

## PE1533/OO

Petitioner updated submission of 16 May 2019

We are disappointed that the Scottish Government response of 22nd January 2019 fails to meet the assurances made by the Cabinet Secretary on the 10<sup>th</sup> of January to the Petitions Committee.

**Jeane Freeman:** That is, partly, the critical bit; there are numbers and then there are assumptions and modelling. We will provide the committee with what we used.<sup>1</sup>

Instead of providing any of the actual data that the Scottish Government used to support this policy development they have provided only a list of 6 data sources that they used.

As a result it is not possible to understand how the data used by the Scottish Government supports

- the increase in funding from £11 million to £30 million,
- the view that the care split for the majority of clients is between Personal Care and non-Personal Care is 18:5 hours
- the argument that the majority of clients will be better off

### **Advisors unable to advise**

This is perhaps not surprising as where we carried out a Freedom of Information request in December 2018 with all Scottish Local Authorities to try and answer some of these questions, the results showed that many of the Scottish Government's closest advisers don't have the information needed.

In our FOI we asked how many clients received personal care and/or other forms of care. Of the 7 local authorities who took part in the Scottish Government's Implement Advisory Group and presumably carried out the local modelling **only one** was able to provide a full level of detail.

As a result we fear the Scottish Government may be introducing its new policy of Free Personal Care for under 65s without fully understanding its effects. Instead of their policy delivering in the way expected it will lead to millionaires benefiting more than thousands of ordinary disabled people.

### **A Failure to Understand**

At the heart of the problem is a failure to understand the Home Care Contribution scheme in Scotland. It consists of two primary elements.

First is the SERVICE COST. Councils work out what the cost of the service provided is and this becomes the Service Cost. For example, a weekly service of 80 hours of social care in Midlothian at a local rate of £11.80 per hour would have a service cost of £944 per week.

Second is the CHARGE. Councils carry out a financial assessment to see how much someone can afford to pay according to a set of allowances. If the amount you can pay is less than the SERVICE COST, you must pay the full CHARGE you can afford. You are never asked to pay more than the full SERVICE COST.

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<sup>1</sup> 10<sup>th</sup> Jan 2019, Official Report, Public Petitions Committee, Column 13

## **Millionaires Benefit More Than Ordinary Disabled People**

Someone such as me (Jeff Adamson) on a pension and disability benefits is assessed as being able to pay a CHARGE of £170 per week. Someone with savings of over a million pounds, or anyone who has more than that savings threshold of £27,000, with the same level of support would be expected to pay a CHARGE of the full SERVICE COST of £944 per week.

The Scottish Government's policy of making all Personal Care free simply alters the SERVICE COST calculation and not the CHARGE that you are asked to pay.

If that 80 hours was now reassessed as 40 hours personal care which would be free and 40 hours of other care which was still charged the weekly SERVICE COST would be £472. I would still be asked to pay the same CHARGE of £170 per week but the millionaire (or person with savings over the £27,000 limit) would only have to pay a CHARGE of £472 per week – a 50% reduction.

If that 80 hours was now reassessed as 64 hours personal care which would be free and 16 hours of other care which was still charged. The weekly SERVICE COST would be £188.80 therefore I would still be asked to pay the same CHARGE of £170 per week but the millionaire and people with savings over the limit would only have to pay a charge of £188.80 per week – a 80% reduction. Even better for the rich but not for me and thousands of others like me.

In fact this is exactly what has happened to me. My council, Midlothian calculated that my 80 hours of support consists of 80% personal care and 20% of social care but in a letter said: *“As you are in receipt of 64 hours personal care plus 16 hours non-personal (chargeable) care weekly your contribution [£170 per week] will not change”*.

The average charge for social care is about £60 per week. Depending on the local rate for home care, most disabled people under 65 need to have less than 4 hours of non-Personal Care to be at all financially better off as result of the way the Scottish Government has chosen to implement this policy. This is not going to happen for me and thousands of others across Scotland.

## **Freedom of Information Request**

Our recent Freedom of Information request asked was how many people between 18-64 were receiving home care of any sort. 19 councils (representing 60% of the Scottish population) replied with a total of 5,802 clients receiving Personal Care. This indicates that for all of Scotland about 9,800 people will be receiving Personal Care. This is similar to the figures used by the Scottish Government in their response to the Petition. We also identified another 4,900 people in these 19 council areas who receive only non-Personal Care. This would multiply up to 8,000 for all of Scotland.

## **Who Will Benefit**

Multiplying up these numbers reported by the 19 councils, we find that for all of Scotland

- 5,300 (30%) receive only Personal Care and will be big winners from this policy.
- 8,100 (45%) receive only Non Personal Care and will see no change from this policy.

- 4,400 (25%) receive both Personal Care and Non Personal Care and some of whom who get 4 hours or less of Personal Care might gain from this policy.

### **Split between Personal Care and non-Personal Care**

In order to assess how this third group of people might fare under the new policy, we asked each council how support for those 2,617 clients with both types of care divided into Personal Care Hours and Non Personal Care hours. 13 councils were able to give us the answer to this question for 2,081 of these clients. There was a wide range of different answers and some with considerable detail. Overall the average across the 13 councils for 2081 clients was 21.5 hours of Personal Care and 19.7 hours of Non-Personal Care for all disabled people under 65.

This is a much more even split than the Scottish Government figures of 18 hours personal care and 5 hours of non-personal care and means that most of these clients would see no benefit from the policy as few are likely to be in *the “less than 4 hours non-personal care”* group.

### **Few Will Be Better Off**

Although we didn't ask for it 5 councils provided us with anonymised datasets for clients who received both Personal and Non-Personal Care. As *“below 4 hours”* of Non-Personal Care is the level at which people will be better off under this policy we looked at how many were in this group.

Our results showed that only 15% of those receiving both types of care get less than 4 hours Non-Personal Care. This group will see their overall charge reduced but are still likely to pay a charge of some level. This group - 3.65% of the total receiving home care of any type – can be added to those who receive only Personal Care to understand how many people will benefit.

### **Only One Third of Home Care Clients will benefit**

As a result we can say that only 33% of disabled people under 65, just under 6,000 will benefit from the Scottish Government's extension of Free Personal Care. (30% + 3.65%). And, of course, any millionaires who are in the remaining balance of people who get both types of care would also be better off. In announcing this policy, the then Cabinet Secretary, Shona Robison said:

*“We will now take forward the work of extending free personal care to everyone who requires it, regardless of age. At least 9000 people will benefit from this change and we will work closely with local government and others to implement these changes so that all those who require personal care are able to access it.”*

It would appear that since this announcement, the numbers that will be helped have fallen dramatically while the costs of the programme has risen equally dramatically.

### **Equal Treatment**

The Scottish Government is aware of our concerns but they continue to repeat their claim that this policy is about treating people of all ages equally. In her response, the Cabinet Secretary repeated “Our aim in extending free personal care was to move to a consistent approach for under and over 65s rather than maintaining a separate approach for different age groups.”

If that was really true, then why has the Scottish Government taken no action over the blatant age discrimination in COSLA's 2019-20 charging guidance that sees single people over 65 not pay charges until their income is over £210 per week while

single people under 65 pay charges when their income is over £135 per week? This can mean that younger disabled adults pay as much as £75 per week more in charges for exactly the same service.

The difference this makes can be seen in one of the poorest and most rural areas in Scotland, Dumfries and Galloway. Figures published only two weeks ago show the local Health and Social Care Partnership have increased their income from social care charges by 60% in a single year (2017-18), taking an additional £1 million from younger disabled adults under 60 differently, by simply cutting their income disregards down to this lower figure of £135 per week.

If the Scottish Government was serious about treating people over 65 and under 65 equally then they would prioritise the equalisation of the income disregard level.

We know that that Committee members will not need reminded that social care charging is considered by many to be socially unjust and a breach of human rights. The aim of Scotland Against the Care Tax and thousands of other disabled people remains the same - the total abolition of care charges.

Nonetheless we welcome changes that make improvement in aspect of the current charging system and wonder if the Public Petitions Committee could ask the Scottish Government when they plan to make COSLA alter its guidance to treat people over 65 and under 65 equally.