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Dear Adam

**Self-Directed Support: Consultation on draft statutory guidance on care and support – evidence from the Royal College of Nursing (RCN) Scotland**

The RCN represents over 39,000 nurses, nursing students and health care assistants in Scotland, as both a trade union and professional body. We welcome the opportunity to comment on the draft statutory guidance to accompany the Social Care (Self-directed Support) (Scotland) Act 2013.

The RCN considers the draft guidance to be well set out, and largely clear and easy to understand. The comments below relate to two specific issues that the guidance does not fully address. This is around the safeguards in place to protect vulnerable persons receiving self-directed support and the accountability and delegated authority of health professionals. The RCN also wishes to note that the guidance is heavily dependent on the integration legislation currently going through Parliament. This will impact a range of issues outlined in the guidance, for example pooled budgets.

**Section 5: Support Planning**

**Question 4c: Do you have any further comments on this section of the guidance?**

Section 5.2 of the guidance around 'Risk' should be clearer about the individual risks that need to be considered to a supported person who is to become a personal employer, as outlined in Section 9.2 on Direct Payments. The guidance does not outline safeguards for protecting vulnerable people who may receive direct payments. It should make it clear, for example, that *"Although councils cannot seek access to PVG scheme membership records for personal assistants, they will need to ensure the personal employer understands the importance of scheme*

membership, the rules on seeking and sharing information, and the risks of employing an unsuitable person” as outlined in the Scottish Government’s Guidance on the interaction between Self-Directed Support and Protecting Vulnerable Groups Scheme.

## **Section 8 : The role of the NHS professional**

### **Question 7c: Do you have any further comments on this section of the guidance?**

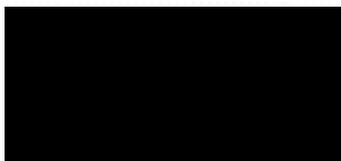
The RCN recommends that the guidance in this section clarifies the responsibilities and accountabilities of health professionals.

Paragraph 90 outlines how payment can be used to employ a personal assistant with the “requisite health training and skills”. However it is not clear who has the responsibility for ensuring the individual has the requisite skills or the responsibility for ensuring that the assistant is “provided with the necessary training”. Similarly paragraph 91 should state the responsibility of the NHS professional in ensuring the competency and training of the person delivering interventions. The phrase “they will want to be reassured” is not clear. The RCN also recommends changing that the local authority and Health Board “*should* liaise” to “*must* liaise” over policies to assess and monitor self-directed support.

In situations where health professionals are being asked to train or delegate aspects of care to other staff or carers, there is an issue of delegated authority. All registered nurses are accountable for the decision to delegate care. They should only delegate an aspect of care to a person who has had appropriate training and who they deem competent to perform the task. They must be assured that the delegated person fully understands the nature of the delegated task and what is expected of them. The person who has been delegated the task becomes accountable for their actions and decisions, but the nurse remains accountable for the overall management of the person. The RCN recommends that there is specific guidance over the issue of accountability when care is delegated.

If you would like further information about the RCN response, please contact Helen Richens, Policy Officer at [helen.richens@rcn.org.uk](mailto:helen.richens@rcn.org.uk) or 0131 662 6135.

Yours sincerely,



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