

SELF DIRECTED SUPPORT IN SCOTLAND

CONSULTATION RESPONSE TO DRAFT GUIDANCE

Question 1c

Overall I think this section is sound. The statement of intent is very important, providing a clear, outcome focussed strategic vision. Having a statement such as this is the essential foundation of a personalised system of support. I think the following changes would strengthen this section;

- The description of the role of the supported person should be more positive and not refer to the role of anyone else – ie, not ‘should be supported to.....’. The statement should reflect the inalienable expertise of the supported person which is essential to the assessment and support planning - in relation to understanding the issues that confront them and how their own resources and informal support systems can be adapted – and in relation to those aspects where partnership working gets the best results – such as choice of outcomes and further support options.
- The role of managers should include reference not just to their leadership role (which is important) but also to their operational function. Primarily that is in relation to budget management and resource allocation. While practitioners can create the best, most cost effective plans, it is not their responsibility to decide how much of it to fund. That remains a budget holder responsibility. It is important to say that the role of managers as budget holders is to ensure their decisions are fair, transparent and do not undermine the work of the supported person and the practitioner (a decision not to fully fund a support plan is not a rejection of a plan, but simply reflects the realities of whatever the cash limit that exists). If the guidance does not address this reality, the risk is it will be delivered in ways that will undermine best practice. It is an important nettle to grasp.

Question 3c

- Overall, I think the part of the section on assessment is excellent and reflects how good assessment practice is the route to achieving the *accuracy* of needs identification and the *engagement* of the person, both of which are key to genuinely personalised supports. However, the part on eligibility is rooted in current policy. In England, where a very similar policy exists, the evidence is clear that it is a seriously dysfunctional approach that leads to major levels of inequity while cutting across any attempts at best, person centred practice (<http://ssrg.org.uk/wp-content/uploads/2012/01/Slasberg.pdf>)
- **My advice, which I would offer in the strongest possible terms, is that a major review of the approach to eligibility is required.** Ideas for how this might be tackled were shared at the Scottish Government’s workshop on resource allocation in June and are offered as a better start point for debate than the current approach. Such a change will require a national conversation to ensure buy in from all interests on this vital issue.

In addition;

- I think sections 34 and 35 create the dangerous view that personal outcomes can be taken from a pick list of generic outcomes. This would seriously undermine what this section is trying to achieve which is an accurate assessment reflecting the uniqueness of each person. Generic outcomes should not be seen as the start point for assessment. The start point should be the *issues* the person is confronting if they are to achieve the vision set out for independent living set out elsewhere in the guidance. These are always unique to the person. Their *personal outcomes* then derive directly from these issues. *Generic outcomes* – carrying the risk of creating another process of fitting people into boxes - need play no part in the process.
- Section 36 says the “demands placed on the professional may lead to a tick box approach”. I believe the opportunity should be taken to use the guidance to rule this practice out, given that it is anathema to the style of assessment the guidance sets out.

Section 4c

- Section 49 offers a formulaic Resource Allocation System as an option to determine the level of resourcing to an individual. The law in England is very plain that this is not lawful, and such approaches can only be ‘indicative’, with actual allocations not decided until the person’s actual needs and the costs of meeting them are known. I believe the law in Scotland is very similar. An excellent summary of the legal and practical limitations of the RAS is the recently published article by Lucy Series and Luke Clements – putting the cart before the horse (<http://www.tandfonline.com/doi/abs/10.1080/09649069.2013.800288#.Udfats1wbrd>)
- There is evidence that in England the RAS has proven not only to have failed to deliver its primary purpose, but has been damaging in the process <http://ssrg.org.uk/wp-content/uploads/2012/01/Slasberg-et-al.pdf> and <http://www.lsdforum.org.uk/reports/> This evidence may lead to considering the withdrawal of the RAS as an option. If, however, the RAS continues as an option, I think it will be important to be clear it can only be indicative given both legal requirements, and financial requirements to target limited cash budgets to the greatest possible effect.
- There is a gap in the guidance in relation to how *affordability* is addressed. It is right and reasonable to expect the practitioner work with the supported person to create the most cost effective approach to achieving their outcomes. However, councils function within a cash limited environment. It is neither reasonable nor practicable for the practitioner to at the same time address *affordability*. That requires not only knowledge of the budget and knowledge of competing demands upon it (neither of which are usually sufficiently well known to individual practitioners), but also a level of legal and financial responsibility that is arguably more appropriate to colleagues both dedicated to that function and more senior, at least team leader level. It is essential that the guidance addresses how the question of affordability is tackled. The key device is the eligibility policy. It will determine which needs will be met and which will not. It has to be applied at the end of support planning and so a

framework that can be applied to *separate needs* is critically important. A *person* is eligible if, at the point of contact, they appear to have one or more eligible need. This relates to the earlier comment about the need for a major review of the eligibility issue. It is arguably the key to achieving what Scotland wants – a system of support that is distinct, and will lead to independent living for all older and disabled people in the way Scotland has defined it.

Colin Slasberg

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