

SOCIAL CARE (SELF-DIRECTED SUPPORT)(SCOTLAND) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 – General principles

4. **Section 1** places a duty on an authority to have regard to certain general principles in carrying out its functions under the Act, Part 2 of the 1968 Act (with the exception of the provisions mentioned in subsection (5)) and sections 22 to 24 of the Children (Scotland) Act 1995. This means the principles will apply to authorities' social welfare responsibilities (the provision of care and support) to both adults and children.
5. The principles provided under subsections (2), (3) and (4) are, in short-hand terms, related to “involvement”, “informed choice” and “collaboration”. Under the principle provided in subsection (2) (“involvement”) a person must have as much involvement in the assessment of their social care needs and the provision of support or services as the person wishes. Under the principle provided in subsection (3) (“informed choice”) a person must be provided with reasonable assistance in order that they can express their own views about the choices available to them and make an informed decision about their preferred choice. Under the principle provided in subsection (4) (“collaboration”) authorities are required to collaborate with a person in both the assessment of the person's needs and the provision of support or services following the assessment.
6. When local authorities are carrying out their functions in relation to the provisions set out in subsection (5), they do not have to have regard to the principles in this Act (nor offer the options for self-directed support).
7. Subsection (6) clarifies various references which appear in the principles. References to “assessment of a person's need” mean references to assessments under sections 12A, 12AA of the 1968 Act or, as the case may be, sections 23(3) or 24A of the 1995 Act. References to the “provision of support for a person” are references to the provision of section 2(4) in the Act. References to the “provision of services for a person” are references to the provision of community care services under section 12 of the 1968 Act or, as the case may be, the provision of services under section 22 of the 1995 Act.