



**Quarriers' response to Siobhan McMahon's consultation on abolishing social care charges for disabled and older people.**

- 1) 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)?**

Quarriers supports principle that social care services should be available free at the point of delivery to those who have been assessed as requiring them. Social care empowers disabled people and older people to lead full lives and to be active citizens. It is an essential means of support which ensures they can access their human rights. Without it, many could not achieve independent living and would be denied freedom, choice, dignity and control at home, at work, and in the community. Social care is, therefore, vital for a fair and equal society that respects, protects and fulfils the rights of all citizens.

Care charging endangers these principles. It demands that those who are entitled to use non-residential care services pay more to achieve the same basic human rights as those who don't use services. It can lead to people going without essential care and support and putting themselves at risk of harm or further deterioration of an illness or condition because they cannot afford it. We believe that around 10% of service users decline services because of charges.

While it can be argued that local authorities rely on care charges to offset the cost of providing social care services this argument is not applied to the financing of other services that are crucial to the rights of citizens e.g. the NHS, schools and cycle lanes etc. which are paid for by everyone in society, but used by only some. Requiring people to pay to exercise these basic human rights discriminates against older and disabled people who require support.

Within the context of Health and Social Care Integration the outdated and false distinction made between health care needs which are free at the point of use and social care needs which are means tested is increasingly difficult to justify. Health care impacts on social care and vice versa. The political and economic necessity of

reducing pressure on the NHS provides a clear case for properly funding good quality social care.

Disabled people in work are only allowed a £20 disregard before their earnings from work are taken into account. This means that working disabled people who need care and support can pay up to 100% of their already taxed income to the local authority as a contribution towards care costs. Those with savings of over £16,000 are assumed to be able to pay the full cost of their care. These disincentives to working and saving are unfair and send a clear message that disabled people are not expected to have high aspirations.

The current system also contributes to the significant poverty experienced by many who use non-residential care services. Community care charges contribute only 3% (= approx. £42.6m) of the cost of social care in Scotland but these charges have a huge impact on the lives of disabled and older people/people for whom this 3% can account for up to 100% of their (disposable – i.e. after housing costs) income. Given that 47.5% of households that include a disabled person live in poverty and only 50% of disabled people of working age are in work, charges disproportionately impact on some of the poorest and most vulnerable in society.

**2) Do you agree that legislation is a necessary and appropriate means of addressing the issues identified?**

The Scottish Government has existing powers to regulate the practice of care charging which it has never used. Its preferred approach has been to seek consensus through discussion between COSLA and the 32 local authorities.

This process has resulted in COSLA producing guidance on the implementation of care charges, but it remains advisory only and local authorities remain free to set their own charging policies. The guidance, therefore, has failed to achieve the consistency sought by the Scottish Government and ending care charges completely has never been on the agenda.

COSLA's task has not been an easy one given that any reform of the current system is likely to mean some council's losing out more than others meaning that a compromise has been difficult to reach. In any case, we believe that the ability of

COSLA to mediate effectively in such discussions is now diminished and that the Scottish Government must be prepared to offer a new solution.

Given this context, we believe the sensible thing for the Scottish Government to do is not to continue in a vain attempt to reform care charging but instead to abolish it. The decision to end care charges for carers has been introduced in legislation and provides a clear precedent for action on other care charges. We believe legislation would give the government clear authority to act and make it less likely that future administrations would reverse the decision.

**3) The current system has resulted in varying charges in different areas for the same level and quality of service. What are the advantages and disadvantages of ending this inconsistency?**

The current set up is unjust and can mean that people's ability to live well is dependent on what part of the country they live in. Ending the variations in the amount charged by different local authorities will promote a sense of fairness. It will also mean that people are able to move house more easily giving them greater freedom and allowing them to take advantage of informal support or other resources available to them without the risk of being penalized financially.

It would also save substantially on the resources currently involved in creating and maintaining 32 different systems for charging for social care. At present each council operates its own plan and hourly rates bear little resemblance to the actual cost of home care in a particular area.

Removing care charges would also promote greater transparency and accountability within and between local authorities enabling people requiring support to have more control and confidence over the services that they use. There would be greater independence between the local authority and individual as there would not be a potential conflict of interest in carrying out financial assessments prior to support being offered. Additionally, local authorities would have better knowledge to plan future funding models as they would have a clearer income stream based on the population within their area.

The disadvantages of having no charge for care services or a nationally agreed charge could be that local authorities tighten eligibility criteria as a result of

decreased income streams. This may result in less people being considered eligible for support unless funding is continuously supplied based on level of need from the Scottish Government.

It is also possible that councils will use other powers to recoup the money which could disproportionately affect those in areas of high poverty. There could be an unintended response from private care services who withdraw or do not provide their services in area where there is less potential to profit from local authorities who tighten their eligibility criteria as a result of diminished charging income.

**4) Should all social care related services be free at the point of delivery and if not which ones should be excluded and why?**

Quarriers believes that all social care services should be free subject to an assessment of need against agreed eligibility criteria. This should include technology such as community alarms where a social work assessment has identified that a person has met the appropriate eligibility criteria. Where someone is assessed as eligible for meals services, however, as food is something everyone requires we recognise that it may be appropriate to charge for the cost of the ingredients but not for preparation or delivery.

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

Disabled people will be able to meet the additional expenditure associated with their disability without waiting for permission from the local authority. They will have the greater freedom and autonomy to make choices about how they spend their income without their local authority interfering and to save money for the future, for holidays or unexpected events.

Disabled people in work will be able to keep all the money they earn after national taxes are deducted. At the moment, they could be subject to a care tax of 100% on any earnings above £20. At the same time, more disabled people will be freed from the poverty trap created by charging policies. They will be more incentivised to gain employment if they are able to, reducing reliance on state benefits, paying income

tax and National Insurance, increasing their spending power, paying more VAT, and contributing to the local and national economy.

There is likely to be savings in the cost of long term social care support if there is a better take up of low level, preventative, social care services. Health Boards will save significantly on unplanned admissions, use of A & E departments as crisis centres and delayed discharges.

Local Authorities will save significantly on the costs of administering care charges. Any net loss of charging income and additional costs due to increased demand would need to be considered for compensatory intervention by the Scottish Government. In short, the Scottish Government will have to properly fund social care services in Scotland.

**6) Is any proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?**

This Bill has the potential to have a massive impact in terms of equality for disabled and older people. For many, community care is needed to eliminate discrimination, promote equality of opportunity and protect human rights. Without it, many disabled people cannot participate in society on an equal basis to others. Abolishing care charges will mean that disabled people are able to access the services they need to live and participate on an equal basis in society without having to worry about the financial consequences. Social care free at the point of need is as important as health, education, transport and housing in terms of achieving equalities and human rights. Enabling disabled people to participate in the economic, social, cultural and civic life of the community does not only allow them the freedom to exercise their human rights, it also benefits society as a whole.

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