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# **Easy Read Guide**

## **To the Social Care (Self-directed Support) Act 2012**

### **And the new Regulations**



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

The Government has also made some new rules that help people understand what will happen when people want to employ someone in their family or how some people might have to make a contribution to their support.

## Why should people have Self Directed Support?

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 tells local councils how they must help people make choices in their lives and what people who want to make their own choice need to do as well.



The law says that local councils must tell people about all the ways they can get self-directed support and let people choose what they want.

It will try to make sure that local authorities listen to what people want and 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 law says how everyone should behave and work together under the new law. There are 3 principles.

### **1. Involvement**

The local council will still assess people to decide if they can get support and when it does this people must be involved and able to say what they think they need.

### **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. The Council will have to make sure this happens in their area.

### **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. Both the person and the local council must use the money for support in the best way.

The new law says that people must be treated with dignity and their right to participate in the life of their community must be respected.

## The 4 Choices For Self-Directed Support

There will be 4 choices for self-directed support The council must tell people about all the different 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 authority. Or they can have a mix.

### Choice 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.



### Choice 2 – you decide and the local authority 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.

This way you have choice and control but less responsibility for arranging things.



### **Choice 3 – after talking to you, the local authority 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.

### **Choice 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. Choice 4 lets you pick the parts you want to decide about and what parts you want to leave to the local council.



### **Making sure it works**

If something in your life changes or even just after some time, then you and the local council can look at your care and support 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.

Sometimes an adult can make decisions but only with a lot of support. The new law will say that the local council must provide as much support as possible to help the person make decisions. It will say that they must involve the person's family and friends in doing this.



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.

## Children and families

Self-directed support is for children and their families 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, especially if they are aged 12 or over.



## 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.





## **The New Rules**

Not everything the government wanted to say was in the law. It has written some new rules to help people know what to do on some difficult issues.

They want to know what you think about them.

### **Charging for Self Directed Support.**

Except for free personal and nursing care for older people, local councils have always been able to ask people who can afford to contribute to their support to do so.

The Government wants it to be the same for Self Directed Support.

Councils will have to apply a test to see if you can afford to pay. They will not be able to set a flat rate charge that everyone will have to pay.



If you have chosen a Direct Payment, you will normally just keep the money and pay it towards your support. The Council will reduce the amount of money that it would give to you to take account of the money you would have been charged.



### **Charging for Carers**

Local Councils will not be allowed to charge carers for any services that they give them through the Self Directed Support Act.

This is clear when the support is given directly to the carers. This applies to carers of any age.

Some examples of support which should not be charged for include:

- Information and advice services.
- Advocacy services.
- Emotional support and counselling.
- Training for carers and young carers;
- Translation and interpretation services;
- Support with housework or gardening or other similar activity
- Cost of taxi fares and driving lessons



### **Charging for Breaks**

When a carer and the person they are caring for go on holiday together through Self Directed Support, the carer should not have to make a contribution to their break. The Cared for Person may have to make a contribution up to the cost of their share of the break.



Where there are no neighbours, friends or volunteers who would normally step in to help a carer have a break, then councils can provide “replacement” care. Where the local council has decided to help the carer have a break by helping the cared for person stay at home while the carer goes away, then the council will pay for it and not charge for it.



## Employing Family Members

Many people would like a family member that they know and trust to help them with their care. The government would like this to happen more often. But you won't always be able to employ a family member

The government says you can employ a family member if they want to be employed and they are able to meet your needs and when

1. There is a limited choice of services to meet your needs.
2. You find it hard to get on with people you don't know.
3. Many people who don't know you might find it hard to communicate with you.
4. The family member could help you at times of the day that would be difficult for others.
5. You need intimate support that you would rather have from a family member.
6. You have religious or cultural beliefs that make you prefer a family member.
7. You need help because you are close to dying.
8. You need help for an emergency or in the short-term.
9. Any other circumstances agreed between you and the local council.



The council can stop this if they think you are being put under pressure to employ a family member.

A family member cannot be employed if they have any legal power over you like a guardian.



## Who Can't Get A Direct Payment

While everyone can get Self Directed Support not everyone can get a Direct Payment. There are rules to prevent people from misusing the money.

Where people have a court order because of having mental health problems or addiction problems they cannot get a Direct Payment. The same thing happens to prisoners who have been let out of jail on licence.



## Stopping A Direct Payment

The local council can stop a Direct Payment when a service users doesn't use it properly. This might be when they spend it on employing a family member that they shouldn't or when they spend it on something that was not in the care plan.

Sometimes people will stop being entitled to a Direct Payment and then it will be stopped too.



## Telling The Government What You Think?

There is a special form you can fill in to tell the Government what you think. You can also just write to them. You should do this by the 10<sup>th</sup> of July 2013.

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