

## **PE1533/JJ**

Petitioner submission of 5 June 2018

Thank you for giving me the opportunity to respond to the Public Petitions Committee following consideration of the Scotland Against the Care Tax's petition on 29 March

In this response I would like to address two of the Committee's agreed actions at this meeting; and the response received by the Scottish Government's on 14 May to these requests.

- To write to the Health and Sport Committee on the specifics of the funding model being used ahead of the regulations.
- To reflect on SACT petition's view that a care tax "denies people the right to live out their lives the way that everyone else would."

I'm sure the Committee is as disappointed as us that the Scottish Government's submission does not answer either of these key questions. In particular, there were no details in this submission of the funding model that will be used.

The Government's submission is correct in saying that I, with two other SACT members, met with Scottish Government officials on 8<sup>th</sup> of March this year to discuss how the extension of free personal care for under 65s would be implemented.

The official's told us their options included an individual assessment of each person accessing support, to calculate how much of their package is personal care and how much is social care and then applying a percentage model to reducing their overall charges

There was no indication of how the Government's money for FPC would be distributed to – the local authority or the individual receiving that care.

However, they did show a genuine interest in our proposed rebate system, which would see the Government's money for FPC go directly to those who pay care charges. They said they would investigate this with COSLA and local authorities.

We left the meeting with assurances that we would be updated on developments.

Disappointingly, three months later, and after three meetings of the Implementation Advisory Board, where the implementation guidance and our rebate proposal were on each agenda, we have yet to hear from the Scottish Government's officials on any progress.

Prior to this meeting, we met with representatives from COSLA for their views on how FPC should be implemented. Although they did not put forward any views on how personal and social care should be calculated, they were clear that they thought the money the Scottish Government was spending on this policy should go to local authorities not directly to disabled people. Indeed, they said this money could be used to deliver other social care services – a bonus for local authorities, maybe, but an insult to care tax payers, and those who have fought, for many a year, to overcome the age discrimination within FPC legislation.

Spending the Scottish Government's contribution to eliminate such discrimination on other local authority priorities would also make a mockery of its FPC policy. For, we assume, it is intended to financially benefit those who are currently disadvantaged by such discrimination; whilst not disadvantaging local authorities, by increasing costs. As you said at last PPC, "Nobody would intend the local authorities to get the extra money but for there to be not one coin extra in the pockets of the people who have been campaigning for this change."

The Health and Sport Committee are now considering the implementation of this policy and we await with interest the outcome of these deliberations.

The second question the Committee asked the Scottish Government, like the first, was ignored with only a bland statement saying, "... charges will still apply for non-personal care elements of social care." There was no consideration of SACT's belief that, any social care charging prevents disabled people living an 'ordinarily' life.

FPC has operated to date with personal care being narrowly defined as the basic needs of rudimentary hygiene, dressing, and feeding. It would seem that, from the Government's response and with our meeting with their officials, this definition will remain the default position. However, as mentioned in a previous SACT submission, the Community Care and Health (Scotland) Act 2002 Section 1 (1)(b) was clear that "Personal Care", includes "Personal Support", i.e. "counselling, or other help, provided as part of a planned programme of care".

Therefore, in practice, personal care should include any support services included in an individual's care plan of a "personal nature", whether inside the house, or during activities, whether educational, economic, social, or civic outside the house, i.e. within society at large.

It surely makes more sense for the Scottish Government to acknowledge this, stop trying to patch an unfair policy and to end social care charges altogether.

Disabled people would then be free from oppressive discriminatory taxation and control. Free to be able to live their life in the way they choose, contributing to society at large.

I will write again once it is clear what the Health and Sport Committee's views are and how the matter is due to proceed.