

## Local Government and Communities Committee

### Draft Budget 2018-19

#### Submission from the Health and Social Care Alliance Scotland

##### About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. It brings together over 2,000 members, including a large network of national and local third sector organisations, associates in the statutory and private sectors and individuals. Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

##### Introduction

The ALLIANCE welcomes the opportunity to respond to the committee's call for evidence on the Draft Budget 2018-19. This brief response focuses on the following question posed by the committee:

***“We want to hear how fees and charges are being used, and how decisions are made on which service areas are affected.”***

##### Headline points

Local authorities can charge adult users of non-residential social care services provided or arranged under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003.

These charges amount to an additional tax on disabled people for accessing vital support in order to live independently as equal citizens. Independent living is a human right that does not rely on the condition that an individual is able to pay to achieve it.

- National guidance exists which aims to ensure that local authorities develop their charging policies in relation to best practice. Under this current arrangement however, the degree of variation between different local authorities is excessive and unfair.

## Questioning the rationale behind social care charging

For many disabled people or people living with long term conditions, social care services enable their free, meaningful and active participation in society and equal enjoyment of human rights. Charging for these services therefore uncompromisingly demands that people who access non-residential social care services must pay more in order to enjoy the same basic human rights as other citizens. In some instances, charges can lead disabled people or people living with long term conditions to forego much needed care and support, increasing the risk of harm or further deterioration of an illness or condition<sup>1</sup>.

Local authorities state that they rely on the income generated from care charges to offset the cost of providing social care services. However, as Carers Trust Scotland has highlighted<sup>2</sup>, this argument is not applied elsewhere when it comes to local authorities delivering on their statutory responsibilities.

The Committee will be aware of the Scottish Government's recent commitment to extend free personal care to people aged under 65 by April 2019. While this move is very much welcomed by the ALLIANCE, it is important to note that personal care<sup>3</sup> is just one element of an overall care package that many people will receive, and they will still face significant charges to access the social care they need for independent living after 2019.

We believe that continuing to charge disabled people for social care is incompatible with the human rights based principles of Self-directed Support. It is the ALLIANCE's view that the receipt of social care support and services should be universally free because independent living is critical to enabling people to contribute as citizens, creating an inclusive and equal society.

## The current implementation of social care charging

National guidance exists<sup>4</sup> to provide “a framework that aims to maintain local accountability and discretion while encouraging councils to demonstrate that in developing their charging policies they have followed best practice.” Another stated aim is to support local authorities “to work together to achieve greater consistency across Scotland in terms of the charges levied on people who use services.”

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<sup>1</sup> [http://www.alliance-scotland.org.uk/download/library/lib\\_59411344f1018/](http://www.alliance-scotland.org.uk/download/library/lib_59411344f1018/)

<sup>2</sup> [Carers Trust Scotland response to Miles Briggs MSP's Proposed Free Personal Care \(Persons under 65\) \(Scotland\) Bill](#)

<sup>3</sup> The ALLIANCE encourages the Committee to access [Marie Curie's response to Miles Briggs MSP's Proposed Free Personal Care \(Persons under 65\) \(Scotland\) Bill](#) for an overview of flaws in the current systems which prevent people living with terminal illnesses from getting the personal care they need.

<sup>4</sup> [www.cosla.gov.uk/sites/default/files/documents/17-02-24\\_item\\_04x\\_charging\\_guidance\\_2017\\_18\\_appendix.doc](http://www.cosla.gov.uk/sites/default/files/documents/17-02-24_item_04x_charging_guidance_2017_18_appendix.doc)

This guidance is not legally binding and its interpretation by local authorities in practice has created 32 different systems, with a huge degree of variation across Scotland. This means that 32 people who have exactly the same income and needs will pay different amounts depending on where they live. The reasons for the significant differences in charges are neither transparent nor clear. For example, in 2013 Audit Scotland found that charges for a single hour of home care varied between £8.56 and £23.70 in different areas<sup>5</sup>.

The ALLIANCE encourages the committee to suggest that this guidance is put on a statutory footing. Additionally, we support the Scottish Association for Mental Health (SAMH)'s call<sup>6</sup> for the Scottish Government to use its powers under the Community Care and Health (Scotland) Act 2002 to set national limits on the amount that people can be charged.

### **Ending non-residential care charges**

While the proposals outlined above are necessary in order to achieve greater consistency in charging levels across Scotland in the short term, it is the ALLIANCE's view that the receipt of social care services should be universally free, as independent living is a fundamental human right that should be afforded to all.

Independent living is critical to enabling people to contribute as citizens, creating an inclusive and equal society<sup>7</sup>. Supporting independent living is to support not just individual rights, but to value the qualities and contributions that people who are disabled or living with long term conditions have to offer. In order to bring social care practices in line with the principles promoted through Scotland's National Action Plan for Human Rights (SNAP)<sup>8</sup>, it is essential that there is an end to charging people for their social care.

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Policy and Information Officer

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<sup>5</sup> [http://www.audit-scotland.gov.uk/docs/local/2013/nr\\_131031\\_hcw\\_charging\\_services.pdf](http://www.audit-scotland.gov.uk/docs/local/2013/nr_131031_hcw_charging_services.pdf)

<sup>6</sup> [SAMH response to Miles Briggs MSP's Proposed Free Personal Care \(Persons under 65\) \(Scotland\) Bill](#)

<sup>7</sup> [http://www.alliance-scotland.org.uk/download/library/lib\\_58944bdbc30a5/](http://www.alliance-scotland.org.uk/download/library/lib_58944bdbc30a5/)

<sup>8</sup> <http://www.snaprights.info/>