

Self-Directed Support and what it means for you

Your guide to the new legislation



Frequently Asked Questions

This leaflet sets out to answer the questions you may have:

- what self-directed support is
- what the Self-Directed Support Act does
- where you can find further information



What is self-directed support (SDS)?

Self-directed Support (SDS) allows people to choose how their support is provided, and gives them as much control as they want of their individual budget.

Put simply, SDS is the support a person purchases or arranges, to meet agreed health and social care outcomes.

SDS includes offers a number of options for getting support. The person's individual (or personal) budget can be:

- taken as a Direct Payment (a cash payment).
- allocated to a provider the individual chooses (sometimes called an individual service fund, where the council or funder, holds the budget, but the person is in charge of how it is spent).

What about personalisation – is it the same thing?

SDS is often described as the personalisation of health and social care. Personalisation means that people are actively involved in shaping and selecting the services they receive. However, services can be personalised without people using SDS to get them.

So SDS is different from Direct Payments (DPs)?

Direct Payments (DPs) are one of the ways of getting SDS. But DPs have been around a lot longer – before SDS offered choice and control through other mechanisms.

DPs are cash payments for the purchase of support. No matter how the budget is calculated, any payment to an individual or third party to purchase their own support is, in law, a DP.

The main change with SDS is transparency about the budget and a focus on outcomes. In the past, people might only have known the value of a service when they wanted a DP. The rate offered for DPs have generally been set at the end of the care planning process, one in which the individual may have little involvement.



“But DPs are being stopped in our area”

They shouldn't be. But the way of calculating the amount may be changing.

Who can access SDS?

In Scotland, under the current law, people can have a direct payment where they are assessed as needing a community care service. There are a few exclusions which your local Care Manager will advise you of.



“But SDS is only for disabled adults”

It isn't. Children in need of support, older people – people who need social support – can access SDS.

How can it benefit me?

Self-directed support is not for everyone and many people are completely satisfied with receiving services that are arranged by their local authority. However there are a lot of people who could really benefit from having choice and control over the support they receive, such as having support staff visit them at times of their choosing or enjoying the consistency of care that can come from employing your own personal assistants or even the flexibility of using your budget to purchase services that meet your needs more creatively and individually than the services provided by the local authority.

Can Guardians or Attorneys request and receive SDS?

These persons can consent on behalf of someone, if the client evidently lacks capacity. The Council would have to conclude, in its assessment, that the person with assessed need has, after every attempt to support them, no capacity to make a decision to receive Self-Directed Support.

What if my Council has assessed my needs before but has not arranged services for me?

If your Council decided that you did not need services, then it will not offer you SDS. If you think your needs or circumstances have now changed, ask your council for a new assessment. If your Council offered you services but you turned down what they offered, SDS may be an alternative. Ask them about this.

How do I get SDS?

If you already get support, your next review of your support plan should give you time the opportunity to think about SDS.

If you don't already get support, get in touch with your local Council to ask about support you may be eligible for.

How am I assessed for SDS –what is the process?

As part of the assessment —or review – of your support needs, you will be asked to think about the outcomes that are important to you. This might be through completing a supported self-assessment or self-evaluation questionnaire.

You will have a discussion about whether you can manage SDS and what kinds of support you need to be able to do this. You must have arrangements in place to manage the necessary paperwork, either alone or with help.

Help is available from your local support service. You will also need to satisfy the council that the support which you intend to buy will meet your agreed outcomes.

For disabled children, the Council must be satisfied that the services bought will safeguard and promote the welfare of the child.

If my Council offers me self-directed support, can I refuse?

Yes. You do not have to direct your own support if you prefer not to. You can have services arranged by your Council. Or you can have a mixed package where you direct only some of your support. People sometimes try out self-directed support this way to see if it suits them.

I am happy with the support I have – do I have to take SDS?

No-one needs to take control of their budget if they don't want to. SDS allows everybody to choose the way their support is provided but no particular option should be imposed on anyone.

Can I get help to decide?



People using SDS can get support to help make their choices from a local support organisation, which can help with a range of issues, such general employment practice, payroll or peer support.

Setting the Budget

- **Is SDS not just about cuts?**

SDS is first of all about giving people a better life. It is about supporting people to think how they could lead their lives and giving them the chance to control that.

- **What can I do if I think my budget is not enough?**

If you think the money you are offered is not enough, you do not have to accept it. You can dispute the amount offered. You will need to discuss with your council what will happen while your complaint is being worked on. You can accept the individual budget if you want, while your complaint is being dealt with. If you do not want to do this while your complaint is being considered, you can choose to get arranged services instead.

- **Where's the money going to come from to pay for Self-Directed Support?**

There is no new money for SDS. If SDS could only happen when large amounts of new funding become available, it is unlikely that it would happen at all. So the money will come from that which social services are already spending on social care. However, a better focus on outcomes should also help people identify and use other sources of funding (Benefits, Employment, Community Services, Health, Education and grants).

- **But what if the money's not there?**

It is possible for people to direct their own support without new monies being found. Experience in other countries shows that, for the amounts of money people would have got anyway, they can create supports which suit them better.

- **Is this really just a way to do things on the cheap?**

SDS isn't cheaper, but it can be more creative and make better use of the money available, so that someone gets more for their money.



Arranging Support

- **What responsibilities will I have?**

Self-directed support offers you much more flexibility, but managing it is also a responsibility. An important part of SDS is that a person can take on as much or as little responsibility they want depending on the options they choose.

You can get the help and support you need to do this. Your local Council is usually the first point of contact for this and will signpost you to alternative support if required.

- **Can someone, other than the assessed person, receive and / or manage the payment?**

Yes – Parents of, or those with parental responsibility for, children under 16 (or in some circumstances under 18). Guardians/Attorneys of adults over 16 and certain persons included by Scottish Government guidance (this would include members of circles of support, user-controlled trusts, independent living trusts or certain individuals providing assistance), all at Council discretion.

- **Can I change how I spend my individual budget?**

You will need to discuss with your Council what kinds of changes need to be agreed in advance, and the kind of changes you can make on your own without asking.

- **Where can I go to buy the services I need?**

You can make arrangements yourself and employ your own staff and they will report directly to you. Or you can buy services from an agency, a private service provider or voluntary organisation. Some people have a contract with a service provider to provide any emergency cover they may need should any problems arise.



Arranging Support (continued)

- **Can I buy services from my Council?**

Yes, you can buy services from any Council provided it agrees to sell its services to you.

- **Can I buy short breaks (respite)?**

Yes, respite is a short break which is to act as a positive experience for the person with support needs and the carer, where there is one. The term includes a wide range of different services of limited duration. The common factor is not what service is provided, but its purpose. Respite can be offered in a wide variety of settings, including breaks in residential homes, respite-only units (e.g. specialist guest houses), breaks in the home of another individual or family who have been specially recruited, breaks at home through a support worker or sitting service, or holiday type breaks.

- **Can I use self-directed support for 'Free Personal Care'?**

Yes, if you are aged 65 or over and wish to use self-directed support to buy personal care services at home you will not be asked to pay part of the cost of these services.

- **Will service users have to pay for the services they receive through SDS?**

To receive any service from your council you will be assessed financially (means tested) to see whether you should contribute some money to help pay for it. Your Council will charge you in the same way that it charges people it provides arranged services to.

- **If I move from one Council area to another will I still get the same level of support and will I be charged the same contribution?**

Not necessarily. If you move to another Council you will be asked to complete an assessment. Each Council will assess your level of support in the local community care context, and may therefore ask for a different level of contribution or offer a different level of support.

- **How accountable will individuals be for the use of the money?**

You will be accountable. The Support Plan and the Individual Contract together say what you agree to do with the money – they form a contract. Any big changes must be agreed with the Council.

When can my Council refuse to offer me SDS?

There are some circumstances which allow a Council to withhold self-directed support. If a person is assessed as not requiring any social care services then they cannot receive self-directed support. A small number of individuals may also be excluded because, for example, they are subject to certain criminal justice orders. Your social worker will be able to tell you whether your circumstances exclude you from self-directed support.

A Council may also may not allow you to purchase services from your preferred provider if they believe the provider will not meet your health and social care needs.

In the case of direct payments a Council may withhold payment if they suspect the recipient of financial mismanagement.

Who do I complain to if I am not happy with the service?

If you are not happy with any action, decision or apparent failing of the local council you should use the local council complaint procedure. You may find that an independent mediator can help solve the difficulty. If this is not successful then you can go to the Scottish Public Services Ombudsman who will look into your complain independently.

For information on how to make a complaint about any service provided by Argyll and Bute Council please go to :

<http://www.argyll-bute.gov.uk/council-and-government/complaints>

If you are not happy with the service being provided you should inform your social worker and complain to the provider or personal assistant involved. If the service is registered a complaint can be made to the Social Care and Social Work Improvement Scotland (SCWIS).

**If you have any questions or concerns about SDS
please get in touch:**

At Argyll and Bute Council

Send us a question through our website at www.argyll-bute.gov.uk/sds

Email us at enquiries@argyll-bute.gov.uk

Phone us on 01546 605517

At the Scottish Government

For further information go to : www.selfdirectedsupportscotland.org.uk
selfdirectedsupport@scotland.gsi.gov.uk or call 0131 244 2378