

PE1533/LL

Petitioner submission of 11 September 2018

It is my view that, unless I am missing something, the Scottish Government's latest response to the PPC's questions from their meeting on 28 June when our petition was last heard does not reply to the questions that were raised. Here's a reminder of what the PPC discussed (taken from the Official Report).

"We might perhaps write to the Scottish Government as there are still some points that have not been addressed that were recommended, and it is unclear how the money will be distributed and whether it will go directly to the person or to local authorities.

I suggest that we write to the Scottish Government to seek an update on its assessment of the proposals from Scotland against the care tax. In previous considerations, there was an issue about cost. I do not know how confident we felt about how rigorous the assessment of costs would be; if I remember correctly, COSLA and individual local authorities highlighted that. It would be useful for the Scottish Government to reflect on that, too. It should also address the broader question of the definition of care, because people's need for care might be not simply about personal care, but about things that they need support with in order to be able to work or whatever.

...and that we will write to the Scottish Government to seek an update on the assessment of the proposals that the Scotland against the care tax campaign put forward".

As you will have read in the Government's submission we did meet with the Implementation Advisory Group's Finance Group. However, we are none the wiser on how the Scottish Government stands on the implementation of the Free Personal Care policy as we were not party to any discussion on their proposals.

Our participation at this meeting was restricted to giving a presentation of how SACT's proposal for implementation would work followed by the Finance Group questioning us on the justification for the Government's money going directly to the disabled person paying for their personal care rather than it going to the local authorities to do with as they want.

Following that meeting we have grave concerns about the likely proposals to deliver the extension of Free Personal Care. Members of the IAG were insistent that there could be no difference in the charging for Free Personal Care between those over and under 65. This type of system will leave most disabled people under 65 no better off despite millions being given to local authorities for the implementation of the new system.

The IAG said it would be unfair to treat people of different ages differently. This surprised us as that is what all local authorities have been doing in their charging

policies for years. For example, this year people over 65 are allowed £204 a week to live on before charges while people under 65 are only allowed £134.

We don't agree with inequality and everyone should be treated fairly regardless of their race, gender, age or any other protected characteristic. However, treating someone fairly can sometimes mean having to treat them differently in order to take into account their circumstances and enable them to participate on equal terms with everyone else.

For example, a shop with a large step at its entrance could say all its customers have to negotiate it – therefore everyone is being treated equally. But, everyone isn't being treated equally here, only the installation of a ramp, or some other solution to negate this obstacle, would allow wheelchair users to access the shop.

There are clear differences in the pattern of Home Care and Personal Care for Older and Younger Adults. A few years ago the Scottish Government published the raw data used to construct the more general Social Care Statistics and this helps to demonstrate the problems with the policy.

1. Adults over 65 have the balance of their support tilted towards personal care and get less hours of support on average.

Over 65's getting care in their own home in 2012	% of all home care clients
% getting Personal care	91%
% getting Home Care only	9%
% getting Personal Care only	72%
% getting both	19%

Source: Raw Data Social Care Tables 2012, Scottish Government – (No longer available online)

2. Adults under 65 have the balance of their support more equally split between personal care and other types of hours of support. On average they get more hours of support than older adults.

Under 65's getting care in their own home	% of all home care clients
% getting Personal care	66%
% getting Home Care only	34%
% getting Personal Care only	12%

% getting both	54%
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Source: Raw Data Social Care Tables 2012, Scottish Government

91% of all older adults receive Personal Care and 72% receive only Personal Care. A policy that simply doesn't charge for Free Personal Care will mean that the vast majority will see a clear benefit.

However, for younger adults with higher levels of care the same policy will have much less effect. A very small proportion, perhaps just the 12% getting personal care only and a few others, will benefit. Others will see no change from the introduction of the policy and it is possible, especially if at the same time this policy is introduced local authorities continue to raise other charges and introduce new ones, many people will actually be worse off.

We have every sympathy with local authorities who are facing severe funding difficulties. It is clear that long term social care funding needs to be addressed. Many of our members are already working on proposals to do that. But such additional funding should be clearly asked for and clearly used for the purposes it is given.

The additional funding that is given for the extension of Free Personal Care should be used for that.

Another surprising aspect of the meeting was that the local authority representatives seemed to be poorly informed about what was happening in local councils including their own ones.

For example, we were told that in one local authority where there is no charging for Free Personal Care already that this was only possible because they restricted services to only those in most **critical** need. Now it turns out, according to the Scottish Government that, like almost every council in Scotland they provide services for those with "substantial or critical needs and risks."

A second example was that another local authority said that if they had to use our way of introducing Free Personal Care then they would have to reduce their eligibility criteria from "moderate, substantial or critical needs and risks." Then it turns out that this local authority had already voted five months earlier to do just that – reduce eligibility criteria to only "substantial or critical needs and risks."

We have tried to provide accurate information even when it hasn't always been in our interests to do so. We believe the truth will always out. It would be helpful if others could do the same. In that way a real and purposeful dialogue can take place.

We expect the Scottish Government to be publishing its Implementation Advice shortly and we look forward to examining it closely and will write again to you once that is done.

But if the reform of care charging is so complicated that the millions that have been poured into it each year make little difference to those that have to pay these charges, then perhaps it is time to revisit the whole question of ending all care charges for social care.

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.