

Day Services Policy (Adults)

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1 Contents

| | | |
|-------|---|----|
| 2 | Introduction | 3 |
| 3 | Legislative and Policy Context..... | 3 |
| 3.1 | Legislative Context | 3 |
| 3.2 | Policy Context | 4 |
| 3.3 | Self Directed Support | 4 |
| 4 | Purpose and Eligibility for Day Services | 4 |
| 4.1 | Levels of Support..... | 5 |
| 4.1.1 | Supported Living | 6 |
| 4.1.2 | Independent Living with Support..... | 6 |
| 4.1.3 | Living at Home | 6 |
| 4.1.4 | Residential Care | 6 |
| 5 | Principles Underpinning Day Service Provision | 6 |
| 6 | Types of Day Service Provision | 8 |
| 7 | Specific Eligibility Guidance..... | 9 |
| 7.1 | Further Education | 9 |
| 7.2 | Stage of Life..... | 10 |

2 Introduction

Midlothian Council provides a range of Community Care support services to individuals with varying levels of support needs. This includes the provision of Learning Disability Day Services to individuals affected by disabilities.

Where an individual has complex support needs there can be significant variation in costs of providing Day Services depending upon the service model used to provide this support. This policy aims to ensure there is a fair allocation of resources to individuals who require support by detailing the eligibility criteria for Day Services and outlining appropriate models of Day Service provision. This policy complements and should be read in conjunction with Midlothian Council 'Fair Allocation of Care Policy' approved in June 2017.

3 Legislative and Policy Context

3.1 Legislative Context

The main duty to provide community care services derives from Section 12A of the Social Work (Scotland) 1968 Act. Section 12A of this Act provides:

Where it appears to the local authority that any person for whom they are under a duty or have a power to provide community care services may be in need of any such services the local authority must:

- Assess the need of that person for support
- Decide on the basis of the assessment whether services should be provided taking account of:
 - Whether there is a carer providing substantial amount of care on a regular basis; and
 - Both the views of the person whose needs are being assessed and the views of the carer

Midlothian Council is accordingly required to perform its statutory duties in terms of the 1968, however Midlothian Council is entitled to exercise its discretion in performing those statutory duties. Midlothian Council must ensure that an assessed need is being met, and must take into account the views of the individual and their carer, however, they do not have to fund the care requested by an individual or their carer if the assessed need can be met by a more cost effective resource. The local authority is not required to fund more expensive models of care where support can be provided effectively by alternate models of care.

3.2 Policy Context

This policy clarifies eligibility for and models of Learning Disability Day Service provision. All commissioning of resources should be consistent with wider policy initiatives including:

- The Keys to Life Learning Disability strategy
- Midlothian Council Fair Allocation of Care Policy

Day services are also provided for people with mental health needs and for people with physical disability. Whilst this policy is focussed upon services to people with learning disability there are some general principles which apply across all day services e.g. the support available with care support needs attending further education college.

3.3 Self Directed Support

The Social Care (Self Directed Support) (Scotland) Act 2013 introduced choice and control in the provision of social care support. The Act places a duty on local authority social work departments to offer people who are eligible for social care a range of choices over how they receive their social care and support. It allows people to choose how their support is provided to them, and enables people, if they wish to do so, to organise their support themselves under Self Directed Support (SDS) options 1 or 2. It also requires that the local authority must provide information, including the available budget, to individuals so that they can choose which option of support they wish. If the individual chooses SDS options 1 or 2, the local authority must make payment of a relevant amount to enable the individual to arrange for the provision of support. It should be noted that payment made by the Local Authority should be an amount that the local authority considers is a reasonable estimate of the cost of securing the provision of support for the supported person.

While Self Directed Support does ensure individuals have choice and control about their care and support there are limitations. When agreeing what support can be provided under options 1 and 2 the Local Authority needs to be satisfied that the:

- Individual is eligible for proposed support and the support will meet assessed outcomes
- Support will ensure the individual is safe and promote independence and active citizenship

4 Purpose and Eligibility for Day Services

Individuals with a disability may require specific day service support during the day. This support will mitigate the risks to individuals that would exist in the absence of structured daily activity. The Day Service support that would be provided should meet outcomes in three main areas listed below. Outcomes should be meaningful, realistic and achievable.

- **Outcomes related to staying safe** – Where an individual is assessed as being at risk of harm if they were left on their own without programmed support activities during the day
- **Outcomes related to being independent** – Where programmed activities are required during the day to ensure an individual develops or is supported to exercise basic independence skills necessary to engage in activity that is meaningful to the individual. (Basic independence skills include things such as communication, decision making, managing own behaviour, self care skills, navigating social relationships)
- **Outcomes related to being an active citizen** – Where due to the individual's disability without support they would be unable to engage in critical activities associated with being an active citizen such as forming and maintaining relationships, having a social life and being part of the wider community

The Midlothian Council's eligibility criteria mean that support will only be provided when an individual would be at substantial or critical risk if support was not provided. This means that Day Service support would only be provided when there is evidence that the absence of such support would put an individual's long term health and wellbeing at risk as a result of loss of independence and inability to be an active citizen.

4.1 Amounts of Support

The amount of support provided will depend upon the risk if an individual does not receive support. Support will only be provided to reduce risk to an acceptable level and not to eliminate risk entirely. For example while an individual may require support 5 days a week to stay safe it is unlikely there would be a need for a 5 days a week service to mitigate the risks associated with being an active citizen.

The factors that will determine the amount of Day Service an individual receives are as follows:

- **Support to stay safe** – The amount of time an individual needs to be supported to be safe and the staffing ratio required to ensure the individual is safe
- **Support to be independent** – The amount of time an individual needs to be supported to engage in meaningful activity and the staffing ratio required for this. The amount of time an individual could be supported for would be determined by the amount of purposeful activity necessary to avoid harm to an individual's wellbeing that would result from them not engaging in any purposeful activity.
- **Support to be an active citizen** – The amount of time individual needs to be supported to engage in activities associated with being active citizen and the staffing ratio required for this. The amount of time an individual could be supported for would be determined by the amount of activity necessary to mitigate risks associated with social isolation.

4.1.1 The level of support an individual will be eligible for will vary depending upon an individual's circumstances and their living arrangements. Supported Living

Where an individual receives a supported living service their support should be organised to ensure risks associated with safety, independence and active citizenship are mitigated. For some individuals their supporting living service will provide all the support related to these risks, for others day services will be part of the support arrangements. An individual will not normally receive both Supported Living support and Day Services during the day. The best way of providing services will be decided on a case by case basis; for example if an individual's level of assessed need is such that specialist Day Service provision is required and the individual would require additional support from the supported living service to engage in this support.

4.1.2 Independent Living with Support

Where an individual is living independently with some support, Day Services can be provided when there is an assessed need for structured day services as a protective factor to keep the individual safe. An individual may also be eligible for some support with basic independence skills necessary to engage in purposeful activity and some support to engage in the community. Normally individuals living independently with some support will not require high levels of day service support.

4.1.3 Living at Home

The amount of support an individual living at home with family / carers will receive will depend upon the amount of support needed to ensure independence and active citizenship. Day Services would only be provided on a full time basis where an individual is assessed as not being safe when on their own at times when the family/carers are not available to support the individual. The level of service may also be informed by an assessment of the carers' needs.

4.1.4 Residential Care

Where an individual receives residential care, day services should be provided as part of this service. There would therefore not normally be any eligibility for additional Day Services.

5 Principles Underpinning Day Service Provision

There are a number of principles that underpin the Day Service provision that are drawn from 'Keys to Life' policy and local consultation. The principles outlined will apply to all Day Service provision commissioned by Midlothian Council. These principles will also be adopted when commissioning services to ensure that the range of service provision is available locally.

- **Day Services will promote independence and active citizenship** – In line with the Keys to Life strategy all service provision should promote independent and active citizenship. This will include the creation of meaningful communities and experiences for individuals. Services funded by Midlothian Council will be required to evidence this is being achieved, where appropriate with reference to the individual experiences of individuals using the services.
- **Services to be delivered locally** –Day services should, wherever possible, be delivered in Midlothian. Out of area service will only be considered when there is an assessed need for specific provision or out of area service provision meets an individual's assessed need and is no more expensive
- **Services to promote individual learning and development** –Day services should, wherever appropriate, support individual to learn and develop new skills
- **Enhanced level of support based on assessed need** - The default level of support will be shared support. Increased levels of support, such as 1-1 support will only be provided when there is an assessed need for this level of support to engage in Day Services. Holistic assessments will be undertaken to assess the level of need and should always include input from health services on the level and impact of a disability.
- **Resource decision to include transport costs** – When making resource decisions the full cost of the service provision, including costs of getting to and from the service should be considered. This will support the principle that all services should be provided locally.
- **Specific eligibility criteria apply to transition services** – Midlothian Council recognises there can be value in providing specialist Day Services for young adults leaving school. These services can support individuals to develop independence skills that may mean the individuals need less support in the long term. Eligibility for these services will be time limited and be dependent on an assessment that appropriate transition related outcomes will be met.
- **Service provision will be appropriate to stage in life** – It is recognised that Day Service provision should reflect an individual's age. The Day Services that would be appropriate for someone leaving school are different from the Day Services for an adult in later life, or passed retirement age.
- **Services will support healthy lives** – Day Services will be organised to support individuals enjoy the highest attainable standard of living, health and family life. Services should develop individual outcomes that emotional, physical and psychological wellbeing. Services will be expected to proactively work to contribute to addressing issues related to health inequalities.

6 Types of Day Service Provision

The table below summarised the main types of day service provision and the key factors that would determine eligibility for them:

| Model | Description | Factors Influencing Eligibility for this Service |
|--|---|--|
| Specialist building based provision | <ul style="list-style-type: none"> Specialist building space is required to cater for complex physical disabilities Adaptations are required to the physical environment to make it safe for individuals(e.g. when an individual presents challenging behaviour) | <ul style="list-style-type: none"> Assessed need for specialist building based provision Unable to share social space and therefore require specialist environment |
| Specialist Transition Services | <ul style="list-style-type: none"> Services targeted at young adults leaving or recently left school who will benefit from services with an enhanced focus on learning that will help an individual develop skills that mean they will require less support in the future. Services that support an individual to engage in person centred planning associated with the transition to becoming an adult Services will work to deliver clearly started outcomes that will be regularly reviewed and based on the principles of Good Transitions 3 (Scottish Transitions Forum). | <ul style="list-style-type: none"> Assessed benefits of enhanced levels of learning Normally only available for a fixed period after school Continuation of this resource would be contingent on progress |
| Programmed Activities – Building Based | <ul style="list-style-type: none"> Service orientated around a building that provide programmed activities that in a safe environment and promote independence and active citizenship | <ul style="list-style-type: none"> Assessed need for structured support with basic independence skills Assessed need for this to be building based provision |
| Programmed Activities- Community / Resource Centre Based | <ul style="list-style-type: none"> Services based within the community that provide programmed activities that provide a safe environment and promote independence and active citizenship | <ul style="list-style-type: none"> Assessed need for structured support with basic independence skills in order participate in purposeful activity |
| Further Education | <ul style="list-style-type: none"> Further education courses aimed at individuals who require supported learning (SCQF Level 1 & 2) | <ul style="list-style-type: none"> Support would be provided if the young person met the eligibility criteria for day service provision (see section 7.1) |

| Model | Description | Factors Influencing Eligibility for this Service |
|---------------------------------------|---|---|
| Supported Employment (& volunteering) | <ul style="list-style-type: none"> Services that provide supported employment and volunteering opportunities | <ul style="list-style-type: none"> Individual is assessed as being unable to engage in employment or volunteering without support to develop and sustain basic independence skills |
| Local Area Co-ordination | <ul style="list-style-type: none"> Services that provide the co-ordination necessary to be independent and engage in purposeful activity | <ul style="list-style-type: none"> Individual assessed as needing lower levels of support with their independence skills |
| Relationships / Social Life Outings | <ul style="list-style-type: none"> Day Services that provide social activities and opportunities | <ul style="list-style-type: none"> Not normally individually funded, but may be grant funded by the Local Authority |

7 Specific Eligibility Guidance

7.1 Further Education

Some individuals may choose to access a college course in place of a day service. This is particularly the case with young people leaving school who may benefit from continuing education to develop their independence skills. While courses themselves are funded by further education establishments Midlothian Council may be requested to fund transport and additional support at college. Funding for transport or additional support will be considered only when:

- An individual is assessed as being eligible for a Social Care Day Service if they did not attend college
- The course supports the learning of basic independence skills (appropriate to the needs of individuals with a learning disability). These courses are normally at SCQF Level 1 & 2.
- Wherever possible the individual will be supported to travel independently
- As outlined in Fair Access to Care Policy the expectation is that people will make their own arrangements to access services. Transport will only be made available for individuals to attend College courses within Midlothian where there is no other way to safely access services. Only exceptionally will this include journeys to campuses outwith Midlothian. If individuals or families choose to go outwith Midlothian they may be required to pay additional support and travel costs themselves.
- Where additional support is needed for someone to attend college social care funding is only available for personal care and support provided during breaks. Support for learning will be responsibility of the college

7.2 Stage of Life

Day service provision will vary dependent upon an individual's stage in life. When an individual reaches retirement age the amount of Day Service provision related to promoting independence and active citizenship will be assessed consistent with the amount of support older people can receive. While this may change the amount of support an individual receives the support service should still meet the specific needs associated with an individual's disability.

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