

SELF-DIRECTED SUPPORT – OPTION 2

ADULTS AND OLDER PEOPLE’S SERVICES

**POLICY ON
THE APPLICATION OF HOURLY RATES FOR THE PURCHASE OF
REGISTERED AGENCY SERVICES
UNDER SELF-DIRECTED SUPPORT (SDS) – OPTION 2**

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1. Introduction

The Social Care (Self-directed Support) (Scotland) Act 2013 (the Act) came into effect on 1st April 2014. The Act makes legislative provisions relating to the arranging of care and support in order to provide a range of choices to individuals as to how they are to be provided with their support. The Act introduces the language and terminology of Self-directed Support (SDS) into statute and places a range of legal duties on local authorities.

2. Self-directed Support (SDS) – Definition

SDS is a term that describes the ways in which individuals and families can have informed choice about the way support is provided to them. The aim is to achieve better quality care and support and an improvement in the outcomes people achieve by giving them greater choice and control over how their support needs are met and by whom.

3. The Wider Legislative Framework

The Act has an impact on the following legislation in relation to adults and older people:

- Section 12A of the Social Work (Scotland) Act 1968 – duty to assess an adult's need for care and support
- Section 12AA of the Social Work (Scotland) Act 1968 – the basis for the assessment of carers

4. Background and Context

The Act places the following new legal duties on local authorities:

- The local authority must have regard to the principles of involvement, informed choice, collaboration, dignity and participation established by the Act when carrying out its functions
- A person must have as much involvement as they wish in the assessment of their needs for support or services and in the provision of their support or services
- A person must be provided with any assistance that is reasonably required to enable them to express any views about the SDS options and to make an informed choice when choosing an option for SDS
- The local authority must collaborate with the person in relation to the assessment of their needs for support or services and the provision of support or services
- Where a person has been assessed as eligible for services or support, the local authority must offer them the choice of the four SDS options for how the support or services will be provided and, in so doing, inform the person of the amount that is the relevant amount for each of the options for SDS from which the person has the opportunity to choose and the period to which the amount relates
- The local authority must explain the nature and effect of the four SDS options and 'signpost' to other sources of information and additional support (e.g. advocacy)

- The local authority must take reasonable steps to facilitate the general principles that the person's right to dignity is respected and their right to participate in the life of the community in which they live is respected
- The local authority must take steps to promote the availability of the SDS options
- In order to make available to supported people a wide range of support when choosing from the SDS options, the local authority must, in so far as is reasonably practicable, promote a variety of providers of support and the variety of support being provided

5. The four SDS Options

Option 1	The making of a Direct Payment by the local authority to the supported person for the provision of support
Option 2	The selection of support by the supported person, the making of arrangements for the provision of it by the local authority on behalf of the supported person and, where it is provided by someone other than the authority, the payment by the local authority of the relevant amount in respect of the cost of that provision
Option 3	The selection of support for the supported person by the local authority, the making of the arrangements for the provision of it by the authority and, where it is provided by someone other than the authority, the payment by the authority of the relevant amount in respect of the cost of that provision
Option 4	The selection by the supported person of Option 1, 2 or 3 for each type of support and, where it is provided by someone other than the authority, the payment by the local authority of the relevant amount in respect of the cost of the support

6. Self-directed Support – Option 2

SDS – Option 2 describes an arrangement where a person assessed as eligible for support to meet their needs and outcomes selects the support that they wish to receive and the local authority, or subsequently a provider acting under the person's direction, makes the relevant administrative arrangements on the person's behalf.

The statutory guidance to accompany the Act states that the purpose of Option 2

'...is to facilitate greater choice and control, making it easier for people to choose the provider of their choice, with the authority making arrangements on their behalf. The authority should take as flexible an approach as possible to Option 2.....'

The local authority is required to develop a flexible range of options under Option 2 and the statutory guidance makes it clear that

'...a 'service' should be interpreted as meaning any intervention which helps to make a positive difference to the person's assessed needs, delivered under the broad concept of social welfare.'

The local authority's arrangements should not

'...seek to exclude particular types of service provision or particular providers from the full range of supports available to the person. ...The authority ... should not seek to impose restrictions or limitations over and above any that are reasonably defined in the person's assessment or support plan.'

Option 2 arrangements are intended to provide additional choice and control beyond what would ordinarily be available under Option 3 ('arranged services').

7. The Purchase of Registered Agency Services Under SDS Option 2 for Adults and Older People – West Lothian Policy on the Application of Hourly Rates

a) Requirements under the Act

As outlined above, SDS Option 2 is designed to be as flexible and inclusive as possible in order to maximise supported people's choice and control over their support plan and how their assessed eligible needs and outcomes will be met.

This policy document relates to only one aspect of arranging support on behalf of supported people under SDS Option 2 – the purchase of registered care and support agency services and the application of hourly rates for this.

In line with the Act, West Lothian Council recognises that it can neither routinely exclude nor endorse particular providers under SDS Option 2, for example on the basis of the existence of Framework Agreements for the provision of agency services in relation to SDS Option 3. As long as the preferred provider is appropriately registered and meeting its registration requirements and the service provision to be delivered is legal, safe and effective, the supported person can seek to select this provider under SDS Option 2.

The local authority is required to inform the supported person of their relevant amount for SDS Option 2 and Section 4 (2) of the Act defines the relevant amount as 'the amount that the local authority considers is a reasonable estimate of the cost of securing the provision of support for the supported person.' This means that the local authority must offer the person a level of funding which could reasonably be expected to be enough for them to arrange sufficient support to meet their eligible needs and outcomes under SDS Option 2 – it does not mean that SDS Option 2 is a mechanism for the person to choose to arrange their level of support by any means irrespective of the cost.

b) West Lothian Position

This policy has been developed to assist staff with decision-making when they are collaborating on the support plan with supported people who have chosen SDS Option 2.

As part of the support planning process, the supported person will have been advised of their Indicative Budget ('relevant amount'). If the supported person wishes to use a particular registered provider or providers for their care and support delivery, the hourly rate charged by the provider or providers should be

taken into consideration when developing the support plan and utilising the available budget.

In West Lothian under SDS Option 3, services and support delivered by registered providers are purchased at a range of hourly rates under Framework Agreements or contracts. In order to promote the equitable allocation of resources irrespective of the SDS option chosen, it is reasonable to expect that the range of hourly rates at which services and support are purchased under SDS Option 2 should be broadly in line with the range of hourly rates at which services and support are purchased under SDS Option 3. To reflect this position, the following guidance on maximum hourly rates for services and support would *ordinarily* be expected to be applied to services and support arranged under SDS Option 2. Hourly rates will be based on, and consistent with, the agreed rates for standard care at home and community support and care under current Framework Agreements.

c) Guidance on Hourly Rates

This section outlines:

- the range of hourly rates for the purchase of services and support from registered providers
- the type of services and support which it would be expected could be provided by registered providers under each of these hourly rates

i. Standard Care and Support (see current list of hourly rates)

This level of care and support is sometimes referred to as ‘mainstream care at home’ and is for people whose eligible needs and outcomes show that they require support with non-complex care and tasks.

The type of care and support expected to be delivered under standard care.

Meeting personal care and support needs / supporting to keep well ('All About Me' Assessment Outcome – 'Meeting Personal Needs and Looking After Myself')	Support to maintain personal hygiene: <ul style="list-style-type: none"> ♦ Bathing / showering; hair washing; shaving; oral hygiene
	Support to meet toilet needs: <ul style="list-style-type: none"> ♦ Assistance to go to the toilet ♦ Catheter / stoma care ♦ Continence skin care ♦ Continence management – confirming availability of continence products / safe disposal of continence products ♦ Emptying / cleaning commodes and chemical toilets ♦ Incontinence laundry / bed changing
	Support to maintain tissue viability: <ul style="list-style-type: none"> ♦ Dry or fragile skin care
	Support with nail and foot care (unless the person has a condition which requires these to be undertaken by a medical practitioner, e.g. chiropodist, district nurse)
	Support with general health and wellbeing including: <ul style="list-style-type: none"> ♦ Monitoring dental health and promoting regular check ups ♦ Monitoring eye health / sight and promoting regular tests ♦ Monitoring hearing / promoting hearing tests and monitoring hearing aid use / regular battery checks ♦ Encouragement to meet / address health and wellbeing needs

<p>Meeting personal care and support needs / supporting to keep well (cont.)</p>	<p>Support to manage medication / health interventions including:</p> <ul style="list-style-type: none"> ♦ Prompting / administration of prescribed medication and recording ♦ Application of external treatments: creams, dressings, etc. ♦ Application of ear and eye drops ♦ Oxygen therapy
<p>(‘All About Me’ Assessment Outcome – ‘Meeting Personal Needs and Looking After Myself’)</p>	<p>Support with food, diet and nutrition including:</p> <ul style="list-style-type: none"> ♦ Assistance to prepare food / meals ♦ Assistance with different meal service provision ♦ Compliance with specialist dietary or nutritional needs / regimes (e.g. allergies, medical conditions) ♦ Assistance with eating and drinking ♦ Encouragement and motivation to eat and drink ♦ Preparation and storage of snacks, food and drinks for later consumption
<p>Supporting people to stay safe / personal assistance</p>	<p>Support to mobilise including:</p> <ul style="list-style-type: none"> ♦ Assistance with moving and transfers ♦ Use of equipment – aids and hoists, etc.
<p>(‘All About Me’ Assessment Outcome – Staying Safe and Complex Needs and Risks)</p>	<p>Support to get up and to go to bed</p> <p>Support with dressing and undressing including:</p> <ul style="list-style-type: none"> ♦ Assistance with appropriate indoor and outdoor clothing ♦ Assistance with prostheses, surgical appliances and mechanical and manual aids <p>Support to maintain a safe environment including:</p> <ul style="list-style-type: none"> ♦ Monitoring for falls risks (including use of stairs) ♦ Monitoring fire risks (including use of cooker and other appliances)
<p>Running and maintaining a household</p>	<p>Support to maintain kitchen and bathroom hygiene</p>
<p>(‘All About Me’ Assessment Outcome – Running and Maintaining the Household I am Living in)</p>	<p>Support with laundry</p> <p>Support to identify routine maintenance requirements</p>
<p>Supporting decision making</p>	<p>Offering choices and seeking views and preferences</p>
<p>(‘All About Me’ Assessment Outcome – Making Decisions and Organising My Life)</p>	<p>Raising awareness of independent advocacy provision</p>

ii. Enhanced Care and Support (see current list of hourly rates)

This level of care and support is for people whose eligible needs and outcomes show that they require support with additional aspects of their lives or who have specific communication needs or complex support needs

The type of care and support expected to be delivered under enhanced care.

<p>Meeting personal care and support needs / supporting to keep well</p> <p>(‘All About Me’ Assessment Outcome – ‘Meeting Personal Needs and Looking After Myself’)</p>	<p>As Standard Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ Support and encouragement to adopt and maintain a healthy lifestyle and to make choices and decisions which have a positive impact on health and wellbeing ♦ Support to access health services and other professional services, including dentists and opticians, in order to promote, maintain and enhance health and wellbeing ♦ Support to access routine health checks ♦ Monitoring of health and behaviour and maintaining a level of awareness which enables recognition of indicators of pain or ill health
<p>Supporting people to stay safe / personal assistance</p> <p>(‘All About Me’ Assessment Outcome – Staying Safe and Complex Needs and Risks)</p>	<p>As Standard Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ Provision of a flexible and rapid service response at times when people may need intensive support ♦ Support to retain, maintain, learn or develop day to day living skills to promote and maximise independence both inside and outside the home ♦ Intensive support, as required, to promote and maximise independence ♦ Adoption of a risk-enabling approach whenever possible when delivering support
<p>Running and maintaining a household</p> <p>(‘All About Me’ Assessment Outcome – Running and Maintaining the Household I am Living in)</p>	<p>As Standard Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ Support to develop and maintain independent living, including: <ul style="list-style-type: none"> – Support to manage household affairs such as dealing with correspondence and tenancy issues – Support to manage household financial affairs such as paying bills and insurance – Use of equipment
<p>Supporting decision making / organising daily life</p> <p>(‘All About Me’ Assessment Outcome – Making Decisions and Organising My Life)</p>	<p>As Standard Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ Support to manage financial affairs including: <ul style="list-style-type: none"> – Budgeting – Claiming benefits ♦ Support to travel safely or to develop independent travel skills, including using public transport ♦ Support to manage significant communication requirements utilising a range of supports including BSL; Makaton; Talking Mats; picture / symbol systems and electronic communication devices ♦ Ensure awareness and access to independent advocacy provision

<p>Support to manage complex needs and risks</p> <p>(‘All About Me’ Assessment Outcome – Staying Safe and Complex Needs and Risks)</p>	<ul style="list-style-type: none"> ♦ Delivery of crisis intervention and support ♦ Support in an emergency ♦ Support to minimise conditions which may lead to conflict with, or distress to, the service user and to de-escalate conflict should it arise
<p>Support with social and friends and family relationships and with community activities</p> <p>(‘All About Me’ Assessment Outcome – Social Relationships and Community Activities)</p>	<p>Support to:</p> <ul style="list-style-type: none"> ♦ Develop and/or maintain family and social relationships ♦ Minimise social isolation by developing and/or maintaining community contacts, activities and recreation ♦ Enhance quality of life by community participation and engagement and by building relationships
<p>Support with personal and skills development and with employment and volunteering</p> <p>(‘All About Me’ Assessment Outcome – Employability / Volunteering and Personal / Learning Development)</p>	<p>Support to:</p> <ul style="list-style-type: none"> ♦ Explore opportunities for learning and skills development ♦ Access opportunities for learning and skills development ♦ Explore and access activities linked to hobbies and interests ♦ Explore and access opportunities for volunteering ♦ Explore and access opportunities for training / preparing for employment ♦ Explore and access opportunities for work placement / employment

iii. Exceptional Care and Support (see current list of hourly rates)

This level of care and support is for people whose eligible needs and outcomes show that they require support with additional complex aspects of their lives such as lengthy or complex relationship building due to specific conditions or communication needs or for people who have complex support needs due to high risk or complex conditions, treatment or medication regimes.

The type of care and support expected to be delivered under exceptional care.

<p>Meeting personal care and support needs / supporting to keep well</p> <p>(‘All About Me’ Assessment Outcome – ‘Meeting Personal Needs and Looking After Myself’)</p>	<p>As Enhanced Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs
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<p>Supporting people to stay safe / personal assistance</p> <p>(‘All About Me’ Assessment Outcome – Staying Safe and Complex Needs and Risks)</p>	<p>As Enhanced Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs
<p>Running and maintaining a household</p> <p>(‘All About Me’ Assessment Outcome – Running and Maintaining the Household I am Living in)</p>	<p>As Enhanced Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs
<p>Supporting decision making / organising daily life</p> <p>(‘All About Me’ Assessment Outcome – Making Decisions and Organising My Life)</p>	<p>As Enhanced Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs
<p>Support to manage complex needs and risks</p> <p>(‘All About Me’ Assessment Outcome – Staying Safe and Complex Needs and Risks)</p>	<p>As Enhanced Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs
<p>Support with social and friends and family relationships and with community activities</p> <p>(‘All About Me’ Assessment Outcome – Social Relationships and Community Activities)</p>	<p>As Enhanced Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs
<p>Support with personal and skills development and with employment and volunteering</p> <p>(‘All About Me’ Assessment Outcome – Employability / Volunteering and Personal / Learning Development)</p>	<p>As Enhanced Care and Support above plus:</p> <ul style="list-style-type: none"> ♦ the supported person has additional complex support needs

8. Use of the Indicative Budget and Higher Hourly Rates Under SDS Option 2

a) Top Up by the Supported Person

If the supported person wishes to use a particular registered provider whose hourly rate is higher than the hourly rate linked to their assessed eligible needs and outcomes, the supported person can choose to make up the difference from their own funds. It will be for the supported person, provider and care manager to agree the arrangements for the payment of this top up by the supported person.

b) Reduction of Support based on Payment of a Higher Hourly Rate Under SDS Option 2

There may be occasions when a supported person wishes to use a particular registered provider whose hourly rate is higher than the hourly rate linked to their assessed eligible needs and outcomes and to take a reduction in the amount of support or time they receive from the provider in order to be able to accommodate this higher rate within their indicative budget.

Ordinarily, it would be expected that in order to choose to use a provider with a higher hourly rate than the rate linked to their eligible needs and outcomes, the supported person would make up the difference from their own funds.

However, if a care manager has determined that the circumstances in an individual case warrant consideration of agreeing to the use of the indicative budget to arrange a reduced level of support at a higher hourly rate, they can request approval for this from a Group Manager.

Care Managers should only consider agreeing to the use of the indicative budget to arrange a reduced level of support at a higher hourly rate if *all* the supported person's assessed needs and outcomes can still be met using the rest of their budget. Group Managers will not approve plans where this cannot be shown to be the case.

9. Exceptions to the Application of Hourly Rates Under SDS Option 2

This policy details the maximum hourly rates for services and support which would *ordinarily* be expected to be applied to services and support arranged under SDS Option 2. However, it is recognised that the circumstances and needs of supported people are extremely varied and there may be occasions where the situation and support needs of an individual require the provision of a registered service or provider whose hourly rate is greater than those outlined in this policy.

Where the care manager wishes to arrange a service or support with a greater hourly rate than those outlined, authorisation must be sought from a Group Manager and signed approval must be given prior to the care manager proceeding to arrange such provision.

10. Hourly Rates

The hourly rates linked to the three levels of support will be adjusted, if required, to maintain consistency with agreed hourly rates for standard care at home and community support and care under any current Framework Agreements.