

## **PE1533/CC**

Petitioner submission of 16 May 2017

We watched with interest the contribution to the last meeting from the Cabinet Secretary for Health, Shona Robison. Like many others we welcome the rise in Income Thresholds that she has introduced and was so proud of in her comments. However it should be put into context; the £8.30 that thresholds increased by will buy you only 32 minutes of home care in Edinburgh and just 20 minutes in Angus. It is a good change but a small one.

We were surprised that the Cabinet Sec continues to place her faith in COSLA and local authorities achieving equity and consistency with charging policies throughout Scotland – something that they have been working on since 2002 without any success. Ms Robison now believes that the introduction of COSLA's Financial Assessment Template in 2016-17 will help achieve this goal; however, a quick glance at the template shows that it only just scratches the surface. As it stands, it will not achieve the consistency of charging that the Scottish Government thinks it will.

The template only sets out the minimum threshold amounts, the minimum disregards on income and capital along with a brief mention of disability related expenditure (see appendix 1). The template does not address the main problems that lead to the lack of consistency we have between local authorities –the differing charges for services and taper rates.

On differing charges, Midlothian Council charges £10.80 an hour for home care – in Angus disabled people, under 65, can pay up to £24.50 an hour. On the taper (the tax rate on a person's income over the threshold) varies from 100% in 7 councils down to 15% in one council area.

It would appear that the next development will be the report on the Feasibility Study on the costs of extending Free Personal Care. Thanks to the work of you and your committee, we were able to meet with the two lead Scottish Government officials.

They have a schedule of work laid out to progress this bit of work but I think it would be fair to say that this is still at an early stage.

One key point we would like to alert the committee towards will be how to estimate what future demand will become if personal care services are available free of charge. There is a degree of concern within the Scottish Government that demand could rise significantly in a similar way when Free Personal Care was introduced for older people.

We believe this fear is overstated. The number of people receiving all types of home care in Scotland has fallen from 70,000 in 2000 to 59,000 in 2015. The numbers of older people getting Free Personal Care has remained around 47,000 since 2010 and has even seen a small drop in the last few years.

The key reason for this is the increased use of National Eligibility Standards introduced by the Scottish Government in 2010 and adopted by local authorities. This has seen only those with critical or substantial needs able to get services.

Those with lower levels of needs are either signposted to other services or refused a service.

No statistics are collected in Scotland to demonstrate this process but statistics are collected in England which demonstrate a similar process where 57% of requests for help from councils resulted in no support<sup>1</sup>. Of 1.8 million requests for help, 524 thousand people were signposted to other services and 515 thousand people had needs lower than the eligibility threshold.

Local authorities, for better or worse, have changed their approach since the early 2000s and no one who does not meet the threshold level of needs can simply turn up, ask and get a service. As a result we do not believe that there will be a major increase in demand.

It is likely there will be some people who do meet the threshold for support but after being told about charges applying will find other ways of meeting their needs. Some of these people may indeed come forward if Personal Care services are free. We believe that this is a small number as many who have initially walked away in the past will have to have changed their approach as their care needs increased over time.

We were particularly concerned when we heard the Cabinet Secretary repeat the old saying “Ultimately, it is for local authorities to decide and, if they make decisions that local people do not like, it is for local people to make their views known about that, and there is an opportunity to do that through the ballot box. If a local authority has a policy on charging that local people do not favour, that is where democratic accountability is exercised.”

There are two points about this that particularly concern us.

First it is factually wrong – ultimately the power is in the hands of the Scottish Government to set a national policy on social care charging that applies to ALL local authorities. As we have said before they took this power in 2002 and have chosen to never use it.

Secondly, disabled people are a tiny minority in this country and even when they vote together they are outnumbered by others with different concerns. All Scottish Governments have rightly made a point of challenging racial and gender discrimination. None of them would tolerate local authorities discriminating against people from these minority groups or attacking their human rights on the grounds that was what had been decided at the ballot box. Yet this seem to be acceptable for disabled people.

I have attached a copy of our new pamphlet on care charges which helps to illustrate some of the human right breaches that disabled people regularly face because of care charges. Currently the UK is in 6<sup>th</sup> place in the Human Freedom Index<sup>2</sup>. This is

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<sup>1</sup> Community Care Statistics: Social Services Activity, England - 2015 to 2016 Report

<sup>2</sup> <https://object.cato.org/sites/cato.org/files/human-freedom-index-files/human-freedom-index-2016-update-3.pdf>

position that is overall well deserved but we believe that the UK and Scotland within that can do better. Becoming more proactive about issues to do with disabled people whether it is ending social care charges or supporting the “Shared Ambition For Social Care” would be a great step forward.

We would be wary about the introduction of half measures in dealing with social care charges. You cannot have half a human right. If we are right about the challenge faced in delivering human rights in Scotland caused by social care charges, then they must be ended.

We will meet again with the working group of extending Free Personal Care and would ask the Public Petitions Committee if they could keep our petition live until we hear what the outcome of the feasibility study is and what the Scottish Government’s response to it might be.

## Annex D – Financial Assessment Template – Minimum Standard (2016/17)

<b>INCOME</b>		
Capital (Tariff Income):	above pension age <sup>9</sup>	<b>£1 / £500</b>
	below pension age	<b>£1 / £250</b>
Non-dependent Relatives Income		<b>YES</b> (proportion of partners income can be counted)
Compensation (Care Element)		<b>YES</b>
<b>DISREGARDS</b>		
Disability Related Expenditure (DRE)		<b>YES</b>
Capital (Disregard):	above pension age	<b>£10,000</b>
	below pension age	<b>£6,000</b>
Potential Disregarded Benefits		(see list <sup>10</sup> )
<b>CHARGING THRESHOLDS<sup>11</sup></b>		
Capital Upper Limit (above which full charge is made) (income based benefits / non-residential rate)		<b>£16,000</b>
Single Person - below pension age		<b>£133</b>
Single Person - above pension age		<b>£200</b>
Couple - below pension age		<b>£202</b>
Couple - above pension age		<b>£305</b>

<sup>9</sup> Prior to 2014/15 the guidance recommended that local authorities use different rates for persons aged under 60, and over 60, and used the terms 'older people' and 'others'. This was based on previous DWP guidance and sought to reflect the different levels of benefit received by people of state pension qualifying age or above; data used in the development of the template relates to those categories.

The guidance now refers to these groups as 'people below state pension qualifying age' (para 7.9) and 'people of state qualifying age or above' (para 7.10) and suggests that councils may now wish to give consideration to this in the context of the Equality Act 2010 and the on-going DWP alignment of state pension qualifying age for men and women (Annex B).

<sup>10</sup> For consistency this lists the names of benefits and payments which councils may *consider* for disregard.

<sup>11</sup> Based on 2017/18 DWP Benefit Rates