



Direct Payments in Scotland

A Joint Position Statement

This is a joint statement agreed between UNISON Scotland and key Scottish disabled people's organisations, setting out our position on direct payments in Scotland.





Background

In the past year there have been a number of occasions when misunderstandings have occurred about UNISON's position on direct payments and disabled people's organisations have then been asked to react to a false position. UNISON, as well as having many members who work with disabled people in a variety of roles, also has many disabled members. Some of these disabled members are organised within UNISON's Disabled Members Group. UNISON is committed to supporting disabled people in the workplace and in the community. Therefore, UNISON and the disabled people's organisations are keen to clarify their position in relation to direct payments and, further, to build strong alliances to support disabled people.

Independent living

Disabled people have a right to live independent lives, empowered to make decisions and choices about how they live. Society has a responsibility to support disabled people, to remove the many barriers which restrict this right to independent living. By independent living we mean the following:

"All disabled people having the same choice, control and freedom as any citizen – at home, at work and as members of the community."

Genuine independent living may require support with a whole range of activities other than just personal care. These can include: domestic tasks (including cleaning, gardening, household maintenance), mobility, recreation and social activities (including holidays), education and employment, childcare and other family responsibilities, engaging in political and public life, and acting spontaneously. In short, fulfilling basic human needs that non-disabled people take for granted.

Access to support for these kind of activities is currently very fragmented and ^ there is a need for significant additional resources to expand the provision of all services for disabled people, both in the public and independent sectors. This includes direct payments.

Empowering disabled people

These supports and services can be delivered by a number of different agencies: social work, health, housing, education, leisure services, government agencies, the independent sector, and organisations controlled by disabled people themselves. Whoever provides these services, disabled people have a right to expect that they will be appropriate, flexible, and responsive to their needs. All service providers are responsible under the Disability Discrimination Act for ensuring that their services are accessible.

Disabled people are equally entitled to expect that services empower them rather than make them dependent. It is recognised that, in order to achieve this, disabled people must be supported to be involved in and influence the development, provision, and monitoring of services. Genuine service user involvement is essential to the success of providing improved services in all sectors.

We recognise that there is a balance to be struck between safeguarding people and the danger of "over-protecting" people to the extent that they lose their right to live independently. The aim should be to manage risk rather than seek to avoid it entirely. It is therefore essential that there are good assessment procedures and monitoring arrangements, that



services are adequately resourced, and that appropriate supports are in place to allow disabled people to influence their services and supports. In order to achieve this, it is our view that these services should be publicly accountable.

Direct payments

Within the above context, direct payments to enable disabled people either to purchase services directly, or to employ staff directly, have a legitimate role. Disabled people are therefore entitled to make a positive choice to access direct payments where this is the most appropriate method of service delivery.

However, it is recognised that direct payments are not a substitute for other flexible and responsive public services, and are not appropriate for all disabled people's needs. Direct payments must complement a range of public services and must not be used to cover for inadequacies in public provision. It is inappropriate for direct payments to be used to cover for shortages in other services where the disabled person's preference is not for a direct payment. Nor should the way provision is funded be seen as a choice between *direct services* or *direct payments*.

Where direct payments are the most appropriate method of providing services, and are the choice of the disabled person, the payment must be set sufficiently high to cover the cost of a decent level of pay, training, and holidays, and to enable that person to fulfil their other responsibilities as an employer. In our view, this is not the case at the present time.

As more people receive direct payments, the number of people employed directly by disabled people as personal assistants has also increased. These workers are entitled to expect good conditions of employment, including the right to join a trade union such as UNISON.

Membership of a trade union brings many benefits to the worker (such as access to advice, support, and representation). But it is also beneficial to the good employer in fostering good industrial relations and enabling access to training in order to develop the union member's skills.

In agreeing this joint statement, the following commitments are given:

1. SPAEN (Scottish Personal Assistants Employers Network)

will promote trade union membership and will circulate information to employers on UNISON membership.

2. SPAEN and UNISON Scotland

will work to draw up good practice terms and conditions for people employed through direct payments and will promote these jointly.

3. UNISON, SPAEN, GCIL (Glasgow Centre for Inclusive Living) and SCDPSO (Scottish Consortium of Direct Payment Support Organisations)

will campaign for increased levels of funding from the Scottish Executive for the provision of independent living supports to disabled people in the public sector.



4. UNISON, SPAEN, GCIL and SCDPSO

will campaign for direct payments to be set sufficiently high to cover decent levels of pay, access to training, holidays and other employment benefits such as pensions.

5. UNISON, SPAEN, GCIL and SCDPSO

will continue to discuss ways that UNISON members in the public and independent sectors, including those employed through direct payments, can work together with disabled people for their mutual benefit.

Statement Supported by the Undernoted Organisations

UNISON Scotland

UNISON is the largest union in Scotland and has many members employed to provide support and services to disabled people. UNISON Scotland is committed to supporting its many disabled members to overcome barriers which they face in the workplace, encourages them to organise within the union through our Disabled Members Group and is committed to the principle of the right to independent living for all disabled people be they UNISON members or people receiving services.



Scottish Personal Assistant Employers Network (SPAEN)

SPAEN exists to be the authoritative voice of personal assistant employers in Scotland. SPAEN is a Scotland wide user led organisation with a membership of 334. SPAEN provides Personnel management and Employment Law support, advice & indemnity cover, information, training, and Disclosure Checks for disabled people (and other CC client groups) who manage their own support packages and employ their own personal assistants through Direct Payments, ILS or ILF.



Glasgow Centre for Inclusive Living (GCIL)

GCIL is a 'more than profit' community business run by and for disabled people in and around Glasgow. GCIL is a genuine user-led organisation – three-quarters of our directors and our staff are disabled people. Overall, GCIL's aim is to promote inclusive living by helping to equip disabled people with the information, skills, and support they need to control their own lives. Since 1996, they have successfully developed a range of services to do this. These include: one-to-one support for people receiving direct payments; an emergency back-up service for disabled people who employ Personal Assistants; information, advice and advocacy for disabled people in need of accessible accommodation; a database of accessible properties; an innovative employment project; and a variety of training services.



The Scottish Consortium of Direct Payments Support Organisations (SCDPSO)

The aim of SCDPSO is to provide a forum for Direct Payment support organisations throughout Scotland, to work together to promote better outcomes for people receiving or considering direct payments as a means to enabling independent living, improve their conditions of life and also facilitate their active participation in and full integration into society.



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