



Legal module



Introduction and scope

This module has been developed by Social Work Scotland through consultation with councils, supported people, carers and other partner organisations.

The resource can be used in its current format or can be adapted to fit local requirements and priorities. Facilitation notes are provided. We recommend anyone intending delivering this learning session familiarises themselves with the Self-directed Support Act and guidance as well as local implementation.

All slides, notes for facilitators, group exercises and case studies, can be downloaded from the SWS website. This module can be delivered as a stand-alone session or in combination with the other modules available.

Other modules available include:

- General Awareness
- SDS for Children & Families
- Employing family Members

Overview

This module is designed to support participants to develop a better understanding of legal duties under the new self-directed support legislation. It will provide participants with opportunity to reflect on and explore both the potential implications and opportunities for practice and further develop confidence when discharging these duties.

Content

The session will:

- Provide Information on the new legal duties required within the Act
- Explore what choice and control means for people
- Consider the importance of the Values & Principles underpinning the new Act
- Highlight the exemptions and discretion within the new Act and regulations



Learning Objectives

Participants will:

- Gain a sound understanding of the legal duties in relation to Self-directed Support
- Explore links with existing legislative frameworks
- Reflect on the opportunities and challenges this may bring
- Gain a sound understanding of the f4 options and when they apply
- Greater awareness of the implications and opportunities for people, practitioners and organisations

Intended audience

- There is an expectation that those who attend this training will have undertaken at the minimum, the self-directed support awareness raising module.
- Frontline practitioners/both health and social care who have a key role within the assessment, support planning, monitoring and delivery of services.
- Supervisors/managers/team leaders involved within the decision making process.
- Support staff such as legal, finance and commissioning who require an awareness of the legal duties.

Materials needed

- PowerPoint Slides
- Flipchart Paper – pens for group activities
- Duty Cards (group activity 1)
- Four Option Cards (group activity)
- Hand-outs – Principles Across the Acts, 4 Options Summary
- Case Studies



Activity 1 - New Duty Cards

Split participants into small groups of 4/5 maximum. Invite the groups to take a “New Duty Card” (New duty cards should be printed off the website or facilitator can improvise and write these on cards). Provide each group with flipchart paper and pens and ask group to nominate a scribe and someone to feedback to the larger group.



Advise there are 2 parts to this exercise:

- Invite the groups to discuss some of the potential challenges to this new duty being discharged?
- Now identify some of the benefits that this will bring for the people who require support.

Invite the groups to feedback to the larger group what the discussion has highlighted and record on flipchart the challenges and opportunities that have emerged.

Purpose: The purpose of this exercise is to introduce and reinforce the key duties and the relevance to practice. It encourages participants to discuss and debate both the opportunities and challenges of implementing the duties.

If possible try to ensure the makeup of the groups have variety of roles to encourage differing perspectives.



Activity 2 - The options debate (optional)

(will need flipcharts, pens and statement cards describing each of the 4 options.

This activity is optional and depends on the confidence and skill of the facilitator, the size of the group session time.

Split participants into 4 groups, give each group 1 of the 4 options. The groups will need to nominate a spokesperson who will present the argument.

- Ask each group/team to highlight and discuss benefits of their option and prepare to debate their argument.
- Each team is expected to advocate for their chosen option highlighting the benefits for the supported person.
- Each group should be given a time limit to present their argument – suggest 2mins max.

Purpose: The aim of the exercise is to raise awareness of all the four options through discussion and debate. There is no right, wrong or best option, this highlights and reinforces that there are 4 options for people to choose from each will equal validity. 1 option shouldn't fit all or be deemed more desirable than the rest. Highlight the intent of having 4 options is to allow everyone to select what one best suits their individual circumstances.



Optional – A prize of a bag of sweets or chocolates for the winning debate team could be provided. The winner is decided by the facilitator based on which group was most passionate and able to articulate their argument best.

This does not indicate the choice of option is best – rather the debating skills of the group.



Activity 3 - Case studies (optional)

This activity is Optional – depending on session time and energy of the group. Split participants into small groups or pairs, provide each group with one of the case studies provided. All case studies can be downloaded from website. There are 5 options to choose from or you may choose to develop your own locally. Each case study provides a scenario based around various care groups. Choose case studies that are most relevant to participant's experiences if possible.

Purpose: The purpose of using case studies is to explore how adopting a creative approach to support planning through using self-directed support options could lead to different outcomes for individuals. It encourages participants to consider how an SDS approach may provide more flexible alternative to the more traditional responses we have become accustomed to.

The case studies also encourage participants to consider, explore and support potential risks and links to other legislative duties in relation to risk and protection



Suggested programme and timings

Welcome, introduction, house keeping in line with local arrangements	Slide 1	5 mins
Introduce Learning Objectives	Slide 2	10 mins
Ice-Breaker/Connecting Up	Slide 3	10 mins
Introduction to self-directed support	Slides 4 & 5	10 mins
Explore the importance of the Values & Principles enshrined in the new Act	Slides 6 - 11	15 mins
Explore the importance of good assessments	Slide 12	10 mins
Coffee Break		20 mins
Introduce new duties	Slides 13 - 16	20 mins
Activity 1 - New Duties	Slide 17	20 mins
Links with other legislation	Slide 18 - 19	10 mins
The 4 options	Slide 20	15 mins
Current discretion/exemptions	Slide 21	10 mins
Further requirements	Slide 22	5 mins
Activity 2 - Case Studies	Slide 23	30 mins
Activity 3 - 4 options debate (optional)	Slide 24	30 mins
Key Messages	Slide 25	10 mins
Questions and Answers	Slide 26	10 mins
Suggested Links and reading	Slide 27	5 mins