

06.10.17

## Social Work Scotland response to: Free personal care to under 65s

### YOUR VIEWS ON THE PROPOSAL

Aim and approach

#### **1. Which of the following best expresses your view of the proposal to remove**

**The age-limit that currently restricts the right to free personal care to those**

**Aged 65 or over?**

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please explain the reasons for your response.

*Social work Scotland is pleased to respond to the consultation on extending free personal care to people under the age of 65.*

*As a social work leadership body, we support policies and initiatives that seek to ease the burden on individuals and their families coping with illness and disability regardless of age.*

*The proposal to introduce free personal care to under 65s may appear to be one route towards reducing this burden, however Social Work Scotland cannot fully support this proposal, because we do not believe it will have the impact intended.*

*Instead we would urge the Scottish Government to consider how best to support people living with disability or ill health as part of a co-ordinated approach to reforming adult social care which covers all needs, not just personal care needs and which is designed to operate in the context of legislation and policy which has come into force since the Community Care & Health (Scotland) Act 2002.*

#### **2. What do you think would be the main advantages, if any, of the proposal?**

*There are advantages to offering the same level of financial assistance to those who require care or support regardless of age. Not having the financial burden of having to pay for personal care would clearly be a positive for those who currently have to meet these costs.*

### **3. What do you think would be the main disadvantages, if any, of the proposal?**

- *Free personal care was always misunderstood as being a policy that meant all personal care was free. In fact it meant that certain aspects of personal care would be free, but not all. There are very clear definitions about what personal care is, set out in the 2002 Act. One of the disadvantages therefore of simply extending this policy is that people may have expectations, as they did before the 2002 Act that this extension will make a huge difference to the charges they pay. In reality, they will still have to pay charges for non-personal care and for the aspects of personal care not covered by the legislation and may see little difference.*
- *Eligibility criteria are in place in all Scottish councils with the majority of councils only providing services to those people with needs defined as critical or substantial. These eligibility criteria may even become tighter due to the financial impact of this policy, with thresholds being raised as the pressure on budgets increases. One clear disadvantage therefore is that this policy may not have anywhere near the impact that its proposers and supports think it might.*
- *Introducing an extension to Free Personal Care when the legislative context and financial context has changed dramatically since 2002 is not straightforward. The legislation which brought about health and social care integration and personalisation, has created a different policy context. One clear disadvantage is that another piece of legislation will make an already complex landscape more difficult to navigate.*

### **Financial implications**

#### **4. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:**

(a) The Scottish Government and local authorities

Significant increase in cost

Some increase in cost

Broadly cost-neutral

Some reduction in cost

Significant reduction in cost

Unsure

(b) Businesses (including those providing care services)

Significant increase in cost

Some increase in cost

Broadly cost-neutral

Some reduction in cost

Significant reduction in cost

Unsure

(c) Individuals (including those receiving care and their families)

Significant increase in cost

Some increase in cost

Broadly cost-neutral

Some reduction in cost

Significant reduction in cost

Unsure

Please explain the reasons for your response.

*The financial impact of this policy is likely to be substantial. Even if accurate modelling were possible on those with existing packages of care and support, we know that many more people with existing need will come forward now because of the lack of a charge. With free personal care, some local authorities experienced costs of three times the original estimate due to unknown demand. It is likely that a similar situation will present, should free personal care be introduced for under 65 year olds.*

**5. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?**

*The aim of the bill is not clear. It appears to have its roots in the so –called ‘Franks Law’ but in reality would not address the needs outlined in the campaign for Franks Law.*

*A Bill which looked holistically at adults in need of care and support and sought to address those needs as part of a programme of reform around adult social care would be more useful. Otherwise we run the risk of picking certain aspects of care and support to fund and leaving others and inevitably people will fall through the gaps; and systems will become hugely complex.*

**Equalities**

**6. What overall impact is the proposed Bill likely to have for the following protected groups (under the Equality Act): race, disability, sex, gender reassignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?**

Positive

Slightly positive

Neutral (neither positive nor negative)

Slightly negative

Negative

Unsure

Please explain the reasons for your response.

*It is unclear whether the extension to under 65's includes those in residential settings. If the extension of free personal care to under 65s does not include those on residential care, it will not fully address the inequality it is attempting to.*

**7. In what ways could any negative impact of the Bill on equality be minimised or avoided?**

*By having a clear focus and a clear identified need which needs to be addressed which is set in the context of current legislation and the reform of adult social care.*

**Sustainability**

**8. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?**

Yes

No

Unsure

*Much more work on the bill would need to be carried out. For example, if it was known that early help in the form of personal care, made people rely less on services later on, then the policy might be sustainable. However, with increasing demand, complexity and expectation, it is likely that this bill will lead to increasing costs.*

**General**

**9. Do you have any other comments or suggestions on the proposal?**

*Social Work Scotland is committed to a principled approach to change. If an idea is the right idea, which will support vulnerable people, we will support it and constructively point out any impediments to implementation, identifying solutions where we can. While we support reforming adult social care to make it sustainable and work for the people who need it, we are concerned that this proposal won't contribute to that aim.*

*Simply removing the age barrier to access free person care will be a costly way to reduce some payments for some people. Rather than extend a piece of legislation formed and implemented 15*

*years ago, we would rather identify the whole need of this group of people change that will have the biggest impact.*

*We are happy to support further discussion and consideration in this area and would invite Miles Briggs MSP and his staff to discuss his proposal with our members.*