

**Social Care (Self-Directed Support) (Scotland) Act 2013
Draft Regulations and Guidance**

The Response of Glasgow Centre for Inclusive Living

July 2013

Introduction

Glasgow Centre for Inclusive Living (GCIL) is an organisation which is run by and for disabled people (ie a Disabled People's Organisation or 'DPO'). GCIL provides a range of services which aim to help disabled people challenge the barriers to independent living. These include a variety of employment, housing, training and self-directed support (SDS) services. As an active member of the Independent Living Movement, GCIL has been supporting the development of policy and practice on direct payments and SDS since 1996, and currently supports approximately 650 disabled people in Glasgow, and a further 156 in East Dunbartonshire, to manage their own packages of support using SDS.

Our response is informed by a consultation exercise carried out on behalf of the Scottish Government with GCIL service users and other stakeholders with an interest in self-directed support.

GCIL concurs with the detailed response submitted by Self Directed Support Scotland, but in addition would wish to offer the following comments on the Regulations:

Part 2: Section Part 3 – 6A

GCIL Organisational response:

- GCIL is opposed in principle to service users being charged for community care services.
- GCIL's position is that the financial assessment should be completed and the (actual not estimated) client contribution should be detailed in the service user's agreement prior to signing.
- GCIL feel that service users should be given full details of how their individual budget has been calculated and all start up costs such as recruitment expenses must be included in the service user agreement.
- GCIL feel that payment should be made gross to enable service users to have the right to withhold funds if in dispute with the Local Authority.

- GCIL feel that the Local Authority must rather than may agree to a third party arrangement if the service user meets the criteria for a direct payment unless the Local Authority has serious concerns about suitability of the nominated third party. Any such concerns should be detailed and made available to the service user.

Services Users feedback from consultation 25-06-13

- Service users unanimously indicated their opposition to charging for community care services.
- Service users felt strongly that they should have the right to attend the RAS Group.
- There was a mixed response to the issue of gross or net payments. Some service users agreed with GCIL's response, others would prefer to receive a net payment. Service users therefore would wish a choice as recommended in the draft regulations.
- Service users supported the option of third party arrangements as it would help those less able to manage a Direct Payment to nonetheless retain decision making about their support e.g. service users with mental health or addiction issues.

Part 2: Section 7

GCIL Organisational response:

- GCIL feel that service users should be given information and support to minimise potential problems.
- GCIL feel that any problems highlighted re. management of a Direct Payment should be fully investigated and if possible, resolved by providing appropriate support prior to any decision regarding termination.
- GCIL agree that at the time of termination and until any concerns are resolved, the Local Authority should arrange appropriate support.

Services Users feedback from consultation 25-06-13

- Service users agreed with the GCIL organisational response.
- Service users agreed unanimously that if money is deliberately used inappropriately the Local Authority should terminate payment.
- “People can get their accounts mixed up and spend their Direct Payment inappropriately by mistake”.

Part 3: Section 9-10

GCIL Organisational response:

- GCIL feel that people with Power of Attorney or Guardianship for a service user must not be employed as that service user’s Personal Assistant (cannot be both the employer and employee).
- GCIL agrees with the circumstances, detailed in the draft regulations that would allow a family member to be employed as a Personal Assistant.
- GCIL feel that the employment of relatives in certain circumstances could compromise the normal family relationship.
- GCIL feels that no young person (under 18) should be expected to provide support either paid or free.

Services Users feedback from consultation 25-06-13

- There were mixed opinions among service users ranging from people feeling service users should have the right to choose who they can employ to others who felt that family should be family and not employees.
- Some people felt that carers should be allowed to be employed rather than caring “free”.

Part 4: Section 12

GCIL Organisational response:

- GCIL feel that people in residential care should not be excluded from being considered for a Direct Payment.
- As with disabled people living in their own homes the same principal should apply, Direct Payments should be a choice and not imposed.

Services Users feedback from consultation 25-06-13

There were wide ranging comments from service users including:

- “People should have the option to have a Direct Payment for all elements of residential care to give them choice and control over where they live, who provides their support and the activities they choose to take part in”
- “It would seem discriminatory not to give Direct Payments to people in residential care”.
- “He who pays the piper calls the tune”.
- “Direct Payments would open care homes to public scrutiny as there is a lack of trust in the Care Inspectorate”.
- “Direct Payments could help to restore a person’s right to family life as stated under Section 8 of the Human Right’s Act”.
- “Direct Payments might prevent abuse /neglect in residential care”.

In this submission we have attempted to fairly represent the range of views expressed by service users who attended the consultation event at GCIL on 25 June 2013.