Social Care (Self-directed Support) (Scotland) Act 2013

2013 asp 1

General principles

1 General principles

(1) A local authority must have regard to the principles in subsections (2) to (4) in carrying out its functions under—

(a) Part 2 of the 1968 Act (other than the provisions mentioned in subsection (5)),

(b) sections 22 to 24 of the 1995 Act,

(c) this Act.

(2) A person must have as much involvement as the person wishes in relation to—

(a) the assessment of the person's needs for support or services, and

(b) the provision of support or services for the person.

(3) A person must be provided with any assistance that is reasonably required to enable the person—

(a) to express any views the person may have about the options for self-directed support, and

(b) to make an informed choice when choosing an option for self-directed support.

(4) A local authority must collaborate with a person in relation to—

(a) the assessment of the person's needs for support or services, and

(b) the provision of support or services for the person.

(5) The provisions are—

(a) sections 27 to 27B (which make provision in relation to the supervision and care of persons put on probation or released from prison etc.),

(b) section 28 (local authority's power to arrange burial or cremation in certain circumstances),

(c) section 29 (local authority's power to make payments to parents etc. in respect of expenses for visiting certain persons and attending funerals).

(6) In this section—

(a) references to the assessment of a person's needs are references to assessment under section 12A of the 1968 Act or, as the case may be, section 12AA of that Act or section 23(3) or 24 of the 1995 Act,

(b) references to the provision of support for a person are references to the provision of support under section 3(4),

(c) references to the provision of services for a person are references to the provision of community care services under Part 2 of the 1968 Act or, as the case may be, the provision of services under section 22 of the 1995 Act.

Commencement Information

I1 S. 1 in force at 1.4.2014 by S.S.I. 2014/32, **art. 3**

2 Further general principles applicable to this Act

In carrying out its functions under this Act in relation to a person who is to choose (or has chosen) one of the options for self-directed support, a local authority must take reasonable steps to facilitate the following general principles—

(a) that the right to dignity of the person is to be respected,

(b) that the person's right to participate in the life of the community in which the person lives is to be respected.

Commencement Information

I2 S. 2 in force at 1.4.2014 by S.S.I. 2014/32, **art. 3**

Status:
Point in time view as at 01/04/2014.

Changes to legislation:
There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Cross Heading: General principles.