

Proposed Bill to abolish charges for non-residential social care

Page 2: About you

Please provide your name and other contact details. Please provide at least one means of contacting you (address, e-mail or telephone) - e-mail is our preferred option. (NB: you will be given the option shortly to specify whether it is your name or your organisation's name that is to be used, and you may also request anonymity or confidentiality for your response.)

Your name (mandatory)

[REDACTED]

Name of your organisation (if applicable - otherwise leave blank)

South Lanarkshire Council

Your Job Title (if applicable - otherwise leave blank)

[REDACTED]

Contact details (please provide at least one of: email, telephone number, postal address) (mandatory)

[REDACTED]

Please indicate below whether you are content for your response to be attributed to you by name (either your name or that of your organisation)

I am content for my response to be attributed to my organisation

Page 4: Your comments on the proposal

Q1: Do you support the principle that non-residential social care services should be available free at the point of delivery to those who have been assessed by a relevant professional as requiring them (as is the case within health care)?

No

Please explain your answer

The current approach allows local authorities to calculate a contribution from service users towards their social care costs. This contribution is based on ability to pay and a range of disregards and exemptions are in place. Until now, charges have been based on the ability to pay as a fair, reasonable and equitable way to support the cost of funding care. Any proposed bill to abolish charges for non-residential social care services would require to be fully funded both in terms of loss of income to the local authority and also the increase in the cost of new assessed social care services as a result of increased demand. If any reduction in income could only be met in full or in part by a reduction in social care services, there is an argument that the loss of funds available to spend on important priorities in itself may lead to a greater impairment of the human rights of disabled people than would be the case by retaining a charge for social care services. This is conditional on any charge being affordable and not driving people into poverty.

Q2. Do you agree that legislation is a necessary and appropriate means of addressing the issues identified?

Undecided

Please explain the reasons for your response

It would be preferable if consensus could be reached without the requirement for legislation. However, it is recognised that charging policies have evolved to reflect local priorities. Local authorities currently with more favourable elements within their charging policies would be reluctant to amend these if the amendments were to adversely affect service users. A transitional approach to a consistent framework may need to be planned over a number of years.

Q3. The current system has resulted in varying charges in different areas for the same level and quality of service. Do you agree that there should be consistency across Scotland?

Yes

What do you think the advantages and disadvantages would be?

A consistent approach across Scotland would help to further develop the over-arching objective of establishing a fair, equitable, accessible and transparent framework of charges for non-residential social care services. As highlighted in the response to question 2, a transitional approach to a consistent framework may need to be planned over a number of years to minimise any potential adverse impact on service users in local authorities with more favourable elements within their charging policies.

Q4. Should all social care related services be free at the point of delivery?

No

If you answered Yes, please explain your reasons. If you answered No, please explain which services should be excluded, and why. (Please refer to the services set out on page 7 of the consultation document).

The range of services detailed at page 7 should continue to be considered as services which a local authority may choose to include as chargeable services. It should be noted however that some local authorities provide some of the services listed free of charge. An example of this could be the provision of telecare equipment free of charge in order to promote re-ablement opportunities and avoid a recurring cost alternative such as home care. There are a number of factors influencing this response to question 4 including: ♣ charging policies are based on ability to pay and not the actual cost of the social care services provided; ♣ a range of benefits are available to service users which can be used to meet certain service costs; ♣ the availability of free personal care for those over 65 years of age; and ♣ flexibility and choice through self directed support options. Service users are likely to benefit from a combination of services in order to meet their assessed needs. Service users can also influence their support arrangements taking into consideration informal support which may be available. Charging policies need to be flexible to reflect the range of support solutions which may be appropriate depending on each service user's assessed needs and the informal support available to them. The Carers (Scotland) Bill is also being progressed which will give greater rights and support to carers however a funding solution to support this Bill will require to be confirmed.

Q5. What are the likely financial implications (if any) of the proposed Bill to you or your organisation? What (if any) other significant financial implications are likely to arise?

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If the proposed Bill to abolish charges for non-residential social care services was approved, the loss of income would be approximately £2.6 million per annum.

The cost of the increase in the demand for non-residential social care services as a result of any abolition of charges is unknown.

Q6. What do you think the implications of the proposed Bill are for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

Undecided

Please explain your answer. If you answered Negative, please suggest any ways this impact could be minimised or avoided.

The abolition of charges would have a positive outcome for those service users who currently can afford to make a contribution towards their care costs. These service users would benefit from no charge. For those services users who do not make a contribution based on the means test, there would be no direct benefit of any abolition of charges. If the loss of income and increase in expenditure was not funded by the Scottish Government, this would most likely lead to further reductions in local government services at a time when significant cuts are already being implemented due to funding reductions. In this context, it may be difficult to continue to protect social care services and local authorities may need to review current levels of service provision having regard to the application of an eligibility assessment.

Q7. Are there any other comments you would wish to make that are relevant to this proposal?

The Council fully endorses the principle of enabling disabled people to participate in society and lead an ordinary life and is committed to working towards greater consistency in the charges levied on people who use services.

The Council currently adopts the COSLA guidance on charging for non-residential social care services and, in some elements, is more favourable. In order to promote consistency, the further development of the national guidance would be beneficial in the following areas:

- ♣ the treatment of disability related expenditure;
- ♣ the treatment of earned income; and
- ♣ the application of the charging policy to couples would be helpful.