

Scottish Drugs Forum Briefing on The Scottish Government's consultation on

## **The draft statutory guidance to accompany the Social Care (Self-directed Support) (Scotland) Act 2013**

In order to qualify as a person in need under section 12 of the Social Work (Scotland) Act 1968 in need this includes "those in need of care and attention arising out of drug or alcohol dependence." The professional must therefore undertake an assessment of the person's needs and then, having regard to the results of that assessment, a further consideration of whether the needs call for the provision of services.

In the areas in which it will make the most fundamental change, self-directed support involves a change in the relationship between the client and the state. The social work, or in certain circumstances health, service provider will assess need but the client will define how those needs are met and the services required to meet them as well as, within parameters, how they should be paid.

In the draft statutory guidance document it is emphasised that self-directed support "is not about cutting people loose or leaving them to get by on their own. It is not simply about "the money" or providing that money to the person. It is about developing solutions together, recognising that a supported person's support is their support, a means by which to achieve their outcomes and to have control over their life.

With particular reference to people with drug problems receiving support services by way of a social work assessment there is a potentially significant issue as regards "the money" and this paper sets out the dilemmas in this area, seeking response from members on their views.

The 2013 Act contains 4 options that must be made available to the supported person as part of the assessment process -

**Option 1** The making of a direct payment by the local authority to the supported person for the provision of support.

**Option 2** The selection of support by the supported person, the making of arrangements for the provision of it by the local authority on behalf of the supported person and, where it is provided by someone other than the authority, the payment by the local authority of the relevant amount in respect of the cost of that provision.

**Option 3** The selection of support for the supported person by the local authority, the making of arrangements for the provision of it by the authority and, where it is provided by someone other than the authority, the payment by the authority of the relevant amount in respect of the cost of that provision.

**Option 4** The selection by the supported person of Option 1, 2 or 3 for each type of support and, where it is provided by someone other than the authority, the payment by the local authority of the relevant amount in respect of the cost of the support. Should professionals be required by the law to offer all 4 options to individuals eligible for support due to a drug or alcohol problem (i.e. including direct payments and individual service funds) or should they be prevented from doing so?

The paper suggests that “Direct payments and individual service funds may deliver positive outcomes to individuals eligible for support due to drug or alcohol addiction. On the other hand, it may be inappropriate for alternatives such as direct payments or individual service funds to be made available for this particular set of social care needs” and asks for views on this issue.

## **Comment**

There is likely to be concern that people struggling to manage their substance use would be given access to potentially relatively large amounts of cash with which they are meant to pay for their own future care. There are different issues including the money being spent on other immediate needs including drugs but also that they may be pressured to pay off debts including debts to money lenders or be left open to exploitation by others.

However, there is also a significant about building skills, esteem and confidence for people in recovery phases or who have informal supports which assist in the management of such issues. – for example people with supportive partners who may be willing and able to intervene to assist at points where circumstances and people can no longer direct their own support.

- How can we ensure that movement to, say, direct payments is not an interruption to or a delay to service engagement and support?
- How can we assess whether people are able to self-direct their support and also receive, say, direct payments?
- How are we able to assess that a person is in a phase where this is no longer suitable or even possible for them?
- How can we intervene in a timely manner to prevent serious consequences for people in the mismanagement of their direct payment?
- How can we then assess that a person is ready to re-engage with directing their own support and receiving direct payments?
- For some people they will be able to self-monitor these changes in their capacities and circumstances and make provision but how quickly can one move away from, say, direct payments?

The Government seeks answers on these issues.

SDF will make a response and seeks members' contributions and thoughts on these complex questions.

Please contact **Austin Smith**, Policy and Practice Officer at SDF with any suggestions or comment.

The deadline for members is **8 July 2013**