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1. Introduction

The Social Care (Self-directed Support) (Scotland) Act 2013 (the Act) came into effect on 1 April 2014. The Act provides for assessing the needs of people and allowing a wide range of choices in how that care and support is provided to people.

2. Self-directed support (SDS) – definition

Self-directed Support (SDS) describes the ways people and families can have informed choice about the care and support provided to them. It improves people’s outcomes by giving them greater choice and control over how their support needs are met and by whom.

3. Background and context

West Lothian Council has various duties including to:

- have regard to the principles of involvement, informed choice, collaboration, dignity and participation when carrying out its functions
- allow a person to be involved in the assessment process and provision of their support or services
- provide assistance to people thereby enabling them to express any views about the SDS options and to make an informed choice when choosing an option for SDS
- offer the person a choice, once their needs have been assessed, of the four SDS options for how the support or services will be provided and signpost them to sources of information and additional support as required
- inform the person of the relevant amount that may be available to meet their assessed needs and outcomes, taking into account any assessed personal contribution as defined in any relevant Council policies on contributions and charging
- respect the person’s rights to dignity and participation in the life of the community in which they live
- take steps to promote the availability of the SDS options
- promote a variety of providers and types of support, in so far as is reasonably practicable

4. The four SDS options

| Option 1 | Direct Payment. A person chooses to receive a cash payment and uses this to arrange their own support |
| Option 2 | A person chooses how their support is provided and the Council arranges it and manages the budget |
| Option 3 | A person asks the Council to choose and arrange the support that is right for them |
| Option 4 | A mix of options. This option lets a person pick the parts they want to decide about and the parts they would like to leave to the Council |
5. **General Principles**

5.1 The Social Work (Scotland) Act 1968 requires the Council to ensure resources are available to meet assessed eligible needs to a standard which will satisfy the Council the person’s needs are being met.

5.2 Not everyone who asks for social care or support is assessed as eligible to receive it. Following assessment the Council is required to take account of the National Eligibility Criteria Framework. This has four levels of risk: critical, substantial, moderate and low. These all ensure services and support are provided equitably and to those with the greatest needs.

5.3 The Council supports people to retain or regain as much independence as possible. We will build on the person’s capabilities and community capacity to achieve personal goals before considering formal care. This will be considered in the context of eligibility for services and support.

5.4 Where SDS Option 1 (a Direct Payment) is to be used to employ a family member this is not meant to replace an informal network or support provided to the person from the wider family or the community. The Council recognises the important role of unpaid carers, who are in some cases family members.

5.5 Any budget agreed to meet assessed eligible needs shall be comparable with that which would otherwise be spent by the Council to directly provide those services or support, and of an equivalent standard.

6. **Assessment and Pathway to SDS**

**Referral**

- A worker will analyse the person’s situation along with information provided from family or the person etc, and decide if a more formal assessment is merited or whether advice, information or signposting to services or activities will be sufficient to meet the person’s needs.

**Assessment**

- If required an assessment will involve a worker assessing the situation to jointly identify needs and outcomes for the person. The worker will assess what informal or community supports are in use and how to promote independence as far as possible.

- The worker will adopt a strengths based approach, drawing on the person’s capabilities and their networks, to work alongside any statutory services or support. A financial assessment (including income maximisation) may also be offered.

- If appropriate, a Child’s Assessment will follow the national GIRFEC (Getting It Right For Every Child) practice model using the national wellbeing indicators.
• If a person is assessed as eligible for social care services or support the Council will advise of the relevant budget (after any assessed personal contribution) that will be made available.

Eligibility

• The social care system has a finite amount of resources available. It is necessary to prioritise resources to provide care for those most in need. This is done through applying eligibility criteria that prioritises risk.

• Assessed eligibility may not result in the provision of statutory or funded services or supports, and identified needs and outcomes may continue to be met through informal or voluntary means.

Care and Support Planning

• The worker will inform the person of the SDS options and plan with them how their assessed needs and outcomes will be met.

Monitoring and Review

• The Council has a duty to undertake regular reviews, the frequency is dependent upon personal circumstances. A review will ensure the person is achieving the outcomes agreed in the support plan and where appropriate agree new ones. Based on the review the budget available, and the services and supports to meet needs and outcomes may be increased or decreased.

• A review or re-assessment can be requested by the person at any time, if circumstances change.

7. When SDS may be unsuitable or does not apply

7.1 The Council has the discretion to not immediately offer a person the choice of the four SDS options and to defer that when:

• emergency care is required e.g. for a person in crisis
• short term interventions are required e.g. for the immediate few weeks after hospital discharge or during reablement or targeted parenting programmes; or
• a person is at immediate risk and the protection of the vulnerable person is the primary focus

7.2 For people living in housing with care, sheltered housing or assisted living / shared living models where the care or support they require is available within that setting the Council will consider that provision and may determine this to be sufficient to meet the person’s needs. If that support or care is part of the person’s housing choice and/or tenancy agreement then any assessed eligible need will be met through SDS option 3. It will not be possible for the person to receive alternative provision of care via other SDS options while living within that housing and having access to that that support/care.
7.3 The 2013 Act does not apply to services provided under a Compulsory Treatment Order in terms of the Mental Health (Care and Treatment)(Scotland) Act 2003 and treatment and testing orders made under the criminal justice system.

7.4 The 2013 Act excludes:
- The provision of long-term residential or nursing care by means of option 1, a direct payment
- Persons who have been assessed as lacking capacity having access to option 1, a direct payment. If a Power of Attorney or Guardianship Order is in place for the person they may select SDS option 1, a direct payment on the person’s behalf.

8. **The Allocation of Resources**
8.1 The Council uses resource allocation systems for the calculation of the amount of money that may be available to meet assessed needs and outcomes.

8.2 The allocation of resources is aligned to the council’s budget strategy and budget setting processes. It sets aside the amount available to deliver social care services to those most in need based on agreed eligibility criteria.

8.3 As the assessment process progresses the council will consider the informal and community based supports and the support of natural networks (friends and family) already available to the person. Where appropriate we will also discuss the use of available technology as part of support planning.

8.4 We will take account of any benefits available to the person, and the impact this has on meeting assessed needs.

8.5 Notification of the relevant amount that may be available enables the person to choose their SDS option and begin their care and support planning. A budget is only confirmed once the co-produced care and support plan is finalised and agreed.

8.6 Any agreed budget must be utilised to meet assessed needs and outcomes. It cannot be used for other supports, unless specifically agreed with the Council. For example, if an assessed need relates to meeting outcomes under ‘meeting personal needs and looking after myself’, then the budget amount allocated for this must be used for personal care needs. It cannot be used for tasks associated with other areas of an assessment, such as socialisation or transport.

8.7 If a person wishes to purchase services at a higher cost than the budget they have been assessed as eligible to receive they may choose to pay the difference. The Council will only agree to this where the service the person wishes to use is legal, safe and able to meet the assessed needs and outcomes. The Council will also ensure the service level for the user remains consistent with the care plan. The Council reserves the right to redirect payments or services if the person’s or another’s contribution to services/support will have an adverse or detrimental impact on the person, their network or needs.
8.8 A review of needs and progress towards achieving outcomes may result in a decrease from any previously advised relevant amount or agreed actual budget.

8.9 If the SDS option chosen by a person is subsequently withdrawn by the Council due to misappropriation of funds (option 1) or failure of the service or support chosen by the person (option 2) the Council reserves the right to request the person to make alternative provisions to meet their needs. In practice this is likely to be through option 3. Appropriate notice with reasons shall be provided by the Council to the person before this takes effect.

8.10 The Council shall not offer SDS options if it is likely to put the person at risk. This determination rests with the assessor as part of their professional assessment.

9 Complaints
9.1 Any person who is not satisfied with the level of resources they have been allocated should discuss this with their worker. In the event these discussions do not resolve the issue a person may instigate a complaint under the Council’s Social Work Complaints Procedure.

10. The wider legislative and policy context
This policy complies with the following core legislation which continues to be the legal basis for assessment in respect of the Social Care (Self-directed Support)(Scotland) Act 2013:

- Section 12A of the Social Work (Scotland) Act 1968 – duty to assess an adult’s need for care and support
- Section 12AA of the Social Work (Scotland) Act 1968 – the basis for the assessment for carers of adults
- Section 22 and 23 of the Children (Scotland) Act 1995 – the legal basis for support to children
- Section 24 of the Children (Scotland) Act 1995 – the basis for the assessment for carers of children
- The Carer’s (Scotland) Act 2016
- Self-directed Support (Direct Payments)(Scotland) Regulations 2014 – this policy does not seek to replicate the content of the statutory guidance accompanying the 2013 Act

This policy should be read in conjunction with the following:

- Application of hourly rates for the purchase of registered services under SDS option 2