

## Employing Family Members – Facilitation Notes

### Setting Up

- Prepare room, suggest cabaret style.
- Have flipchart paper, markers, post it notes available on the tables, parking bay wall
- Evaluation forms if required ( not provided as should be local forms available)
- Case Studies, hand-outs, duty cards printed off
- Slides and projector available and tested

### Slide 2 - Introduce facilitators and go through any local housekeeping arrangements.

- Advise (if appropriate) that these learning modules have been developed by Social Work Scotland with Scottish Government funding to support practice and the implementation of SDS and for local adaptation.
- This series of slides has been designed to encourage engagement and participation, to enhance learning opportunities and to share experiences.

### Slide 3 - Learning Objectives

- Go over the intended learning outcomes for the session.
- The aim of this module is to become familiar with the new direct payments regulations associated with the new Act within the area of employing family members.
- It also provides practitioners an opportunity to fully explore and reflect on issues associated with gathering and analysing the information required to make informed decisions.
- It is essential for delegates to have a general awareness of Self-directed Support (both the approach and the new duties associated with the Act) prior to undertaking this module.

### Slide 4 - Overview

- Section 63 of the Adult Support and Protection (Scotland) Act 2007, amended section 12B(6) of the 1968 Act to allow Scottish Ministers to empower local authorities to offer increased flexibility in tailoring individualised self-directed support packages.

- The community Care (Direct Payments) (Scotland) Amended Regulations 2007 (SSI 2007/458) (the '2007 regulations'), which came into force on 12 Nov 2007, amend the Community Care (Direct Payments) (Scotland) Regulations 2003 (SSI 2003/243) as also amended by SSI 2005/114) ("the 2003 regulations") by changing the rules on employing close relatives.
- Specific examples of appropriate use of the regulations to employ family members may include remote areas) where there may be a shortage of providers.
- Re. ethnicity – some associated points taken from IRISS Improving support for black and minority ethnic (BME) carers IRISS Insights, no.7
- BME carers can face particular difficulties in accessing and using support services, over and above those experienced by white carers
- A lack of language-matched information is perceived by BME carers to be among the greatest barriers to accessing services
- There is a need for culturally competent services, based on culturally appropriate and language- matched assessment processes
- Planners and providers of health and social care services have a legal duty to offer services that are accessible and appropriate to all sectors of the community, irrespective of ethnic origin

#### **Slide 5 – What's New?**

- The statutory regulations that accompany the Act define the circumstances where a LA *may or may not* agree to a family member providing paid support.
- The framework provided by the regulations makes it clear that the LA must agree to any decision made.
- This means the authority retains the power to either agree or disagree. Decisions must be based on clear information and not assumptions or a general policy stance.
- Both 1 & 2 must be met along with any from the following list on the next slide.

#### **Slide 6 - what's new continued**

Self-Explanatory – read through the slide content

#### **Slide 7 - Statutory Values and Principles of the Act**

Reminder of the general principles of the Act and the aims and intentions behind SDS which are to provide creative and effective solutions for supported people including the potential for family members when appropriate to become paid carers

### **Slide 8 - Definition of a “family member”**

All other relationships fall out of scope of the 2014 regulations

Regulations should cover “step family members”

### **Slide 9 – Activity 1**

- Explore some of the difficulties within these arrangements and identify and prompt deep thinking about what needs to be considered.

Potential challenges:

- Sickness/quality of care/what if someone isn't happy?/training required/holiday leave/support/potential additional stress levels/respice/changing family dynamics/loss of income for family member if needs change/reliance on income etc. etc.
- it is essential LA continue to play a key role within decision making this can often be a difficult situation to navigate sensitively

### **Slide 10 – Coffee Break**

### **Slide 11 – Self-explanatory – read over the slide content**

- This is the circumstance where a LA may not agree to a family member being paid as a carer

### **Slide 12 - Group activity 2**

Purpose of exercise

- An opportunity to become familiar with the 2014 regulations and use to identify where agreement or a decision not to fund a DP to employ a family member would not be appropriate.
- Participants should be encouraged to draw from their own experiences or the experiences of others in order to fully understand the process that informs a decision being made.

### **Slide 13 – What does this mean?**

Self-explanatory – read out slide content

### **Slide 14 – Considerations for practitioners**

- This slide recognises and reflects on the complexities of these circumstances.

- It needs to highlights the skills required be practitioners to sensitively negotiate through potentially difficult conversations and determine with the person and their family If the employing of a family member is the best outcome

### **Slide 15 – considerations for practitioners continued...**

- Requires a flexible and open-minded approach and must be assessed on a 'case by case' basis
- LA should avoid the development of general policies that rule out the employment of a family member
- Where a payment is not agreed – this needs to be fully explained and, where appropriate support and information should be given to all parties in relation to advocacy.

### **Slide 16 – Group Activity 3 – Rebecca’s Story – Hand out required**

The purpose of exercise is to allow an opportunity to discuss and think through all the issues involved within the decision making process. See overview for further details on how to facilitate this activity

### **Slide 17 - Key messages**

Recap on key learning from the session

Where a person wishes to consider employing a close relative, the authority should explain the considerations involved and the discretion that the local authority holds to either agree or disagree to any such arrangement.

While it is possible for the supported person to employ a close relative in appropriate circumstances, the local authority retains to the discretion to agree or disagree to any such arrangement as it involves an important change in the relationship between the two individuals

Has been possible since 2003 (DP Act) but the new regulations potential opens up this option further.

Relationship challenges – may not always be the carer who has requested this arrangement – may feel under pressure by the person who receives support.

Potential risks need to be explored with transparency.

### **Slide 18**

Offer of key links further reading

### **Slide 19 - Questions**