

Self-directed Support in Northern Ireland

Part 1 – WHAT IS SELF-DIRECTED SUPPORT?



At a glance

Self-Directed Support is currently being rolled out by the five Health and Social Care Trusts (HSC Trusts) in Northern Ireland.

Law Centre (NI) Legal Information Briefing *Self-Directed Support in Northern Ireland. Part 1* explains what Self-Directed Support is and the different forms of Self-Directed Support available in Northern Ireland.

The briefing aims to help HSC Trust staff understand and implement the Self-Directed Support process. It is also intended for individuals and advisers requiring more information on this new Regional Initiative.

A companion briefing, *Self-Directed Support in Northern Ireland. Part 2*, examines how people can access Self-Directed Support and the role of HSC Trust professionals in facilitating an individual service user/carer's request for Self-Directed Support:

www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/CC-briefing-39-Self-directed-support-2-Law-Centre-NI-Feb-17.pdf

Law Centre (NI)

- promotes social justice and provides specialist legal services to advice organisations and disadvantaged individuals
- in five areas of law: social security, community care, mental health, employment, trafficking and asylum
- through advice, casework, training, information and policy services

Our advice line

Monday to Friday: 9024 4401

Introduction

In June 2015, the Health and Social Care Board (HSC Board) announced the launch of Self Directed Support (SDS) across Northern Ireland. Following the operation of a pilot programme by the Southern Health and Social Care Trust over a number of years, Self-Directed Support is currently being rolled out by the five Health and Social Care Trusts (HSC Trusts) in Northern Ireland.

In November 2015, Guidance (the Guidance) entitled *Self-Directed Support: Practitioner Guide*¹ was developed and agreed regionally between the HSC Board and all HSC Trusts as part of the implementation of SDS in Northern Ireland. It is aimed at helping HSC Trust staff understand and implement the Self-Directed Support process. The Guidance is also a useful tool for individuals and advisers requiring more information on this new Regional Initiative.

This briefing explains what SDS is and the different forms of SDS available in Northern Ireland.

A companion briefing, *Self-Directed Support in Northern Ireland. Part 2*, examines how people can access SDS and the role of HSC Trust professionals in facilitating an individual service user/carer's request for SDS².

1. What is Self-Directed Support?

Self-Directed Support (SDS) is a new way of delivering social care services to meet an individual's assessed eligible social care needs. It is underpinned by the Carers and Direct Payments Act (NI) 2002.

The introduction is in keeping with several strategic aims of Transforming Your Care which focus on promoting an individual's independence and the provision of personalised care.³

SDS aims to allow individual service users and/or their carers to exercise more choice and control over the support they receive and how their social care/support is provided.

¹ Available at http://www.setrust.hscni.net/pdf/SDS_PG_Nov15.pdf

² Available at: <http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/CC-briefing-39-Self-directed-support-2-Law-Centre-NI-Feb-17.pdf>

³ These recommendations include Recommendations 15,18,32,61 and 68. Please see <http://www.transformingyourcare.hscni.net/wp-content/uploads/2012/10/Transforming-Your-Care-Review-of-HSC-in-NI.pdf> for more information.

2. Self-Directed Support: key concepts

The Guidance identifies and defines a number of key concepts within SDS which are set out below.

2.1 Personalisation

The process by which HSC Trust provide services can be adapted to suit the individual with assessed eligible needs. Personalisation is an individual's right to determine their own life and shape any support which they may require to live their life.

2.2 Personal Budget

A Personal Budget is a sum of money identified by the HSC Trust to meet the assessed needs of an individual who is eligible for and entitled to social care support services. SDS allows a HSC Trust to provide a Personal Budget to an individual where it is agreed (following an assessment of their needs) that the individual has assessed eligible needs requiring the provision of social care services by the HSC Trust⁴.

An individual's Personal Budget can be taken in any one of the following four ways:

- Direct Payment,
- Managed Budget,
- Trust arranged support,
- mix of options.

2.3 Direct Payment

The Personal Budget can be taken in the form of a Direct Payment by the individual service user or their nominated representative.

Direct Payments have been in operation for many years. Under the Direct Payments Scheme an eligible individual (following an assessment of need which identifies an assessed eligible need) is permitted to purchase their own care provision as an alternative to having the

⁴ The Guidance emphasises that the Personal Budget should never replace existing support networks within families or communities. In practical terms, this means that any decision made by the HSC Trust regarding the provision of a Personal Budget to an individual and the sum of money made available will be necessarily informed by the level of informal care and support being provided to the individual from existing community and family resources. For more information on the legal position of informal carers, please see Community Care Information Briefing Number 32 entitled 'Identifying and Meeting a Carer's Needs' available at <http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/Community%20care%20briefings/CC-Briefing-32-Identifying-and-meeting-a-carer's-needs.pdf>

services which they are assessed as needing provided or purchased for them by a HSC Trust.⁵ Direct Payments can be used by recipients to purchase social care services (for example from a private sector provider) or to arrange their own support by employing a Personal Assistant to meet their social care/support needs.

2.4 Managed Budget

A Managed Budget allows a person with assessed eligible needs to direct how their Personal Budget is used. With this option, the individual chooses which supports and services they wish to receive and their Personal Budget is administered/overseen on their behalf by either the HSC Trust or another contracted third party organisation.⁶

Depending on the particular circumstances, either the Trust or the third party organisation will provide and/or arrange the chosen services for the individual to meet their assessed needs.

The Guidance confirms that this option allows the individual to stay in control without the additional responsibility of managing a Direct Payment.

However, if the individual wishes to spend their Personal Budget with a non-contracted provider⁷ then this must be explored through the provision of a Direct Payment.

2.5 Trust arranged support

Where an individual cannot choose and/or manage their support under a Managed Budget (even with additional support), the HSC Trust can provide/arrange social care services/support for the individual in keeping with their assessed eligible needs.

In addition, an individual is free to choose this option where they do not wish to avail of either Direct Payments or a Managed Budget.

Under this option, the individual's Key Worker will have responsibility for sourcing and organising care and support arrangements with approved contracted providers to meet the individual's assessed needs.

The Guidance emphasises that when an individual chooses this option, the principles of being provided with information and being offered choice and some control still apply.

⁵ For more information in the Direct Payments Scheme, please see Community Care Information Briefing Number 34 entitled 'Direct Payments Scheme Explained' available at <http://www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/Community%20care%20briefings/CC-Briefing-34-Direct-Payments.pdf>

⁶ Which is understood from the Guidance to be an organisation acting under a contract with the HSC Trust

⁷ Which is understood from the Guidance to be an organisation which does not have an existing contractual arrangement with the Trust for the provision of social care/support services

2.6 Mix of options

With this option, an individual can choose a mix of any of the options above to secure care and support which best meets their assessed eligible needs.

2.7 Individual Support Plan

At the centre of every Personal Budget is an Individual Support Plan. Once a Personal Budget has been agreed, the individual and/or their representative will engage in the development of an Individual Support Plan. This will outline agreed personal goals and outcomes that will meet the individual's assessed needs. Once the plan is agreed by the HSC Trust the individual and/or their representative will decide how the Personal Budget will be managed.

For *Part 2. The Process*, visit www.lawcentreni.org/Publications/Law-Centre-Information-Briefings/CC-briefing-39-Self-directed-support-2-Law-Centre-NI-Feb-17.pdf

Independent Advice, Support and Mediation Service (Community Care)

The Law Centre's Independent Advice, Support and Mediation Service (Community Care) runs a specialist advice line and representation service.

How we can help you

We provide advice and assistance to:

- adults who have needs due to physical or mental disability, ill health or age,
- adults with sensory disabilities, and
- adults whose needs arise because of their role as carer.

We can help in cases which raise issues concerning the legal responsibilities of health and social care trusts and other public bodies in the provision of health and social care.

We also welcome calls from health and social care staff, other healthcare providers and advisers.

Our advice line: 028 9024 4401, Monday to Friday, 9am to 1pm and 2pm to 5pm, out of hours voicemail service available

We also run a regional advice clinic service, please contact us for further information.

We advise in all areas of community care, including:

- needs assessments
- provision of services
- direct payments
- benefits and community care
- grants for home improvements for people with disabilities
- services for young adults transitioning from Children's Services
- financing residential and nursing home care
- carer's assessments
- capacity and decision making in social care
- human rights issues and social care

Representation service - We resolve the majority of cases through negotiation with HSC Trusts and service providers.

Where necessary, we initiate judicial review proceedings in the High Court to clarify interpretation of health and social services law and/ or to challenge decisions made by public bodies or HSC Trusts. We can pursue appeals to the Court of Appeal and beyond where necessary.

Training - We provide training for health and social care staff and for advisers working in the field of community care. For more information on courses available, visit: [Law Centre NI training](#).

More information

Consult our website for more information on the service and on health and social care legal issues: www.lawcentreni.org

Law Centre (NI) contact details

Central Office

124 Donegall Street

Belfast

BT1 2GY

Tel: 028 9024 4401

Fax: 028 9023 6340

Textphone: 028 9023 9938

Email: admin.belfast@lawcentreni.org

Western Area Office

9 Clarendon Street

Derry

BT48 7EP

Tel: 028 7126 2433

Fax: 028 7126 2343

Email: admin.derry@lawcentreni.org

Our website: www.lawcentreni.org

Follow us on Twitter: [@LawCentreNI](https://twitter.com/LawCentreNI)

Find us on YouTube: [Law Centre NI](https://www.youtube.com/LawCentreNI)



Disclaimer

Although every effort is made to ensure the information in Law Centre publications is accurate, we cannot be held liable for any inaccuracies and their consequences. The information should not be treated as a complete and authoritative statement of the law.

Law Centre (NI) only operates within Northern Ireland and the information in this document is only relevant to Northern Ireland law.

When reading Law Centre documents, please pay attention to their date of publication as legislation may have changed since they were published.