

SOCIAL CARE (SELF-DIRECTED SUPPORT) (SCOTLAND) ACT 2013 STATUTORY GUIDANCE

UPDATE – NOVEMBER 2022

SDS Improvement Team
Improving Quality And Standards Division

What is the Self-directed Support (Scotland) Act 2013

- Sets out duties and powers for local authorities with respect to how people can access self-directed support through four options
- Sets out rights (assessment, offer of four options, review, and involvement in decision-making)
- It's for adults, children and those transitioning into adulthood and their carers
- Its for everyone requiring social care not only those with disabilities
- All of the above set out in previous Statutory Guidance published in 2014

Why update?

- Feeley Report, Audit Scotland, IRASC and others highlighted need for change
- Implementation varies across country
- Covid 19 response highlighted processes and practices can change to good effect
- Resulting flexibility and choice widely welcomed
- SDS to be part of the building blocks of NCS
- Focus on organisational, social and political change rather than legal, financial or technical change
- Incorporation of other legislative changes

What did we set out to achieve?

- Make the guidance shorter, clearer, simpler and more user friendly
- Incorporate SDS Framework of Standards
- Be clearer on roles and responsibilities
- Link to other legislation and rules and how they link to SDS
 - Children's Act, 1995 Act, GIRFE(C), The Promise
 - Carers Act
 - PVG
 - Power of Attorney etc
- Address concerns around some LA practises
- Address issues relating to children and families
- Take on board what front line workers were saying

What was the process?

- First review since 2014
- Short life working Group set up with Stakeholders and membership bodies
- Met as a Group five times from March 2022 to November 2022, with sub group creation throughout
- Timeline extended twice
- Group reviewed four Draft versions of document, working together to agree on format and content
- Comms subgroup met regularly from October to agree on accessible documents and Comms and Engagement Plan to launch update
- SG worked closely with Minister throughout

What does the guidance reinforce?

For the supported person:

- The supported person is centred in all parts of the process with a human rights based approach
- Supported people and social workers agree on plans and outcomes to enable them to live the life they want to have
- Local authorities provide enough budget to achieve these outcomes, with supported people involved in decision making to use budget in best possible way

What does the guidance reinforce?

For Local Authorities:

- Make sure systems, rules and processes are aligned to SDS to ensure support available at correct time and before a crisis or emergency
- Make sure decisions are fair, easy to understand and available to anyone who requires this information
- Make sure that anyone requiring support is not disadvantaged for any reason
- Take reasonable steps to enable supported people to make choices, but have wide powers of discretion
- Encourages flexibility for family members to be paid for caring responsibilities where agreed and appropriate

What were the main changes?

- Addition of:
 - an Executive Summary
 - further information about human rights and a human rights-based approach, in Section 1 and throughout the document
- Incorporation of:
 - the Self-directed Support Framework of Standards (2021), throughout the document
 - parts of the pandemic guidance on Self-directed Support published in March 2022, in Section 3

What were the main changes?

- Updated information:
 - about roles and responsibilities of duty-bearers and others involved in the delivery of Self-directed Support, in Section 4
 - about legislation that has come into force since 2014, in Section 5
 - about budgeting, charging, commissioning and procurement, in Section 7
 - about employment issues, in Section 8
 - about making complaints, in Section 9
 - links to other information and resources, in Section 11 and throughout the document
- Addition of
 - diagrams about how SDS should work, in Annex 1
 - a glossary in Annex 2

Update published 21st November 2022

- Three formats made available on gov.scot simultaneously
- Main document and Executive Summary, Easy read and British Sign Language (BSL)

Social Care (Self-directed Support) (Scotland) Act 2013 Statutory Guidance

This document contains statutory guidance on the provision of social care support and related programmes. It is issued to local authorities in order to update the relevant guidance and to reflect amendments and powers accompanying the Social Care (Self-directed Support) (Scotland) Act 2013. The guidance covers adults, children, young carers and adult carers. It was developed by Scottish Government with contributions from a public working group of key partner organisations.

Social Care (Self-directed Support) (Scotland) Act 2013 Statutory Guidance Executive Summary

A Guide to the Social Care (Self-directed Support) (Scotland) Act 2013



Easy Read
First published April 2014, Updated October 2022

A Guide to Social Care (Self-directed Support) (Scotland) Act 2013

First published April 2014
Updated October 2022

A Guide to Social Care (Self-directed Support) (Scotland) Act 2013

How was it published?

- All documents were made available on gov.scot as embedded HTML and PDF's
- BSL available on SG YouTube channel
- Tweet from Minister on SG Health Twitter and retweet from Mr Stewarts personal Twitter
- NO formal media release as not new legislation

What happens next?



In the short term

- We are attending stakeholder events, where requested, to talk about the update
- Mr Stewart has sent out letters of endorsement, and a video message to Stakeholders,
- Includes endorsement statements from Cllr Kelly (COSLA) and the SLWG Stakeholder Group
- Stakeholders have agreed to launch the update through their own events

What happens next?

In the medium to long term

- SDS Improvement Plan 2023-27, currently being drawn up with working group of stakeholders
- Builds on from the previous Implementation Plan
- Will set out priorities for implementation up to NCS
- Will address issues around meaningful data collection

Links to Documents

- [Social Care \(Self-directed Support\) \(Scotland\) Act 2013: statutory guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot/Information/StatutoryGuidance/2013/2013001.htm)
- [Social Care \(Self-directed Support\) \(Scotland\) Act 2013: statutory guidance - summary - gov.scot \(www.gov.scot\)](http://www.gov.scot/Information/StatutoryGuidance/2013/2013001.htm#summary)
- [Social Care \(Self-directed Support\) \(Scotland\) Act 2013: statutory guidance - easy read - gov.scot \(www.gov.scot\)](http://www.gov.scot/Information/StatutoryGuidance/2013/2013001.htm#easy-read)
- [Statutory Guidance to accompany the Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(BSL\) - YouTube](https://www.youtube.com/watch?v=...)

THANK YOU

QUESTIONS?

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