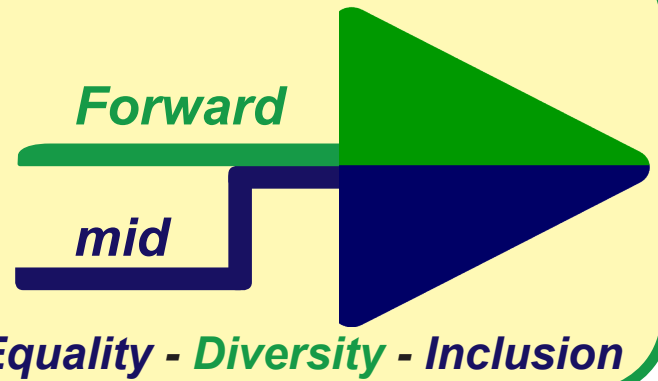


Parliamentary petition

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FORWARD MIDLOTHIAN DISABLED PEOPLE



Parliamentary Petition Special

Petition PE01533:



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

Petitioner: Jeff Adamson on behalf of Scotland Against the Care Tax

On 01 September 2014 a petition was lodged with the Public Petitions Committee by Jeff Adamson on behalf of Scotland Against the Care Tax. Petition background.

The 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 integral 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.

You can read further extracts from the petition on Page 3 and 4 of this newsletter. The full petition can be viewed at: www.scottish.parliament.uk/GettingInvolved/Petitions/PE01533



What is the Public Petitions Committee and what does it do?

Picture right:

The PPC at work- A Cabinet Secretary talking to a petitioner at a formal meeting.



The Public Petitions Committee (PPC) is made up of 7 MSPs and its role is to consider every admissible petition lodged with the Parliament. If the petition is admissible it will be looked at by the committee. The committee might invite the petitioner to come to a formal meeting to discuss their petition in person.

Once the PPC has considered the petition it decides what to do next. On most occasions it will write to the Scottish Government and other bodies such as local councils, health boards, police forces, etc (depending what the petition deals with). The committee will decide the most appropriate bodies to contact and write them in a series of questions relating to the petition. When the responses, then they are sent to the petitioner asking for their comments. The petitioner then has the opportunity to see what they think. Then the petition and all the written responses go back before the committee. The committee will keep bringing the petition back to consider progress and what further action to take. Petitions have brought about changes in the law, in government policy, the production of revised guidelines on an issue, a change in a decision. Even just raising awareness of the issue in the Parliament can be a success.

Where is the Scotland Against the Care Tax petition in this process?

The Scotland Against the Care Tax petition will be considered by the PPC at its meeting on Tuesday 11 November, held at the Scottish Parliament, with the petition's evidence session will be and this petitions to start at 10.30 AM. At this session Jeff Adamson will make an opening statement of 5 minutes followed by two shorter statements; the specific Human Rights breached by charging policies and the costs to the government on abolishing these charges. After these statements the Committee will move to questions which will last for around 30 to 40 minutes. The meeting will be held in public.



How to support this petition.



Follow this link to the online version of the petition; www.change.org/p/scottish-parliament-end-non-residential-social-care-charges-for-older-and-disabled-people where you can sign the petition or use your Facebook account. After you sign the petition you are able to share it with you e-mail, Facebook or Twitter contacts. You could also just forward this link to people you know, or might be affected by care charging.

This petition is supported by the following individuals and organisations.

Ian Hood, Coordinator, Learning Disability Alliance Scotland; 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 Fiskien, 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; 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; Pat Onions, Co-Founder Pat's Petition; Frances Hawarden.

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 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

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.



To find out more about Scotland Against the Care Tax visit their website at: scotlandagainstthecaretax.org/

The site also has information on; how the care tax works; the issues around charging and how it affects disabled people and their carers. There is also a link here that you can follow to sign the petition.

Alternative Publications

Editions of Forward MID newsletters are available in large print or at www.forwardmid.org.uk For alternative publications please email eric.johnstone@mvacvs.org.uk or call Eric Johnstone on 0131-663-9471. Write to him at MVA, 4-6 White Hart Street, Dalkeith, EH22 1AE with your request.