



DATE: 12 July 2013

RESPONSE OF: The Royal College of Psychiatrists in Scotland

RESPONSE TO : Self Directed Support (Direct Payments) (Scotland)
Regulations 2013

We are pleased to respond to this consultation. This consultation was prepared by the Royal College of Psychiatrists in Scotland. For further information please contact: Karen Addie on 0131 220 2910 e-mail kaddie@rcpsych.ac.uk

The Royal College of Psychiatrists is the leading medical authority on mental health in the United Kingdom and is the professional and educational organisation for doctors specialising in psychiatry.

The College in Scotland welcomes the opportunity to comment on the regulations and have responded to some of the specific questions as follows: -

Question 1: What are your views on Part 2 of the draft Regulations (calculation, payment and termination of direct payments)?

It is not clear how this would work in practice and it is surprising that local authorities can decide whether to exact contributions as this could lead to postcode variance. Many psychiatric patients who retain capacity nevertheless have real difficulties in budgeting and some patients are extremely suspicious of change and any financial interactions can be seen as being threatening.

It is not clear how a Local Authority can champion choice where there is spot purchase of services in rural areas. The economies of scale are likely to make that unachievable.

The Exchange Model includes all relevant parties in the assessment and is an open and transparent way to work. It is not clear how this fits with the Recovery Agenda and the ways of working currently being proposed around that area. This process should be consonant with the Recovery Agenda.

Question 2: What are your views on Part 3 of the draft Regulations (appropriate/inappropriate circumstances for the employment of close relatives)

The key issue is to avoid the risk of exploitation - regulations are not sufficiently clear on who within the council exercises discretion or how that process would work.

Question 3: What are your views on Regulation 11 which deems individuals who are placed under a variety of criminal justice orders to be ineligible to receive direct payments?

This is sensible

Question 4: What are your views on restricting access to direct payments for those who are homeless, those who are fleeing domestic abuse or those who require support in relation to drug or alcohol addiction?

This seems sensible and pragmatic; we are surprised that patients on CO and CTO are eligible given that for the latter they have, by definition, significantly impaired decision making. Also, it is helpful not to have the option of Direct Payment in a variety of situations where the money is not likely to be used for the purpose it is intended for e.g. where there is a propensity to gamble or another addiction is present.

Question 5: What are your views on restricting access to direct payments in relation to the provision of long-term residential care?

There is a need to balance the needs of service user against those of the service provider to have secure funding.

Question 6: The draft Regulations *do not* specify circumstances where the direct payment option should be *unavailable* for care and support to children/families. *Should* there be specific restrictions on choice of support in relation to children/families support (i.e. support provided under Section 22 of the Children (Scotland) Act 1995) and should these restrictions apply to the direct payment only, or to other options as well?

No comments received.

Question 7: Do you have any further comments on the draft Regulations?

No comments received

Question 8 : *Do you have any comments on the financial costs or benefits of the Regulations?*

No comments received

Question 9 (a): Do you have any views on the impact of the Regulations on any or all of the following equality categories:

- i) age;
- ii) disability
- iii) gender;
- iv) lesbian, gay, bisexual and transgender;
- v) race, and;
- vi) religion and belief

No comments received

Question 9 (b): Do you have any views on the impact of the Regulations on human rights?

No comments received