

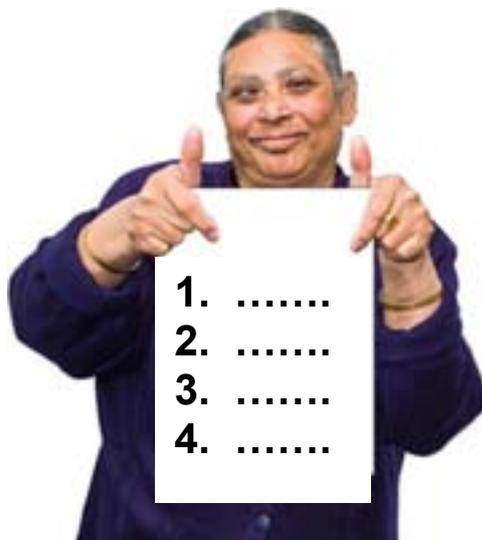
A guide to the Social Care (Self-directed Support) (Scotland) Act 2013



The Scottish Government has made a new law about self-directed support. This guide tells you about the new law.

Why is there a new law?

People want better support services and more choice.



Self-directed support can help people have better lives by making sure that:

- Disabled people have the same freedom and choices as others at home, at work or in the community.
- People get the kind of support they want, and where and when they want it.
- People get support at the right time, before a crisis or emergency happens.

What does the new law do?

The new law is for both children and adults.

It tells local councils that they should listen to what people want so that people are able to get support that is just right for them.



It also wants to change the way people think about their support. It wants people who get support to be equal citizens with both rights and responsibilities.

The new law will start sometime in 2014 but councils are getting ready for it now.

What is in the new law?

Principles (how people should behave when using the new law)

There are 5 principles that will guide everyone when they use the new law.

1. Involvement

The local council will assess people first to decide if they can get support. But when it does this people must be involved and able to say what they think they need. This will help when they go on to the next stage and agree on a plan and how the person will use self-directed support.



2. Information and choice

Local councils must make sure that people can make real choices and have enough information to do this.

It will be important to have good information and advice services.



3. Collaboration – working together

Professional staff and the person must work together to make a plan for the person's care and support.

They will agree on outcomes for the person – what they want to see happen in the person's life. The plan will help the person work towards this.

When someone gets a payment or budget for support, they must work with the local council to decide how the money will be used. Both the person and the local council must use the money in the best way.



4. Dignity

The local council must respect the dignity of the person.

This means that the council must think about a person's dignity and treat them with respect

- when it assesses someone for support
- when it tells someone about the different options and helps them choose
- when it works with the person to develop a care or support plan.



5. A right to take part in the life of your community

The council must make it possible for a person to use support to take part in the life of their local community. It must do this as far as it is reasonable.

Some examples are:

- using local services and facilities
- taking part in local groups
- going to college or classes
- going to church.



The main choices people will have

The local council has to assess a person's care needs. This will not change.

But there are some new things the local council must also do. The local council must:

- Give people different choices to meet their care and support needs
- Give people information and advice so they are able to choose the best things for them
- Help people who find it hard to make decisions so they can get support with choosing and deciding.

1.
2.
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The 4 options for self-directed support

There are 4 options or choices for self-directed support. A person can choose to have lots of control over their care and support or they can leave most of the decisions and work to the local council. Or they can have a mix.

Option 1 – you take a direct payment

The local council will decide how much money can be spent on your support.

You take this money and arrange your own support, employ care staff or buy a service from a care organisation.

This way you have the most choice and control. You also have the most responsibility for arranging things.



Option 2 – you decide and the local council arranges support

The local council will decide how much money can be spent on your support. You can choose a care organisation that you want to provide your support and the local council will arrange it for you.

You and the care organisation can then work together to help you achieve the things that are in your support plan.

This way you have choice and control but you do not have to manage the money in your account.



Option 3 – after talking to you, the local council decides and arranges support

The local council will decide how much money can be spent on your support. You ask the local council to choose and arrange the support that it thinks is right for you.

With this choice you have the least responsibility for arranging things. But you also have less choice and control over what support you get.



Option 4 – you use a mixture of ways to arrange your care and support.

Some people will want to control some parts of their care and support but not other parts. Option 4 lets you pick the parts you want to decide about and what parts you want to leave to the local council.



Review

If something in your life changes, then you or the local council can ask for your care and support to be looked at again. You can look at all the options again and choose a different one.

Getting help with decisions

The local council and others must find ways to help everyone direct their support and make decisions.

Some people have a mental disorder (a learning disability, or mental health problems or dementia.) They may need some help to decide about things and make decisions.

Other people have a physical disability that makes it hard to communicate. They can make decisions but may need some help to tell others about their decisions.

If the council knows someone has a mental disorder or finds it hard to communicate, **and**

- the council thinks the person can benefit from some help with decisions, **and**
- the person does not have a guardian or anyone else with powers to help, **then**
- the council must try and find someone who can help the person.

The person must agree to this help.

People who can help the person include friends and relatives or their circle of support if they have one.



Sometimes an adult cannot make decisions – even with a lot of support. An adult may have a guardian or an attorney to help with decisions. Then the guardian or attorney can choose and arrange support. If an adult cannot make decisions and does not have a guardian or attorney then the local council should arrange the support.

Information, advice and advocacy

Local councils and health boards already must provide advocacy services in local areas for people with learning disabilities, or mental health problems.

Some people may need some extra information and advice about support or need some advocacy support to understand the information and make choices.

The new law now says that local councils must tell people about independent advocacy services and how to get advocacy support if they think the person will benefit from this.



Families and children

Families and children can direct their support too.

If a young person is aged 16 – 18, then they can pick the option they want from the 4 options.

If a child is under 16, then their parent or guardian can choose from the 4 options.

But children must be involved in deciding what happens as much as possible. The local council must give the child information about the options for self-directed support that they will find easy to understand.



Carers

Family carers provide a lot of care and support and sometimes they need help to keep doing this.

The new law will mean that local councils can give support to carers who have a carer's assessment. If the local council agrees that it will offer support to a carer, it must let the carer choose one of the 4 options for self-directed support.



What Happens Next?

The new self-directed support law has not started yet. The Ministers in the Scottish Government need to decide a date when it will start.

It will probably start in 2014.

The Scottish Government will write some new guides about how to get and manage self-directed support. These guides will try and answer all the question people may have.



Getting more choice over your support now

If you want more choice now over your support, do not wait for the new law.

Ask your social worker or local council about the choices that you have just now. If you are eligible for support, they must talk to you about direct payments. You can choose to take this option now, instead of getting a council service.

Your local council may be able to offer the other options too. Talk to them.





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