

Agenda Item	9
Report No	HCW/11/21

THE HIGHLAND COUNCIL

Committee: Health, Social Care and Wellbeing

Date: 19 May 2021

Report Title: Self Directed Support (Children)

Report By: Executive Chief Officer – Health and Social Care

1. Purpose/Executive Summary

- 1.1 The purpose of this report is to update the Committee and explain the SDS process specifically how we got to where we are today in providing this service to the community; where we go next; and update on the impact of Covid 19 on service provision.
- 1.2 The Social Care (Self-directed Support)(Scotland) Act 2013 (implemented April 2014) placed a duty on all Local Authorities that they had to review, plan and implement for service user choice led provision of services for the people they work with to maximise choice and control for the individual on how their needs are met.
- 1.3 In Highland we implemented this new legislation by concentrating on children with disabilities and their families. Highland chose to use a Resource Allocation System (RAS) to identify a support budget from the points total and a screening panel to review individual plans.
- 1.4 The RAS was a points-based calculation system based on the SHANARRI outcomes which identifies a budget spending limit. The points were agreed in conversation with the child, if able to express a view, and the parents/carers. The local manager was responsible for identifying an Indicative Budget from the RAS and then either authorising budgets below £2000, which was then passed back to the worker to take back to the family to agree a support plan funded by the budget. Highland initially set the top of the budget achieved by RAS to £21,000.
- 1.5 The screening panel reviewed and authorised support plans up to £21,000. Support plans beyond the £21,000 level were reviewed and authorised by Area Care & Learning Managers.
- 1.6 By late 2014 it was evident that the Disability section of Care and Learning was heading for a predicted significant budget overspend. Three recommendations were made to, and accepted by, Members in April 2015 - 1) reduce weekend respite provision in The

Orchard and Thor House, 2) to incrementally reduce the £/point calculation on the RAS and 3) to reduce the top budget from £21,000 to £20,000 to meet the budget gap.

- 1.7 Our review of the 2017/18 budget predictions, the system and procedures at the time and feedback from families highlighted several points which then led to a further necessary overall change in process to what we have in place today:
- a) Budget predictions indicated another overspend in 2017/18 of in excess of £100,000.
 - b) The process of identifying an indicative budget had led to families viewing the indicative budget as an entitlement (or benefit) not a replacement for Council Services, meaning they spent it all when this was not always necessary to meet identified needs/outcomes.
 - c) It was noted that the RAS scoring system did not fully take account of age and stage. For example, a three or four-year old with little or no disability needs would score the same in safety (adult supervision) as a teenager with supervision requirement caused by disability, potentially leading to over scoring and higher than required budgets to meet outcomes in some cases.
 - d) The RAS did not take account for outcomes being met from one year to the next. For example, if an identified outcome was improved health to be met by the purchase of a specialist cycle that outcome is then met, however, with the RAS system being points based it would reappear year on year leading to over scoring and higher than required budgets to meet disability outcomes in all cases.
 - e) Advice to families on what was acceptable to spend a budget on to meet an outcome has centred on spending which must meet an outcome. Unfortunately, this lacked a clear tie into the difference between age/stage need and disability need. There was evidence that several families had therefore interpreted this too literally as any need or outcome. This has led to an increase of both proposed and actual inappropriate spending without authorisation. For example, paying for a family holiday will meet a need and outcome but not specifically a disability outcome.
 - f) The budget and support plan authorisation structure of screening panel below £21,000 and Area Care & Learning Manager above this level leads to difficulty in managing complaints regarding decisions since the Area Care & Learning Manager could not hear a complaint regarding their own decision.
 - g) The 2017 eligibility criteria for Self-directed Support did not match the eligibility criteria for qualification of a service from the Disability section of Children's Services therefore did not meet the definition in the legislation.
 - h) Workers and families reported that the RAS system was "clunky", not transparent, budget led and disempowering.

2. Recommendations

2.1 Members are asked to:

- i. Consider and note the report.

3. Implications

3.1 Resource

No change in process recommended therefore no additional resource requirement.

3.2 Legal

The current process has been compiled and confirmed as being within reference, and consideration of, the current relevant legislation.

3.3 Community (Equality, Poverty, Rural and Island)

No change in process being recommended therefore no additional impact on the community for consideration.

3.4 Climate Change/Carbon Clever

A neutral impact is predicted given no additional forms or resourcing are required.

3.5 Risk

No recommendations for change therefore no increased risk identified.

3.6 Gaelic

No impact noted.

4. Present Conversation Led Assessment System

4.1 In November 2017 a 12-month staff training programme and localised service user engagement consultations began leading to full implementation of the new system in October 2018.

4.2 Highland Council uses the "My World Triangle" in the form of a Child's Plan to identify where the strengths and pressures are in a Child's life in order that targeted supports can then be identified to build on strengths, reduce pressures with the aim to achieve improved SHANARRI outcomes.

4.3 The initial conversation between the worker and the family should identify clearly if the eligibility criteria of "entitled to receive a service from disability service" is met or not.

a) If eligibility criteria is not met, the child/family should be advised to discuss other supports available with the Child's Named Person.

b) If eligibility criteria is met, conversation should then concentrate on identification of needs associated with disability which will then be recorded as provisional disability outcomes in the SHANARRI section of the Child's Plan.

4.4 A copy of the guide on *Spending Personal Budgets including direct payments* should be given to all children/families being considered for Self-directed Support as well as confirming they have the link to Highland Council's SDS website. https://www.highland.gov.uk/info/1350/care_and_carers/425/self-directed_support

4.5 Section 2 of the Child's Plan is then used for the purpose of recording the assessment and analysis discussion between the applicant, the Child if able, and the worker and should clearly record which option is relevant to each support recorded.

a) Option 1. Direct Payment.

- b) Option 2 Direction of support.
- c) Option 3 Service provided by Highland Council.
- d) Option 4 A mixture of above options.

4.6 The worker should ensure that section 2 of the child's Plan reflects:

- a) Personal disability outcomes for the child as an individual.
- b) Outcomes for the Family/carer considering the resilience of the family/carer and the impact this has on the Child.
- c) Disability outcomes regarding the child and family's engagement with and support from the community.

4.7 The support plan should be agreed with the family and only then costed.

- a) If support plan is below £8000 the decision to authorise is taken at local level.
- b) If support plan is over £8000 the decision to authorise is taken at the SDS panel.
- c) Review of the plan can take place at any time at the request of the family or no later than 12 months from initial agreement. The review should include clear recording of what has worked and what has not as well as any new supports required.

4.8 If the family dispute part or all of the support plan, then the appeal process should be used to resolve the dispute.

5. Assessment of Current Process

5.1 The current conversation led process has led to:

- a) Increased emphasis in planning on meeting a Child's need caused by disability rather than an individual budget line being met.
- b) Improved empowerment in decisions for workers and families.
- c) Increased transparency of process.
- d) Reduced bureaucracy for both families and workers.
- e) Reduced disputes/complaints. Only 2 appeals were lodged from January 2020 to March 2021.
- f) Flattening of the overall budget spend.

6. Impact of Covid 19

6.1 The impact of entering lockdown from March 2020 and since then has been quite dramatic on the families and children who receive support via SDS. Traditional respite options have not been able to open since March 2020, 3rd sector options such as after

school clubs and supports in the home etc have largely not been operating and reduced availability of personal assistants due to risk assessment for children and their families.

- 6.2 Highland Council viewed that given the impact this had on almost all of the plans for children that the Scottish Governments criteria on “what should be considered as exceptional circumstances” was met and therefore encouraged families to look at alternative spends to offer support during the lockdown when the originally agreed plan could not be implemented because of the impact of Covid 19. This included agreeing spends the family asked for which would not normally be agreed such as employment of family members, one off purchases for cycles etc or paying additional transport costs incurred due to the impact of Covid 19.
- 6.3 Even with the exceptional circumstances being in place since March last year, the lack of, from the families’ point of view, a suitable alternative spend being available to them has led to almost a 25% overall decrease in the take up of SDS packages in 2020/21 compared to 2019/20.
- 6.4 A further impact caused by the lockdown has been the necessity to use the Orchard respite unit as an alternative accommodation for children with disabilities who required to be accommodated during lockdown. Planning for these children as to next steps will need to happen soon in order to meet the need and expectation of families for respite being available when restrictions are finally lifted.

7. What next?

- 7.1 A value review of streamlining the costs to 3rd sector providers to be carried out within 3 months.
- 7.2 The personal assistant costs per hour agreed for direct payments is requiring to be reviewed to ensure the current level meets living wage level whilst still fully covering the employer costs the family/child are responsible for. This should be completed within 3 months.
- 7.3 Although this circumstance has not occurred to date, the set-up of an additional budget to cover redundancy payments of personal assistants is required to ensure Highland Council fulfils their responsibilities when agreeing direct payments to be used for contracted personal assistants.

8. Conclusion

- 8.1 Highland Council’s Disability and SDS provision for Children is well placed to meet the predicted changes to SDS guidance coming from the Scottish Government over the next 2 years plus. However, there is still scope for further reinforcement of the progress made over the past 3 years by working to improve the availability of community led provision locally through greater engagement with Community Planning Partnerships and community groups and continue to improve the transitions between children’s and adult services for children and their families.
- 8.2 We need to ensure that there is scrutiny and monitoring of budget spend. A system for monitoring this effectively is to be set up in the coming months. This will also help identify resource gaps.
- 8.3 Children and Adult social work managers will be meeting with the SDS project team - which is funded by Scottish Government - to look at implementation of the SDS

standards. This should help inform our current practice and performance and help identify future developments within service delivery. This meeting is due to take place in late May 2021.

Designation: Executive Chief Officer – Health and Social Care

Date: 6 May 2021

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Background Papers: