

## Social care – independent living and social care funding



### **Why recommendations on Scotland?**

The Scotland Act 1998 provided for the establishment of the Scottish Parliament and the Scottish Government. The Act sets out that all policy areas not explicitly reserved to the UK Parliament are devolved to the Scottish Parliament. The Scottish Parliament has full legislative powers over devolved matters. This means that issues such as justice, health and social care, education and training, as well as many aspects of transport and environment, are within the powers of the Scottish Parliament and responsibilities of the Scottish Government.

Observing and implementing international human rights obligations relating to devolved matters is the responsibility of both the Scottish Parliament and Scottish Government Ministers.

While the UK is the State Party to the United Nations (UN), UN bodies have increasingly recognised the value of specific concluding observations and recommendations for the Scottish Government. This has been recognised as a way to ensure that law, policy and practice in Scotland is fully compliant with all international human rights law and policy.

## Issues

### The Social Care (Self-directed Support) (Scotland) Act 2013 aims to empower disabled people to have more control and choice in obtaining good quality care.



**Disabled people have raised concerns that the reality on the ground falls a long way short of the positive intentions behind the introduction of self-directed support.**

The Act has been supported by disabled people and their organisations. However, an audit of local authorities' progress in implementing the Act concluded that local authorities still have a substantial amount of work to do to fully implement self-directed support (SDS) and recommended they work more closely with people who need support to develop their choices.

Disabled people have also raised concerns that the reality on the ground falls a long way short of the positive intentions behind the introduction of SDS. They have pointed to ever-increasing anecdotal evidence that the introduction of SDS is being used to justify reducing care packages as local authority budgets continue to be squeezed.

There has been a significant increase in welfare guardianships granted for people with a learning disability, particularly those aged 16-24, which links to the roll-out of SDS in many local authorities. We are concerned that the legislation may, in practice, have the unintended consequence of restricting choice and control.

The Shared Ambition on the Future of Social Care Support in Scotland called for the urgent establishment of a national independent Commission to explore the development of new approaches to funding as demand rises. Decisions around health funding are matters for the Scottish Parliament and Government.

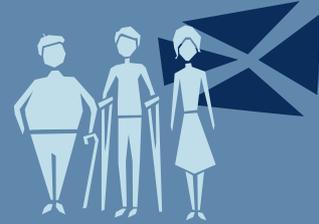
## Recommendations



**The Scottish Government identifies whether the introduction of self-directed support is resulting in a better quality of life for individuals, including evidence on its impact on different groups of disabled people.**



**The Scottish Government addresses gaps in the implementation of self-directed support to ensure choice and control is realised and is consistent in practice.**



**The Scottish Government urgently establishes a national independent Commission on social care funding.**



## Questions for the Government

What action is the Scottish Government taking to assess whether the introduction of self-directed support is resulting in a better quality of life for individuals, including its impact on different groups?

What is the Scottish Government doing to ensure that all local authorities adequately and consistently support people's choice and control in order to achieving independent living for all disabled people?

Has the Scottish Government undertaken any step to systematically address the national gaps in the implementation of self-directed support?

The Scottish Human Rights Commission is the National Human Rights Institution for Scotland, accredited with A status by the Global Alliance of NHRIs. SHRC is one of the three NHRIs in the UK. SHRC is a member of the UK's National Preventive Mechanism (OPCAT) and the Independent Monitoring Mechanism for the Convention on the Rights of Persons with Disabilities in Scotland.

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