



By Community for Community Series

Social Care (Self Directed Support) (Scotland) Act 2013

More commonly referred to as

SDS

SDS became law in 2013, but to allow time for local authorities to get up to speed and to plan for its implementation, it didn't come into practice across Scotland till April 2014. The aim behind the Act, is to enable individual's and/or their carers, or legal guardians to choose from a range of options for how their social care or support is delivered, beyond just the old choices of council provision or contracted provision or direct payments. Thus, empowering people to decide how much ongoing control and responsibility they want over their own support including decision making arrangements. **Choice and Control.**

Already a service user.

If you already use a service through local authority social care support, don't worry you may/will have the choice to change it if you so wish.

Don't have or are just starting to use Social Care Support.

Don't worry, after contacting or being referred to social work or social services, you will be told whether or not you are eligible for an assessment of need.

If you are not, the local authority will write to you to explain why.

You are eligible for an assessment of need.

A social care worker will contact you, discuss with you what is important to you, what you can manage, what you need support for?

You will be asked what you are hoping to achieve from support in your life, sometimes referred to Outcome.

We are across the country moving towards outcome focussed assessments.

Others may, with your approval, be involved in your assessment, like friends, GP, Nurse, or other support workers or professionals.

NOTE -Being eligible for an assessment of need, is *not* the same as being eligible for support. If you are *not eligible for support* the local authority will write and explain why. They use Government Guidance called "Assessment and Eligibility Framework".



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Assessment of Need – Key Components.

- Background - General information supporting why you are needing and having an assessment.
- Moving Forward- An outline of how you see things moving forward with social care support.

NOTE - The following will all help to highlight how social care support needs are required and provide supportive information as to why you need social care and support.

Communication and Senses

Keeping Safe *Staying Well*

Getting Around / Staying Mobile

Managing Daily Life

Having things to do

Maintaining Relationships

- Carers Perspective - Your current carer, if you have one, will inform social services as part of the assessment what care and support they currently provide and if they know, will also confirm what additional support you feel you need to give you better outcome and quality of life.
- Analysis - The social work team will undertake an analysis of all the information they have been provided with, this may include information from other professionals who know you.
- Outcomes You will be asked to give an indication of what outcomes you hope to obtain, e.g. Better

Your assessment has been successful and social care support package agreed in principle. You will be told your Budget. Now you have to make a plan and determine your best option/s for support.

Your Assessment has been unsuccessful the local authority will write to you to tell you why.

Making a Plan.

After you receive an indicative individual budget, you can work towards creating a more detailed support plan. Your family, friends, carer, key worker, SDS Team member and anybody else you choose can help with your plan. It's important to think about all the different ways that you can meet your needs - SDS allows you to be flexible. Your plan must deal with the following points to be agreed with your local authority.

- How your support will meet your needs – Show examples and relate back to Outcome Needs Assessment to cross check your plan is meeting the needs you outlined.
- How you will arrange and manage your support- State how and who is going arrange and manage your support plan, yourself, a third party, local authority via individual fund service, an existing provision or a combination of. It may help to do a planner, highlighting what each part costs and which option is delivering, by doing this it will help you show how your support care budget will be spent.



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- How you will spend your money – Through a separate bank account for support care as outlined within the plan.
- How you will stay in control – Work out what measure you need to take to be sure you stay in full control especially if direct payments or a combination of. Routinely cross check monthly to your plan that it isn't exceeding monthly budget.
- How we will make sure things are going well – Regular reviews with service and local authority. Maybe use a carers support service.

(This is a brief outline, for additional information please ask for BFCF Leaflet on Adult Outcome Focused Assessment)

The 4 Self Directed Support Options

Option 1 - Direct Payments

This is where you get the option to receive your budget in equal payments spread across the fiscal year, or part thereof. (Fiscal year is the council financial year or tax year). Paid into a separate bank account solely for the purposes of direct payments.

You can choose how you wish to spend it. You may choose to use the existing service provider you have. *Note though you may not have enough in the budget to give you the same number of hours care.*

You can if you wish would select a different service provider or employ a personal assistant.

NOTE – 1. Check with your local authority as they may insist that any service provider is registered with the local authority. 2. Personal Assistants must have a PVG Check.

You have chosen to employ a personal assistant.

With this comes legal responsibilities, this means you have to register with HMRC as an employer. You can do this yourself or have an agent do it for you. Ensure you have employers' liability insurance, car insurance for the individual in case they are driving your car, or their car has insurance if you are traveling in it. You have to pay them regularly, allow for holiday pay and shortly there will be pension liabilities as well.

Can you employ family members as personal assistants? Check with local authority, if so be sure to get it in writing prior to employing.

You can spend your direct payment on non-service provision or personal assistant, on a piece of equipment for instance, **BUT ALWAYS** get this approved in writing by the local authority, before you agree to purchase. Protect yourself.

Note. PVG – Protection of Vulnerable Groups Scheme, these checks are undertaken in the case of Personal Assistant by local authority. Service Providers are responsible for doing their own checks.



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Option 2 - Individual Service Fund

To use this option, the local social services team can be asked to hold onto to your budget for you. It is being considered for future use that a third-party agency or person can do this.

You then direct them to spend this on the services you need to meet your needs.

The principle behind this lets you choose your service, but it's paid for from your IFS.

Benefit – You do not need to administer or manage the financial transactions.

Option 3 - Arranged Services

This is very like the old way of care provision. Big difference this time is it involves you asking Social Work or Services to arrange for and pay for the services you require to meet your needs. You will be consulted about decisions and the service provision but you leave social services to do all the administration and organisation.

Option 4 - Combined Support

This involves a combination of any the other 3 options, depending on the level of responsibility and control you want.

Selecting Options:

Try to select your option at the same time as making your support plan. This will help to highlight any questions you may wish to ask, e.g. I only wish to attend a certain activity a couple of times per week. Does the authority have a service agreement with the provider of activity? This could for example make your choices easier, service management easier and service provision cheaper, thus allowing your budget to go further. Ask.

Can I be charged for some services? Will I be means tested?

The current legislative framework for charging includes services provided under the **Social Work (Scotland) Act 1968 Section 87**. So the quick answer to both the above questions is YES.

Extract From <http://www.selfdirectedsupportscotland.org.uk/directing-your-own-support/>

“Yes. SDS is just another way of meeting assessed need, and should be subject to review and monitoring, in the same manner as services. A local authority must remain satisfied that assessed needs are being met.

The Scottish Government encourages the use of Direct Payments. Within the Guide for Local Authority Finance Managers. This guidance promotes a light touch auditing approach which includes the frequency for monitoring based on the size of the package and the competence of the individual to manage it.



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Is it mean tested? Yes. A financial assessment (usually means tested) in the same way that an individual would be assessed for any social work services.

If the service is 'free' (e.g. children's services, under 18, adult day care centre, free personal care to older people) no charge operates. Charging policies may vary according to local authority.

Extracts A, B, and C are all from – "COSLA National Strategy & Guidance for Charges Applying to Non-residential Social Care Services 2013/14. This may change for 2014/15.

Extract A.

In terms of the guidance on charging set out in the Scottish Office Circular SWSG1/1997 and with regard to subsequent development of this COSLA guidance, councils have the power to charge for a range of adult non-residential social care services, including:

- care at home
- day care
- lunch clubs
- meals on wheels
- domiciliary services, including meals on wheels
- wardens in sheltered housing
- community alarms and telecare
- laundry services
- aids and adaptations
- after care services for people with a mental illness
- care and support services for those who have or have had a mental illness

Extract B.

Charges may not be applied to the preparation of, or the provision of any assistance with the preparation of, a person's food including (without prejudice to that generality)-

- defrosting, washing, peeling, cutting, chopping, pureeing, mixing or combining, cooking, heating or re-heating, or otherwise preparing food or ingredients;
- cooking, heating or re-heating pre-prepared fresh or frozen food;
- portioning or serving food;
- cutting up, pureeing or otherwise processing food to assist with eating it; and
- assisting in the fulfilment of special dietary needs, but not the supply of food (whether in the form of a pre-prepared meal or ingredients for a meal) to, or the obtaining of food for, the person, or the preparation of food prior to the point of supply to the

Extract C.

The legislation also sets out what services cannot be charged for and these include:

- Services for people who are subject to Compulsory Treatment Orders under the Mental Health (Care and Treatment) (Scotland) Act 2003 and Compulsion Orders under the Criminal Procedure (Scotland) Act 2003
- Nursing Care and Personal Care for people aged over 65

The above extract information in respect of charges and means testing is for guidance only. Always check with your local authority.



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The Plan Going Forward & Review.

All has been agreed and your plan has received its final approval from the local authority. You can now get on with life and start meeting the outcomes you have been seeking for improvement to your life. Monitor your plan regularly and be sure to meet with your key worker to check how things are going, you can ask for a meeting. Your key worker needs to know how your plan is working and how your spending is achieving your goals. If anything changes or stops working as you planned, contact your key worker for guidance and support to seek solutions. Ideally your first key review should be at 12 weeks, 26 weeks then your annual review. This may vary depending on providers of services.

- Be sure to always ask as many questions as you think you need to.
- You may also have Guardianship, Power of Attorney, this is about the person being cared for.
- Remember a question is only stupid if you know the answer.
- If in doubt always ask.
- Make sure you understand everything before you agree to the plan.
- The local authority team are there to help.
- Keep a note of your key workers Name, Office address, Telephone Number and Email address.
- If you are a Carer, you are entitled to a Carers Assessment, this can be arranged via Key Worker or your local Carers Centre.
- Local Carers Centre also supports Young Carers.



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Self-Directed Support Some Useful Contacts & Links

Some local areas have local third sector self-directed support organisation that can guide and help, Ask your social worker.

Self-Directed Support Scotland: <http://www.selfdirectedsupportscotland.org.uk/directing-your-own-support/>

Scottish Personal Assistant Employers Network (SPAEN): www.spaen.co.uk

Individual Cash Management Services [-http://www.icms.co.uk/](http://www.icms.co.uk)

HMRC – Tax/NI <http://www.hmrc.gov.uk/>

Office of Pension Regulator <http://www.thepensionsregulator.gov.uk/>

Direct Care Insurance (Specialist Care Insurers), 0800 458 3301, www.homecareinsurance.co.uk

Fish Insurance (Disability Insurance Specialists), 0800 012 6329, www.fishinsurance.co.uk

Premier Care (Specialist Insurance for the Disabled and Over 50s), 01476 591104, www.premiercare.info

Find a local Insurance Broker

British Insurance Broker Association, 0870 950 1790 www.biba.org.uk

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