In March 2021 the [self-directed support: framework of standards](#) for the implementation of Self-directed Support was published. These standards have since been updated to include a 12th standard.

Social Care (Self-directed Support) (Scotland) Act 2013 tells authorities that they should:

- Treat supported people with dignity and respect at all times, including when they first assess someone for support;
- Offer the four SDS options and explain what each of them mean in a balanced and impartial way, and how they would work for the supported person's unique circumstances;
- Make sure that supported people have a say in planning what their support looks like and that they have as much involvement as they want in decisions about their support;
- Make sure that supported people have enough information to understand what is available and to make the choices which are right for them. This should include information about where to find independent support to help them choose; and
- Make sure that supported people have opportunities to challenge and ask questions about any aspect of their support, and are given enough time to understand and participate in decisions about their support, particularly when it is being stopped or changed.

SDS Options

It is important to understand that the Act is centred on an assets-based perspective that focuses on assessed need. As such, the four options will be offered where an assessment suggests there are eligible needs that cannot be supported through, personal strengths, familial supports or community resources. In this instance a person would not require a social work assessment, as in-depth signposting would identify options to support someone, removing the need for a social work assessment as their outcomes would have been met.

If a person does not require formal support services, the HSCP will still support them through signposting and providing information/ advice which will support that person within their community. Sometimes, someone will be able to meet the outcomes that they have articulated they need support to achieve through accessing community groups, or by having help from friends or family with some tasks, for example shopping. If these supports that are available for anyone to access meet a person's needs, then an assessment will not be needed at this time. However, if circumstances change and someone is unable to access community or familial supports, or needs to access additional help or support then an assessment may be required.

Where a person has been assessed as being eligible for support the local authority has a duty to offer four choices in relation to how the support will be facilitated. Supported people and carers may use their budget under any one or a combination of the following options:

<p>Option 1: Direct Payment to the supported person or carer which allows you to arrange support independently. This option gives you full choice, control and maximum flexibility.</p>	<p>Option 2: The supported person or carer decides on the support they want, and support is arranged on their behalf. This option gives you full choice and control over how your support is arranged, without the responsibility of managing the financial elements.</p>
<p>Option 3: Following discussion with the supported person or carer the local authority decide and arranges support. With this choice the supported person/carer has less direct choice and control over how support is arranged, however takes responsibility from finding and manage support away from the individual.</p>	<p>Option 4: Supported person or carer uses a mixture of ways to arrange their care and support. Some people will want to have direct control of how some parts of their support is arranged but not other parts. Option 4 lets the supported person/carer pick the parts they want to have direct control over and what parts they want to leave to the local authority.</p>

To access independent advice, support or information related to SDS or any of the above four options please contact SDS Forth Valley on 01324 508794 or info@sdsforthvalley.org. Alternatively, visit <https://sdsforthvalley.org/>.

Your Journey



Your Assessment

The support you receive could be from different places, however it is important to understand that all assessments are asset based. This means that you will be asked about the supports that may already be available to you such as assistance from family or friends or attending activities within the community. For some individuals they can achieve their outcomes and have their needs met through their own assets/community resources and therefore will not require a personalised budget.

For Self-directed Support to work well, the worker and the supported person need to have time to explore what matters in the life of the person, and to have the autonomy to develop a plan of support that lets the person have their support in the way that they prefer. Success in a relationship-based practice model has a primary focus on the support preferences of the supported person and

should always include consideration of bolstering family supports, making use of community services, nurturing independence, navigating systems to get the best outcomes, and only if then needed, funded support. The benefits of relationship-based practice is that the resulting support plan is more likely to meet the supported person's needs in the way that they want, therefore more likely to be sustainable for both the supported person and the provider of supports.

Your assessment will cover your strengths and abilities as well as your care and support needs. We will ask what you feel you are able to do as well as what you need help with.

During your assessment, you will talk about:

- what matters to you most (this could include; running your home, your social life, learning activities, personal care and your safety at home and in your community)
- how this can be achieved – these are called outcomes
- what support you already have available to meet your outcomes

Your involvement in this process is really important and the person undertaking your assessment will help you to be as involved as possible and articulate your outcomes and preferences.

Some services may involve a cost and if applicable, a financial assessment will be completed to establish what your contribution, if any, will be towards the total cost of your support.

Your Support Plan

Where an individual has been assessed as having needs that are eligible for statutory support work will begin to co-produce a support plan alongside any other relevant parties. The support plan will establish how your eligible needs and the outcomes associated with these will be met.

This will tell you:

- the outcomes we are working towards with you including consideration of when you could expect to achieve your outcomes to a level whereby you are independent in those outcomes or have achieved a greater level of independence
- SDS option chosen
- What the support will look like, including how this will be delivered with an enablement and / or rehab approach
- Highlighting any areas of risk/how these risks will be managed
- What the actual budget is
- Contingency/emergency plan
- Timescales for review

When your support plan is in place, we will agree with you how soon it will be reviewed.

- If your needs are complex, and your situation can change quickly, we will review your support plan more often.
- If your situation is more stable, and we are confident that the support plan will meet your needs for some time, we will review it less often.
- You should contact Social Work at any time if you feel that your support plan no longer meets your identified needs and outcomes.

Your Budget

The HSCP will adopt an asset based approach throughout the assessment and support planning stages where your existing supports and community supports will be discussed in the first instance. If, after exploring these options, there is no suitable options, then paid supports will be considered. As these supports will need to be purchased a budget will be calculated by your worker in order to achieve your defined outcomes. At this step, the HSCP is required to calculate the overall cost of the assessed needs and support package in line with local policies and procedures, this is carried out for each individual, regardless of which Self-directed support options they have chosen.

As defined in the Social Care (Self Directed Support) (Scotland) Act 2013, a budget is defined as “the amount that the local authority considers is a reasonable estimate of the cost of securing the provision of support for the supported person”. The budget is based on an equivalency model, which means that an individual with eligible needs will be entitled to a personal budget, equivalent to the cost of arranging traditional services to meet that person’s eligible needs. The equivalency calculation is applied whichever one of the four Self-directed support options is chosen, meaning that no individuals will be placed at a disadvantage. Following completion of the joint assessment an individual will be made aware of the resources available to them. This will ensure that the individual is clear about resources as they begin the support planning process.

If you are dissatisfied with the level of resources, you have been allocated this should be discussed this with you practitioner and their manager in the first instance. If an agreement cannot be reached, you should be informed of the HSCP’s Complaints Policy.

Where the purchasing of supports is required from care at home services, support provider organisations, personal assistants or any other support service, your worker will refer to the ‘Schedule of Rates’ to determine the most appropriate ‘standard rate’ based upon the support required to meet your needs.

The assessment, support plan and individual budget will be authorised by the appropriate officers who hold responsibility for budget management. The ‘Schedule of Rates’ is reviewed annually by the Council on behalf of the HSCP.

Defining a budget is an ongoing process, as need changes over time, and one that will happen at each of your reviews, in the future.

In exceptional circumstances, the standard rate, which is the basis for calculating your budget, may be insufficient if the HSCP was to purchase a suitable service for someone with very specific needs and/or circumstances.

In such exceptional situations, the entirety of your circumstances must be considered including:

- Your assessed needs e.g. level of complexity, unpredictability of behaviour;
- Reference to the HSCP’s eligibility criteria in relation to critical or substantial priority/risk.

- Other relevant factors evidencing that assessed needs cannot be met by a support provider at the standard hourly rate e.g. difficulty recruiting or purchasing, need for support staff with specific additional skills who would be unavailable at the standard rates.

In the event of any deviation from the standard rate being proposed, the HSCP's Commissioning Team must be involved to identify a service to a standard that will satisfy the HSCP that the individual's needs are being met, at a rate as close to the standard rate as is available. This service will either be commissioned by the HSCP or will be used to establish an equivalent amount for the purposes of an individual budget, in line with the Social Care (Self Directed Support) (Scotland) Act 2013.

Any decision to make payments out with the standard rate must be authorised by the relevant Head of Service, who will also determine:

- The agreed rate;
- The period during which the agreed rate will apply and be reviewed.

Any services arranged or used as an equivalent rate for Self-directed support that cost more than the relevant standard rate should be considered temporary. At the time of review, your needs should be reassessed, and the Commissioning Team will be re-engaged to identify a service to a standard that will satisfy the HSCP that your individual needs are being met, at a rate as close to the standard rate as is available, at that time.

Limitations to Choice

While SDS promotes choice and control, there are instances where a choice cannot be permitted, this may be because it could put the supported person at risk from physical, emotionally or financial abuse. There may also be other pieces of legislation that are breached through a choice, such as employment law. It is important that any decisions are made in adherence to all Scottish and UK laws.

In line with the Self-directed Support (Direct Payments) (Scotland) Regulations 2014, the HSCP is not required to give individuals the option of choosing Option 1 and so far as relating to that option, Option 4 in the following circumstances:

- The Council/HSCP previously terminated a Direct Payment made to the person;

- There is evidence that the provision of a Direct Payment is likely to put the safety of the person to whom the support is provided or others at risk.
- In these circumstances, the HSCP must support the person to choose an alternative SDS option.

The Regulations also state that Option 1 (Direct Payments) cannot be offered to those whose level of need would be best suited through long-term residential/nursing care.

Certain care and support services which link to multiple-occupancy or group-tenancy accommodation arrangements (often called Supported Accommodation) are not suitable for Self-directed Support Options 1 or 2 (and so far as relating to that option, Option 4). This is due to the potential impact upon the tenancy rights of other tenants and the overall coordination of care, support and safety within the accommodation.

A person is unable to access personal care from a company that is not registered with the Care Inspectorate, this is a legislative requirement to operate a care service in Scotland, however, other social care supports that do not involve personal care, may be delivered through non-registered services.

If a supported person lacks capacity and does not have a Power of Attorney or Guardianship in place, that person cannot make an informed decision about their care. Unless a Power of Attorney is in place a family member could not make a decision on the supported person's behalf. In this case, the person would access SDS option 3.

As set out in the Self-directed Support (Direct Payments) (Scotland) Regulations 2014, a supported person can request to employ a family member in the role of Personal Assistant. The family member can only be employed when the family member, supported person in receipt of the direct payment and the HSCP agree.

The employment of a family member using direct payment monies will be considered where:

- The family member, direct payment user and the HSCP agree to the family member providing the support;
- The family member is capable of meeting the outcomes identified collaboratively in the assessment.

Individual budget expenditure

As part of SDS option 1, an individual budget is allocated to the supported person, based on their needs and outcomes. This money should be used to purchase support or equipment specifically to meet their identified outcomes. However, the legislation clearly states that budgets cannot be used in the following ways:

- Unreasonably endanger any person.
- For services or equipment that would be provided by another service or organisation.
- To fund support that can be provided by other means i.e. community assets.
- To pay for the legal costs associated with establishing a Power of Attorney or Guardian.
- To support an illegal activity.
- To fund gambling, alcohol or tobacco.
- To fund rewards or gifts for carers.
- For long-term residential/nursing care (SDS Option 1).
- To pay off debts.
- To pay for anything that other sources of income should normally cover i.e. general household expenditures, food and drink, clothes etc.
- To pay for the service user's contribution to care and support services (as per the Council's Non-Residential Contribution Policy).
- To pay for supports or services that do not contribute towards your agreed assessed needs and outcomes that have been identified in your support plan.

Termination of Funding/Financial Monitoring – Option 1

Clackmannanshire and Stirling Councils and HSCP have the power to terminate direct payments (Option 1) under the Self-directed Support (Direct Payment) (Scotland) Regulations 2014 in the following circumstances:

- Where the individual has become ineligible to receive direct payments;
- Where the payment has been used for purposes other than to meet the assessed needs and outcomes (i.e. misappropriate of funds);
- Where it has been used to secure the provision of support by a family member in circumstances where no agreement has been provided by the HSCP.
- Where an individual is unable to manage funds, despite being provided with additional support and advice;
- Where the Council/HSCP consider on reasonable grounds that the individual has breached the criminal law or a civil law obligation in relation to the support to which the direct payment relates.

When an individual is no longer eligible to receive direct payments but continues to have eligible needs the Council/HSCP will provide the opportunity to choose one of the other options to receive Self-directed support.

Clackmannanshire and Stirling Councils and HSCP are accountable for public funds and will monitor direct payments made to service users. This is a duty to protect the public funds it administers, and to this end may use the information provided by direct payment users for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. To this end it is important that anybody wishing to access a direct payment (option1) understands that they will need to sign a contract as they will be entering into a financial agreement with the council that they live in. This will mean the supported person is accountable for spending their direct payment in a way that achieves their outcomes, as per their support plan. If funds are not spent in a way that fulfils a supported person's agreed outcomes, then they are accountable to the funder, who would be the council.

Legislative Alignment

The Social Care (Self Directed Support) (Scotland) Act 2013 places a duty on the HSCP to offer the supported people four Self-directed support options based on their assessment/ identification of eligible needs. The legal basis for assessment/ identification remains within the following core legislation:

- Social Work (Scotland) Act 1968
- Children (Scotland) Act 1995
- Carers (Scotland) Act 2016

Self-directed support legislation also contains links to other legislation:

- The Community Care and Health (Scotland) Act 2002
- The Mental Health (Care and Treatment) (Scotland) Act 2003
- Adult Support and Protection (Scotland) Act
- The Adults with Incapacity (Scotland) Act 2000

Complaints

Supported people, utilising Self-directed support options, who experience difficulties with the service that the HSCP is providing, should in the first instance, try to resolve matters with their social work practitioner and senior managers within the service. Local support organisations may have a role to play in supporting service users in clarifying the position and offering advocacy where this is possible. For further details please contact [Forth Valley Advocacy](http://www.forthvalleyadvocacy.com) on 01324 320986, or info@forthvalleyadvocacy.com.

In the event of informal discussions not resolving an issue, service users can make use of the HSCP's complaints policy and procedure. Supported people or their carers may make complaints about any action, decision or apparent failing of the Council and/or HSCP and they will have recourse through the Scottish Public Services Ombudsman once all other avenues have been exhausted.

Supported people will not be able to use this route for complaints about services which they have secured from independent providers (including people they employ directly, for example a personal assistant) using Self Directed Support Option 1 (Direct

Payments). However, they should address any complaints that they may have about the services they purchase to the service providers themselves and take up complaints about their personal assistants with these employees. For support in these circumstances, please contact Citizens Advice Scotland in the first instance, Stirling branch 01786 470239, or visit [Stirling CAB](#) and in Clackmannanshire 01259 219404, or visit Clackmannanshire CAB.

Alternatively, a complaint can be made to the Care Inspectorate about any registered service.