

Children & families – Facilitators Notes

This module provides an introduction to the new Self-directed Support Act and specifically explores the new duties of the Act associated with working with children, young people and their families.

It supports practitioners to explore the similarities between Self-directed Support and existing legislation, guidance and policies.

The module is designed to prompt reflection, enhance learning and provide an opportunity to share views and experiences of this approach and its overall implementation.

Slide 1 – Title slide

Slide 2 – Welcome

Slide 3 – Making connections

Invite participants to have a paired conversation about what choice and control means to you in your day to day life, what would this feel like if it was taken away.

Purpose:

The aim of this exercise to get people thinking and talking about what this feels like and to explore the value of choice and control in our lives.

Hopefully the group will start thinking about what it may feel like to have others decide or control what is important in day to day life?

Important to highlight that people who use services or require support often feel/experience this loss of control on a daily basis.

Some examples people should come up with may include:

Money, where you live, who you live with, who you see and when, how do you decide - is it planned or a whim, what to eat, drink, when to go to bed, daily routines, how to spend your time.

Invite a few to comment/share with the larger group.

Slide 4 – Learning objectives

The learning objectives listed on the slide are to be explained to the participants

Slide 5

This slide is a quick recap for delegates to revisit the background to Self-directed Support. Depending on the groups experience – this may not be required if delegates have already attended more generic Self-directed Support awareness modules/events.

- Concept not new - Roots in social work values and practice, person/child centred support/planning, human rights, equalities, strengths based practice etc. etc..
- Independence movement - People (children, young people, adults and carers) – People, who want to remain at home and in their communities, living safe, fulfilling lives and being active citizens
- Influenced by people who use services – better feedback, research and now legislation to support a change in attitude and practice.
- Scottish Government has embraced the values and principles of Self-directed Support and enshrined them in law. They want to make it the mainstream approach to delivery support to those you may need it.

Slide 6

Again this slide is a quick recap for delegates to revisit the Scottish Government's vision on Self-directed Support and 10 year strategy. Depending on the groups experience – this may not be required if delegates have already attended more generic Self-directed Support awareness modules/events.

- Clear message from the 10 year strategy – Self-directed Support is intended to improve outcomes for the children and young people we work with.
- Children's organisations and LAs were keen to ensure the Act and its guidance was meaningful for, and accessible to children, young people and their families. (Ref – NSPCC Scotland secures significant changes to social care legislation www.nspcc.org.uk/what-we-do/NSPCC-in-your-area/Scotland/news/social-care-bill/nspcc-Scotland-amends-social-care-bill_wda93156.html)

Slide 7 – 29 Myth Buster quiz

Slide 8 – Ask question

Slide 9 – Reasons for the answer

- Most councils are applying aspects of this in Children and Families - some are prioritising children with disabilities others are applying to all.
- Children's organisations in particular were keen to ensure the Act and its guidance was meaningful for, and accessible to all children, young people and their families.
- The Scottish Government's 10 year Self-directed Support Strategy highlights "implementation will also bring a focus to the development of self-directed support for children and young people alongside GIRFEC.

- There is also an acknowledgement that children and families is a complex area and requires further thinking and experience in order to establish how this will work.
- It may be helpful to talk about local arrangements here in relation to section 22 and Self-directed Support.
- The duty of care remains the paramount consideration – (Child Protection must always take priority).
- The Self-directed Support Act strengthens the value based framework for engaging with children, young people and their carers (including those subject to compulsory measures of care).
- Within short-term based Child Protection intervention - the offering of the 4 options was not the intention of the Act.
- Where professional judgement outlines long-term support the individual/ parent can direct their own support.
- The Act places further emphasis on the importance of the child being at the centre of decision making.
- All planning and intervention needs to be in line with GIRFEC.
- For adults this includes all care groups.

Slide 10 – Ask question

Slide 11 - Reasons for the answer

- If a child is under 16 – the person with responsibility for the child should make the decisions about the child's support.
- The 'appropriate person' should be informed that as far as is possible (age, stage & maturity) the child must have an opportunity to express their views about the support.
- The local authority must ensure the child's opinions should be actively sought and behaviour observed as appropriate.
- Advocacy should be considered and encouraged where appropriate.

Slide 12 – Ask question

Slide 13 – Reasons for the answer

Involvement; Collaboration; Informed Choice; Partnership; Respect, Dignity, Safety, Freedom, Independence, Fairness.

- True, however, also recognises existing good practice through current policies and procedures
- Enhancing and strengthening existing good practice – with additional opportunities to evidence this.
- Emphasis on 'co-production' and 'collaboration' – more than just 'consulting with'.

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GIRFEC looks to practitioners to work in accordance with other legislation and guidance but also expects agencies to:

- Think beyond their immediate remit.
- Draw on the skills and knowledge of others as necessary and thinking in a broad, holistic way. For example, a care plan for a child looked after by the local authority, a health care plan, or an individualised educational programme should be incorporated within the child's plan where the child's or young person's circumstances require this.

Self-directed Support sits alongside GIRFEC and other legislation, however, places further duties on practitioners to:

- ensure collaboration, dignity, informed choice and involvement in relation to the supported person as well as encouraging innovation, responsibility taking of the supported person and generally a more strengths based approach
- the authority should take steps to integrate its approach to Self-directed Support with its wider implementation of GIRFEC and associated legislation
- the authority should consider the impact of the new Act duties in terms of the Named Person and Single Child's Plan
- in the Getting it right for every child approach, any child or young person who requires additional help should have a plan to address his/her needs and improve his/her wellbeing. This may be a single agency plan or when two or more agencies are involved there will be a multi-agency child's plan coordinated by a lead professional (This will be law by 2014 through Young People's Bill). Where necessary the GIRFEC approach integrates and co-ordinates plans. (E.g. - LAAC, LAC, CP, health, coordinated Support Plan and transitional).

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- This principle is enshrined within the Self-directed Support Act.
- If the child/young person has more than one agency involved – all must be aware of the 2013 Act values, principles and practice associated with Self-directed Support.
- Planning must follow the duties set out by the named person or lead professional as well as taking account of the new Self-directed Support Act duties (GIRFEC and new Children & Young People's Bill).
- Authority's policies and procedures in relation to the development of single plans should take account of its duties under the new Act.
- Legal duty to provide a written care plan for a child who is Looked After and Accommodated (Children (Scotland) Act 1995). In the Getting it right for every child approach, any child or young person who requires additional help should have a plan to address his/her needs and improve his/her wellbeing. This may be a single agency plan or when two or more agencies are involved there will be a multi-agency child's plan coordinated by a lead professional (This will be law by 2014 through Young

People's Bill). Where necessary the GIRFEC approach integrates and co-ordinates plans. (E.g. - LAAC, LAC, CP, health, educational and transitional).

- The new Self-directed Support Act doesn't change this concept, however, sits alongside to give practitioners an opportunity to enhance effectiveness and adapt practice in order to ensure the best possible outcomes for each child, young person, family and carer.
- In some cases issues may arise around concerns or possible conflict of interests within family relationships. For example where a child may be at risk, the Self-directed Support principles will still apply, but should be considered within the wider context of child protection processes.
- GIRFEC looks to practitioners to work in accordance with other legislation and guidance but also expects agencies to think beyond their immediate remit, drawing on the skills and knowledge of others as necessary and thinking in a broad, holistic way. For example, a care plan for a child looked after by the local authority, a health care plan, or an individualised educational programme should be incorporated within the child's plan where the child's or young person's circumstances require this.
- Self-directed Support sits alongside GIRFEC and other legislation, however, places further duties on practitioners to ensure collaboration, dignity, informed choice and involvement in relation to the supported person as well as encouraging innovation, responsibility taking of the supported person and generally a more strengths based approach.

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- Creative, individualised use of monies at an early stage may prevent accommodation (better outcomes and more efficient use of resources).
- Current legislation already permits this (Direct Payments Act).
- Plans for young people leaving care, should be co-produced – financial support within transition could be seen more widely as meeting future life outcomes rather than practical need.
- The principles of collaboration and involvement should support the requirement for enough time to work alongside people and their families and this in itself may reduce risk.
- Clear monitoring and review systems need to be robust.
- It is suggested that for people, their carers or a child and their parent/s to be involved in defining and agreeing risk factors and in finding ways of mitigating against them, is far more productive for people and enables a climate of openness and frankness that is valued.
- Reference to reclaiming social work values and supporting positive change in people circumstances.
- Christie commission and changing lives – we need to do things differently.
- Value of building relationships.
- Early intervention.
- Reference to duty to protect – paramount but can and should be done in partnership and with transparency.
- May be helpful to talk through some examples of where Self-directed Support has used and elements of risk explored and resolved through effective assessment, support planning, review and monitoring.

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- Can make reference to findings from ‘test sites’, pilots and ‘first steps’.
- May want to consider local examples.
- Direct payments are nothing new.
- Self-directed Support promotes a more transparent and open approach – better relationships where any issues, worries can be explored and resolved.

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- It is expected that creative use of all personal assets and imaginative use of community resources will enable any budget allocation to make a real difference.
- The aim is to ensure that whatever support arrangements are set up, they have a positive impact on the person requiring support.
- It is important that all options offer clarity about how outcomes will be achieved. If this is not agreed the council retains power to decline an option at that stage.
- If a direct payment money is not used as agreed, then payment can be terminated. **(more in legal duties module).**
- Inclusive and collaborative approaches would suggest that a thorough assessment of circumstances is crucial, and to look at alternative solutions.
- The assumption is that a way should be found to make this achievable.
- This also highlights the need for practitioners to have ensured that people have understood the nature and effect of the options chosen, and were clear about the support agreements.
- Legal duties require person or their carer to be advised in writing, this will require evidence based decision making and clear recording.
- Will need to show how outcomes will be achieved if not through 1 of 4 options.

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1 & 2 Offer greater flexibility. An early review could agree an indicative budget/direct payment. (Review eligibility against adult services eligibility criteria) Allow for planning within a more realistic budget.

3 Young person's views continue to be at the centre of all planning and decision making.

4 'Mix and Match' offers the opportunity to build the young person's confidence in managing their own support. The professional may facilitate the transitional arrangements (through partnerships with the young person and who else they want to support them) where the young person takes greater responsibility through time.

A reminder of what young people say helps within Transition – quick notes

- Early planning so they can access information and know what's happening.
- Honesty and trust.
- Being seen as an individual.
- Being involved in the assessment and planning – being able to ask questions, express opinions and make decisions.
- Advocacy – through a trusted adult or independent advocacy.
- Agencies talking the same language.

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- It is important to recognise and acknowledge that there are current and ongoing financial constraints for local authorities and that the economic climate and demographic influences are real, but this was never about reductions, it was always about better outcomes for people who have support needs.
- There are opportunities for better, more personal and more effective ways of meeting outcomes that can be less costly and can enable resources to be spread more widely, but the key driver is to ensure that the support offered will make a positive difference - if lonely - not day care but seeing friends - tried and tested.
- The fact that since 2012 there have been more over 60's than under 16's means that we need to view people in their communities as assets, most people get out and about and get on with their lives and their crises, their challenges, ups and downs, without formal help. It is important to keep that view of communities as a resource both wanting and needing to **be** more and to **do** more.
- By 2030 25% of us will be over 60! In some (rural) areas it will be 33%.
- Might need to acknowledge local efficiency savings.
- Christie and public service reform advocate a need for better use of individual and community resources, being in control and sharing responsibility.

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Quick reference to forthcoming Children and Young People's Bill – may be helpful to note...

- May be helpful to highlight the new young people's bill at this point and give participants an opportunity to think through any impact this may have in implementing Self-directed Support.
- Thinking about who else needs to know what about Self-directed Support – partner agencies and colleagues? How can this be achieved? Joint training? Workshops?
- Local authorities should ensure all services who provide support for children and young people work in partnership so that the **Named Person** and **Lead Professional** are familiar with protocols and procedures in relation to the provision of social care and support for children and families. (Raising awareness of the new Self-directed Support legislation)

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- It is following an outcomes focussed assessment.
- In many instances alternatives to funded support will be much more effective and desirable.
- The approach should be the way people are treated and the assumption is that 4 options will be for all.
- The restrictions should be applied only after thorough consideration.
- Restrictions **excerpt from regulations attached.**
- There will need to be reference to local eligibility criteria.

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***Need to emphasise we have a duty to have regard to the general principles of collaboration, informed choice and involvement as part of the assessment and the provision of support ***

Hand out available on what these mean in practice. (Hand out 2)

A further activity could ask delegates in small groups to specifically identify examples of how these could be enhanced within their day-to-day practice

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Hand out available with a summary of main legislation associated with children and families

Quick summary for facilitator – previous legislation fits well with Self-directed Support

Children (Scotland) Act 1995 –incorporates the 3 key principles of the United Nations Convention on the Rights of the Child (UNCRC) - i.e. non-discrimination; a child's welfare as a primary consideration; and listening to children's views.

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GIRFEC –ensures children and young people are at the heart of services.

Curriculum for Excellence –ensures children and young people are at the heart of learning.

Additional Support for Learning Act 2004 – children and young people are provided with the necessary support to help them work towards achieving their full potential.

Children's Hearings (Scotland) Act 2011 - the voice and experience of the child or young person is at the centre of every hearing as well as highlighting their right to advocacy where appropriate.

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Where the person is deemed to be eligible for support, the authority will wish to consider a fair and transparent means by which to determine the appropriate level of funding. Section 4 of the 2013 Act refers to a *relevant amount* and defines this 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.”

There is no single approach to resource allocation prescribed on the face of the 2013 Act, nor any single method recommended by Scottish Government. Authority may wish to adopt an equivalence model where they determine the cost of the service to be arranged and then provide the equivalent amount as a budget for the supported person to control. Alternatively, it may wish to adopt a Resource Allocation System where the authority gathers information about the person’s outcomes, allocates points to those outcomes and, on the back of this process, allocates a level of funding. In addition, decisions about budgets may be made by professional judgement alone or on a case-by-case basis.

While systems and tools can be useful aids they are no substitute for the skilled judgement of a social work or health professional in collaboration with the person. The authority must ensure that the approach taken to the allocation of resources is both fair and transparent. It should take steps to involve user and carer groups in the development of any methodology used to define or determine budgets for individuals.

Regardless of the specific approach to allocating resources, the authority should take steps to inform the person of the amount of support available under each of the options.

In order to ensure that it can deliver on its obligations under section 9 of the 2013 Act the authority should consider the appropriate mix of information and support options available in their local area

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- Enables an assets based approach to assessment
- Offers more creative solutions for people within their communities.
- Enhances opportunity for practitioners to work with the personal resilience of the people with whom they engage and support.
- Supports better outcomes for people who are eligible for support
- Encourages flexible and creative planning
- Ensures support is around the person.

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Optional exercise – may be helpful if there is a need to reflect further on how the 4 options may work within practice. **May also need to include local arrangements in relation to eligibility and allocation of resources.**

Handout 4 – Rachel’s story through the 4 options

- Aim of exercise is to apply your knowledge of the 4 options and check how they link to the wellbeing indicators. This uses the 4 doors case example – Rachel.
- This will help staff identify how Self-directed Support principles work in practice. For example supporting a child to express choice, make informed decisions etc.
- Regardless of whatever options she chooses – her wellbeing outcomes will still be met.

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Outcomes.

- Outcomes are the specific changes, benefits, learning and effects that actually happen or are expected to happen as a result of your activities.
- Outcomes can be wanted, unwanted, expected or unexpected (Cupitt and Ellis, 2007 p6).

Facilitator note:

- It is important to acknowledge the knowledge and expertise practitioners working within children and families have in relation to outcomes. (GIRFEC - for over 10 years....)
- However – it may also be useful to recap and ensure there is a consistent understanding within the group in relation to outcomes.
- The role of the professional becomes less about being a ‘fixer’ of problems and more about being a ‘facilitator’ of solutions.
- A facilitator will actively recognise and engage the things children are able to do or are interested in.
- In doing so, they naturally focus on the things that are working well to create positive experiences and sustainable behaviour change driven by the child’s intrinsic goals and aspirations. (Aked and Stephens, 2009 p2)

Source – IRISS – Leading for outcomes – children and young people

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- Key legislative and policy imperatives identify the responsibilities of practitioners to place children and young people at the centre of assessment and decision-making.
- The message from inquiry reports and research undertaken with children and young people and practitioners is that despite efforts to include and involve them – the child’s voice can be lost.
- The degree of involving children and young people depends on practitioner capacity, support by the systems which they train and work in order to form relationships and communicate effectively with them.
- There are many resources available to help, however, the primary resource is the worker, and their willingness and ability to form meaningful relationships and see children and young people as active participants throughout.

(Source – Scottish Child Care and Protection Network – Briefing “Involving children in assessment and decision-making)

Expressing views

- Has the child, young person, family been supported to express their view? Have these been taken into account.
- Has the child, young person, family been asked how they would like to express their views and in what format? (Write, draw, verbal or on video etc?)
- Does the child, young person, family require information about independent advocacy or further support services which will help to express their views?
- Does the child, young person want a family member or friend to support them with expressing their views?
- Evidencing views – written format, feedback (written or verbal), drawings, pictures, video, use of engagement tools, person-centred planning tools.

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- The authority should approach its duties of choice under section 22 support on a case by case basis.
- The accompanying regulations to the 2013 Act provide the authority, with limited discretion, the power to refuse to provide the direct payment option where a child's safety will be put at risk by the provision of the direct payment.

Facilitator note:

An overview of who Section 22 includes - children who are looked after by the local authority, children who need protection, children/young people who are no longer looked after by the local authority, young parents, children who have disabilities/special needs (e.g. physical or learning disabilities, sensory impairments), young carers, children who have been adopted (and those who are in the process of adoption), children/young people who misuse substances/alcohol, children/young people who are affected by HIV/Aids, children/young people who are homeless, children/young people in poor housing, children who are carers for relatives and who are in households affected by disability, children who live in violent environments, children whose parents suffer from a mental illness, children whose parents misuse substances/alcohol, children whose health or development is suffering, children whose educational development is suffering (including those excluded from school), children who have emotional, behavioural and mental health problems, children/young people who are in conflict with the law because of offending behaviour (including those who offend against other children).

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Some examples of Giving Information

- Examples might include - easy reads, leaflets, examples, on-line resources, DVDs of people's stories, peer case studies & examples of what each option might look like.
- Signposting - Centres for Inclusive Living, user-led organisations, other organisations, peer support groups, independent advocacy?
- Is the information in an accessible format for those who need support with communication? Visual? Audio? Easy read? Age appropriate?

- Does information about the 4 options promote an understanding of what might mean or look like as well as the responsibilities involved with each?
- Is the timing right for information? Does it need to be broken down into manageable chunks?
- Information about keeping safe (Prevention through information –children with disabilities have additional vulnerabilities. The principles of the act promote giving the child/young person a voice)
- Information about eligibility, assessment and planning?
- Information for carers?
- Information about the practitioner’s purpose and role?

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Further examples can be used – reference – In Control Scotland – The First Steps – Self-directed Support for children, young people and families (Free newspaper, also available on the web)

Other benefits from the pilot were... (Co-production, partnership working, collaborative working – shared learning from design to delivery...)

“If we connect those young people’s lives and... the parents and families and carers of those young people, we have a better - connected group of parents and carers. That’s not a bad bi-product of this demonstration, is it? We want people to be in strong networks because we know the impact is they are more resilient. They don’t have this culture of dependency on their social work or teacher or whoever. They are part of a network.” (Gerry Kelly from In Control)

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A list (not exhaustive) to promote thinking and reflection of the benefits – following on from group discussion and to promote energy and enthusiasm.

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Some quotes from children and families - a reminder that creative, partnership motivated working can allow children and young people to identify and meet their outcomes.

May wish to use local examples and stories here.

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