

# **Social Care (Self-directed Support) (Scotland) Act 2013**

Statutory Guidance  
Executive Summary

# Summary

The Statutory Guidance has been updated, making it clearer that Self-directed Support (SDS) is for everyone in Scotland who needs social care services or support. This includes children, adults and unpaid carers.

The Guidance explains what authorities should do to make sure that people are able to get the support that is right for them. It is based on the Social Care (Self-directed Support) (Scotland) Act 2013 ('the 2013 Act'). This is the law that tells local authorities what they must do to give access to SDS in a way that supports people's rights to choice, dignity and being able to take part in the life of their communities.

This law 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.

Since the 2013 Act became law, a lot has been learned about how SDS works, including from speaking to people who use support and people who work in social care. Most people agree that SDS is a very good idea but that not everyone who needs SDS is receiving the support that is right for them. Also, not everyone is able to have choice and control over how their support is provided.

Authorities have the freedom to decide how they provide SDS and how they decide who gets it. The Guidance aims to help improve how people experience SDS by making it clearer what authorities and workers need to do to make sure the supported person has as much involvement and choice as the person wants.

For example, the Guidance has incorporated the SDS Framework of Standards. The Framework helps explain how everyone involved in SDS should help supported people to choose the kind of social care support that will give them dignity and control over their lives.

## How should SDS work for the supported person?

There are four main options or ways of directing support. When making these choices, a supported person can choose to have lots of direct control over their care and support, or choose to leave most of the decisions and work to the local authority, or choose a mix of these.

**Option 1 - the supported person receives a direct payment.** The local authority will decide how much money they will give to the supported person towards their support. The supported person receives this money and uses it to arrange their own support, which can include employing staff and/or buying goods and services.

The supported person has full choice and control and also has the most responsibility for arranging support, which may include employer responsibilities.

**Option 2 - the supported person decides on the support they want, and support is arranged on their behalf.** The local authority will decide how much money they will give to the supported person towards their support.

The supported person can use the money to choose goods and services, for example from a registered support provider, and then the support is arranged on their behalf. This can be arranged by the local authority or a third party (such as a support provider) managing the money on behalf of the supported person. This way, the supported person has full choice and control over how their support is arranged but does not have to manage the money.

**Option 3 - after discussion with the supported person, the local authority decides and arranges support.** The local authority will decide how much money can be spent. The supported person asks the local authority to choose and arrange the support that it thinks is right for them. With this choice the supported person is not responsible for arranging support, and has less direct choice and control over how support is arranged.

**Option 4 - the supported person 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 pick the parts they want to have direct control over and what parts they want to leave to the local authority.

## SDS planning, budgets and systems

Social workers and the supported person should work together to make a plan for the person's care and support. Together, they will agree on outcomes for the person – in other words what the supported person wants to see happen in their life. The plan will help the person work towards this, and should be reviewed regularly.

The local authority should make sure that supported people have enough budget to achieve what has been agreed in the plan. Supported people should be involved in decisions about their SDS budget and have maximum flexibility to use this in the way that achieves what is most important to them.

When a supported person gets a payment or budget for support, they should work with the local authority to agree how the money will be used. Both the person and the local authority should use the money in the best way possible.

The local authority should make sure that systems and rules are SDS-friendly and that they do everything they can to ensure that people get support at the right time, before a crisis or emergency happens. The local authority should make sure that social workers are supported to use their professional judgement to help supported people have control and choice.

The local authority should make sure that the way it makes decisions is fair and easy to understand, and that information about how they decide who is eligible for SDS is available to anyone who wants it. It should also make sure that people who need support are not disadvantaged for any reason, including where they come from, their way of life, or where they live.

## Key changes to the Guidance since 2014

This document is an update of Statutory Guidance originally published in 2014. This document retains some of what was in the original Guidance, but has some important differences. These include:

- Addition of an Executive Summary;
- Addition of further information about human rights and a human rights-based approach, in Section 1 and throughout the document;
- Incorporation of the Self-directed Support Framework of Standards (2021), throughout the document;
- Incorporation of parts of the pandemic guidance on Self-directed Support published in March 2022, in Section 3;
- Updated information about roles and responsibilities of duty-bearers and others involved in the delivery of Self-directed Support, in Section 4;
- Updated information about legislation that has come into force since 2014, in Section 5;
- Updated information about budgeting, charging, commissioning and procurement, in Section 7;
- Updated information about employment issues, in Section 8;
- Updated information about making complaints, in Section 9;
- Updated links to other information and resources, in Section 11 and throughout the document;
- Addition of diagrams about how SDS should work, in Annex 1;
- Addition of a glossary in Annex 2.



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