



PUBLIC PETITION NO.

PE01533

Name of petitioner

Jeff Adamson on behalf of Scotland Against the Care Tax

Petition title

Abolition of non-residential social care charges for older and disabled people

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to abolish all local authority charges for non residential care services as under Part 1, Paragraph 1, Subsection (4) of the Community Care and Health (Scotland) Act 2002.

Action taken to resolve issues of concern before submitting the petition

- We have formed a campaign group called Scotland Against the Care Tax to coordinate national action to end local authority charges for non-residential social care services (care charging). We have produced a number of guidance documents to explain how care charges are calculated, the inefficiencies of the collection of care charges and the inconsistencies in how care charging is applied across Scotland.
- We have spoken to a number of MSPs about the case for abolition of care charging.
- We have helped some of these MSPs to raise questions in the Scottish Parliament about the implementation of care charging.
- We have advised a previous petitioner on this matter – Mr W Tait (PE1466) and spoken in support of his petition to the Health and Sport committee of the Scottish Parliament.
- Our members have taken part in the COSLA working group on non-residential care charges and have tried to bring about changes in the way the current guidance is written and applied nationally.
- We have spoken to local authorities across Scotland with a view to ending particular anomalies, have contributed to consultations and supported individuals in challenging local authority decisions.
- We have highlighted the inconsistencies of care charging in the local and national press and broadcast media, as well as at several gatherings of politicians, health and social care professionals, and disabled individuals.

Petition background information

The Case Against Care Charges

Local authorities throughout Scotland routinely charge for a range of non-residential care services, from Home Care to Community Alarms.

Through the Community Care and Health (Scotland) Act 2002 the Scottish Government took the power to regulate the practice of care charging. To date it has not exercised this power, preferring to support self-regulation by COSLA. It made a commitment to hold this power in reserve until the implementation of guidance issued by COSLA in 2002 could be evaluated. That evaluation has never been carried out.

COSLA has produced national guidance on the implementation of care charges, but, as this guidance remains only advisory and local authorities are free to set their own charging policies. It has failed to achieve the consistency sought by the Scottish Government.

Our petition starts from the premise that social care in any form is an equality and human rights issue. It is an essential part of the infrastructure of a fair and just society which respects, upholds and guarantees the equality and human rights of its citizens.

A society which pursues a policy of charging those who are entitled to use non-residential care services does not do this. Instead care charging uncompromisingly demands that they pay more than any able bodied person to achieve the same basic human rights. In some instances it can lead to a disabled individual deciding to forego much needed care and support, a decision which will entail significant risk of harm or further deterioration of an illness or condition.

For those who are obliged out of necessity to accept local authority care charges, this situation often leads to a stunted life of poverty with insufficient resources to pay for anything more than the bare essentials of life, i.e. heating and food, at the level of spending deemed permissible by the local authority.

The realities of life will dictate little opportunity to improve living conditions, participate in the social and civic life of their community or save for that rainy day. Forget about family event, such as a holiday or the wedding of a son or daughter. Forget about putting aside a deposit for a new home. Again, care charging in Scotland must be seen as representing a fundamental violation of a disabled individual's legitimate freedom to enjoy basic human rights.

Care Charging is an increasingly contentious area in Scottish politics. It has been described as either a "Client Contribution" or a "Care Tax" depending on the approach taken. For a variety of reasons the number of people affected by care charging has risen over the last 5 years. This has brought to national attention a number of different anomalies.

- Bereavement Allowance, along with a number of other benefits such as Widowed Parent's Allowance and Industrial Death Benefit are treated as income for the purposes of charging meaning that up to 100% of these benefits can be taken in charges.
- Terminal Illness can only feature as a condition for exemption in the calculation of care charges in the last 4 weeks of the person's life.

More people are being asked to pay more for their non-residential care services – including older people who don't pay for personal care but do have to pay for domestic support or support to leave the house and meet friends. Falkirk has introduced social care charging for the first time in the last couple of years. Glasgow has both increased the amounts it charges and extended its charging regimes to thousands more older and disabled people.

Scottish Government figures show that over the last three years, care charges throughout Scotland have risen on average by 12%. Increases by some local authorities have been far more than that. Aberdeen has more than doubled its income from care charging in the last 2 years, while West Dunbartonshire has more than trebled income from care charges.

Is there the consistency that Scottish Ministers first looked for in 2002?

What has also been seen across Scotland is a huge variation in the charges for non-residential care services. Last year the Audit Commission found that charges for a

single hour of Home Care varied between £8.56 per hour and £23.70 in different areas. Day Care for younger adults can vary between being free of charge and £175 per week. Such variations have not decreased in the last ten years but have grown wider.

The above mentioned are just two of the services for which a charge is made. Aberdeen City, as an example, has a list of 24 chargeable services. But it is not just the level of charges which lacks consistency. The provision of services is normally subject to means testing which itself demonstrates a tremendous range of variation.

The first variable is the minimum income threshold. This is the level of income which a local authority believes that a disabled person should be able to live on, i.e. what is deemed a permissible level of “spending” per household. COSLA recommends that this should be the Income Support level plus 16.5%, but local authorities across Scotland set this at different amounts. For a single person under 60 it varies from £122 per week, in East Ayrshire, to £173 per week in neighbouring North Lanarkshire – both less than the ACTUAL amount of Income Support disabled people can get.

Moreover, if in Scotland the minimum income threshold is Income Support plus 16.5%. In England it is Income Support plus 25%. In Wales it is Income Support plus 35%. Scotland is unfortunately at the bottom of the list.

In 2014 the poverty level for a single person in Scotland was set at £177 per week, 60% of median earnings. Local authorities are routinely applying care charging to people already deemed to be in poverty.

The second main variable is what is called the “taper” – effectively a tax on any income above the minimum income threshold. Some local authorities take 100% of this income, others take 15%. The current UK income tax rate on people earning more than £40,000 a year is only 40%. Twenty six local authorities in Scotland tax disabled individuals at a higher rate.

The third variable is in Disability Related Expenditure. It is a legal requirement in England to take account of any additional expenditure related to a person’s disability. Not so in Scotland. The overwhelming majority of local authorities in Scotland make no allowance for any additional costs on the grounds that the 16.5% additional allowance in the minimum income threshold is adequate! And those which do take into account additional costs related to disability often have a very narrow view of what such additional costs actually are. For example, Stirling only makes an allowance of between £4 and £6 a week for additional fuel costs for people who need to heat their houses up to 24 hours a day - £6 a week is equivalent to a 1KW electric fire for 7 hours a day. In addition, guidance in England and from the Independent Living Fund recommends that any income from employment should be disregarded on the basis that to impose a care charge on this income could create a disincentive to work. In Scotland, again, this is not the case.

The Case For Abolition Of Care Charges

1.For users of it, social care is essential for their participation in society and their equal enjoyment of human rights.

2.The Integration of Health and Social Care is making the process of care charging more complicated. The Scottish Government accepts that there should be no charges for services supplied to meet health care needs but we are seeing the return of debates over the “Health Bath” v the ‘Social Bath’ and what agency should pay for them. A person who gets staff support for a bath in their own home for health needs will not have to pay whereas if it is for social care needs then they will have to pay. Similar complications occur over the administration of medication, rehabilitation, physiotherapy and occupational therapy. As the integration of health and social care deepens, sorting out these distinctions will take up more and more valuable staff time.

3.The new Self-Directed Support (Scotland) Act 2013 has established the principle that carers should not be charged for services intended to support them in their caring role. Some of these services - such as respite care - could just as appropriately be regarded as services to and for a disabled individual rather than for the carer. That one arrangement would incur charges, while the other would not, highlights the arbitrary nature of care charging.

The national discussion around these issues is recognition that there are problems with the spread of care charges. They put people off using services when their needs are relatively small, they unfairly penalise some people for having care needs and they may lead to people requiring much greater support in the future. This is in direct conflict with the prevention agenda.

After working with COSLA for some time, we believe they can no longer offer the prospect of reform of the system. Over the last 10 years, COSLA has never succeeded in standardising care charges despite claiming that its guidance aimed to do this. Now COSLA is set to lose 25% of Scottish Local Authorities from its membership. It will no longer be able to produce national guidance that will apply to all local authorities.

The problem will not be solved by the creation of a new agency to regulate local authorities, adding yet more layers of bureaucracy to the care charging system and undoubtedly fostering new forms of unfairness.

Neither should it be solved by shifting the burden on to provider organisations through cutting payments which would risk tarnishing the relationship between service user and support provider.

Rather it is time to recognise that non-residential social care is an equality and human rights issue and make it free at the point of delivery. It is an essential part of the infrastructure of a just society in which the equality and human rights of all its members are fully respected and upheld. This is the type of Scotland that all our citizens want to see.

This petition is supported by the following individuals and organisations:

Ian Hood, Coordinator, Learning Disability Alliance Scotland

Frances Hawarden

Etienne d'Aboville, Chief Executive, Glasgow Centre for Inclusive Living

Sally Witcher, Chief Executive, Inclusion Scotland

Claire Cairns, Network Coordinator, The Coalition of Carers in Scotland

Jim Elder Woodward, Chair, Scottish Campaign For A Fair Society

Heather Fiskin, Independent Living in Scotland project

Pam Glancy-Duncan

Florence Garabedian, Chief Executive, Lothian Centre for Inclusive Living

Andy Kerr, Chief Executive, Sense Scotland

Norma Curran, Chief Executive, Values Into Action Scotland

James Blair, Policy Coordinator, Self Directed Support Scotland

Tressa Burke, Chief Executive, Glasgow Disability Alliance

Pat Onions, Co-Founder Pat's Petition

Fiona Collie, Policy & Public Affairs Manager, Carers Scotland

Sheila Scott, Chief Executive, Inclusion

Sam Smith, Chief Executive, C-Change

John McArdle, Chair, Black Triangle

Sam Cairns, Chief Executive, Equal Say

Helen Hunter, Head of Service, Quarriers

John Dalrymple, Chief Executive, Neighbourhood Networks

Austen Smyth, Chief Executive, The Richmond Fellowship Scotland

Ian Welsh, Chief Executive, The Alliance

Florence Burke, Chief Executive, Carers Trust Scotland

Suzanne Munday, Chief Executive, MECOPP

Dana O'Dwyer, Chief Executive, Capability Scotland

Annie Gunner-Logan, Chief Executive, CCPS

Peter Scott, Chief Executive, Enable Scotland

Loretto Lambe, Chief Executive, PAMIS

Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01533>

Related information for petition

An e-petition has been hosted on the site www.change.org at <http://www.change.org/p/scottish-parliament-end-non-residential-social-care-charges-for-older-and-disabled-people>

Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

NO

How many signatures have you collected so far?

1

Closing date for collecting signatures online

N/A

Comments to stimulate online discussion