

Post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013

We welcome the opportunity to provide a response to the Health, Social Care and Sport Committee post-legislative scrutiny of the Social Care (Self-directed Support) (Scotland) Act 2013.

The Scottish Association of Social Work, part of BASW UK, is the largest professional association for social workers in Scotland.

Our key organisational aims are:

- Improved professional support, recognition, and rights at work for social workers.
- Better social work for the benefit of people who need our services.
- A fairer society.

Self-Directed Support (SDS) is a topic of much discussion across the social work sector at present. While we have drawn on these wider discussions in writing this response, we have also directly consulted with members and non-member social workers on the question asked, *whether you feel the Act is producing the expected outcomes, to what extent, and if not, why not?*

We heard great support for the principles and ideals behind the SDS legislation. However, there is a disconnect between the aims of the legislation and the reality on the ground. We heard from social workers who were disheartened that the promises of the legislation have not been fulfilled in practice. We also heard that the SDS funding models do not support the delivery of good-quality social work in Scotland.

With that said, we also heard that SDS can change lives and is fundamentally important to the independence of service users. There is no call to see SDS radically changed in its core purpose.

Many of the issues we have identified are not directly a result of the legislation itself but of its dual purpose to be a tool to support independence and choice, as outlined in the updated statutory guidance, Social Care (Self-directed Support) (Scotland) Act 2013: statutory guidance - summary - gov.scot (www.gov.scot).

The tools of SDS's 4 options have become, to a significant extent, the whole meaning and reasoning behind SDS with a focus on a finance-driven process rather than a relational tool to support better outcomes. This focus on the type of direct control the person chooses, and the wider aims of the legislation have been lost in the bureaucracy of the system. There is a significant variance in the interpretation and implementation of social work legislation across local authorities in Scotland. The interpretation of SDS is no different. We have heard of some authorities budgeting based on time commissioned and others using monetary value. As a result, what is possible varies hugely from area to area, leaving people who use it with little sense of rhyme or reason. This varied approach is damaging the outcomes for service users and undermines the professional skill and autonomy of social workers.

The guidance is clear that "social workers and the supported person should work together to plan for the person's care and support. Together, they will agree on outcomes for the person." Those we spoke to have been clear that the ideals of the SDS legislation and the 'spirit of the Act' are not a reality on the frontline.

There is an often-expressed view that SDS can reduce crisis if it can be available before service users reach that point. All too often a rationing of resources and the use of ever-rising eligibility criteria mean that early support is not possible. This only increases the cost of crisis intervention of a more complex nature later.

We appreciate that those working to manage tight resources are under immense pressure to work to balanced budgets. Improving outcomes for people through our SDS approaches requires a change to public sector spending at the most strategic levels. Moving spending 'upstream' into proactive, preventative supports will reduce the financial cost, enable supported people to engage and contribute to the social and economic life of Scotland and empower social workers to be respected professionals who can make meaningful decisions about the support someone needs.

The new SDS standards and work on eligibility criteria, whilst moving in a positive direction, are still too fractured, numerous and lack national cohesion. SDS should be a tool to give people choice, control, and freedom. Yet this is not how it is experienced.

It is not clear how well people who need support understand the social services and SDS system. Likewise, there appears to be a large variation in the understanding of the purpose and desired outcomes of the system from those who hold the budgets in local authorities. Both issues affect the availability, quality, and consistency of support. While it is of course a social worker's role to explain and offer guidance on the system, it has the effect of making social workers the gatekeepers of funds and services rather than a supporting professional who uses their skill and experience to help people make the best decisions for themselves.

SDS should be integral within normal social work practice, just the way that social work and social care are approached. It must be relationship-based and be experienced as a supportive pathway rather than a barrier to the support needed. The social work role should be as a creative options generator and guide. Current experience is that social work assessment and SDS has become a financial administrative task that is needed to unlock eligibility which varies from area to area and sits separately from social work relational practice.

Key Observations and Concerns:

1. **Misalignment with Core Objectives:**

- Despite widespread endorsement of the principles behind SDS legislation, there is a noticeable disparity between its objectives and real-world outcomes.
- The current system, coupled with existing funding models, is perceived as a hindrance to the delivery of high-quality social work in Scotland.
- The focus on a finance-driven process has overshadowed the relational aspect of social services, resulting in a loss of the SDS legislation's broader aims.

2. **Positive Impact of SDS:**

- SDS has the capacity to change lives and is crucial for fostering the independence of service users.
- Therefore, the core function of SDS does not need to change.

3. **Interpretation Disparities Across Local Authorities:**

- Varying interpretations of SDS across local authorities in Scotland have led to inconsistencies in its implementation.
- Differences in the use of time budgets versus monetary value, coupled with a lack of standardisation, undermine outcomes for service users and compromise the professional autonomy of social workers.

4. **Gap between Ideals and Reality:**

- Despite the guidance emphasising collaboration between social workers and supported persons, there is a notable gap between the ideals of the SDS legislation and the reality on the frontline.

5. **Resource Rationing and Crisis Intervention:**

- The rationing of resources often prevents the availability of support before service users reach a crisis point, leading to increased costs in the form of complex crisis interventions.
- Addressing this requires a shift in the approach to public sector spending, moving towards proactive, preventative supports.

6. **Complexity of New SDS Standards:**

- While the new SDS standards and eligibility criteria represent a positive step, concerns persist about their complexity and number.
- SDS should serve as a tool for improving individuals' choice, control, and freedom. A streamlined approach to standards is necessary for effective implementation. Standards and guidance should enable social services to be delivered on consistent principles. Processes should also enable consistency

in the support available, rather than dictating support options, which should be agreed upon following best practice between practitioner and service user.

7. Communication and Understanding:

- Varied levels of understanding of the SDS system among people who need support and budget holders in local authorities impact the consistency of services.
- SDS should be integrated into normal social work practice, emphasising a relationship-based approach that empowers social workers to unlock necessary support.