

Feasibility Study into the Extension of Free Personal Care Submission by the Scottish Commission for Learning Disability (SCLD)

Introduction

The Scottish Government Programme for Government made a commitment to produce a feasibility study into extending free personal and nursing care to the under 65's with dementia.

Following the Members' Debate on December 6, 2016 the remit was widened to look at the general issue of charging for personal care for people under 65. The stated aims and objectives are to provide robust and credible estimates of the cost to extend free personal care to under 65's in Scotland and assess the potential implications of this policy.

SCLD welcomes the opportunity to contribute to the feasibility study on the extension of free personal care. We believe that while reform in this area must be financially robust, it must also consider potential economic and social benefits to individuals, communities and support and services.

Key Points

- Social care plays a crucial role in supporting people with learning disabilities to participate in economic, social, cultural and civic life.
- It enables them to be active and independent citizens and promotes equality and empowerment.
- It is integral to achieving equalities and human rights along with education, transport and housing.
- In the context of Health and Social Care Integration it is timely to consider the continued relevance of the distinction between health care provision (free at the point of use) and social care provision (means tested).
- Ending charging for social care at the point of delivery would require significant public investment but could increase take up of social care services leading to improved health outcomes and offering potential for economic savings through reduced pressure on acute services.
- There is an opportunity also to remove the administration costs associated with means-testing social care.
- Too narrow a definition of personal care may result in provision becoming dominated by task-based time limited interventions.
- There is a risk that the 'social' element of care crucial to supporting people with learning disabilities to participate fully in the community and promoting their active citizenship becomes neglected.
- Any new policy should be enshrined in legislation and be rights based with clear duties placed on local authorities. This should be accompanied by a set

of indicators which enables progress towards identified outcomes to be reviewed on an ongoing basis.

Human Rights

Social care plays a crucial role in supporting people with learning disabilities to participate in economic, social, cultural and civic life enabling them to be active and independent citizens and promoting equality and empowerment. At present, a financial burden is placed on individuals who require support in a way which is not applied to the financing of other services that are crucial to the rights of citizens. For many people with learning disabilities social care free at the point of use is as important as health, education, transport and housing in terms of achieving equalities and human rights. Therefore, whilst the feasibility study is rightly focussed on the financial cost of extending free care there is also a duty to consider the human cost of not doing so.

We ask the Scottish Government to consider its duties in relation to human rights in Scotland and how these can better be supported by the extension of free personal and/or social care.

Preventative element

The feasibility study is also an opportunity for the Government to consider the continued relevance of the distinction between health care provision (free at the point of use) and social care provision (means tested) within the context of the new Health and Social Care Integration landscape. While removal of care charging would require significant public investment, it would contribute to the social justice agenda by equalising access to health and social care and reducing the perceived stigma associated with requiring and requesting social care services. Easier access and increased take up of social care services could lead to improved health outcomes and offers the potential for economic savings through reducing unplanned admissions, the use of A&E departments as crisis centres and delayed discharge.

We ask the Scottish Government to consider seriously the merits of shifting resources toward a preventative approach in order to avoid a budgetary focus on crisis management and unplanned emergency admissions.

Cost of administration

There is an opportunity also to remove the administration costs associated with means-testing social care. At present each council set its own charges and hourly rates bear little resemblance to the actual cost of home care in a particular area. This means there are significant variations in the amount people are charged for their care across different local authorities which is unfair and also has implications for people's ability to move across different council areas. Additionally the earnings

disregard implicit within local authorities charging policies creates disincentives to working and saving for people with learning disabilities who receive social care.

We ask the Scottish Government to assess the financial impact on local authorities and third sector organisations of undertaking financial assessments at the point of access to social care by individuals.

Impact on social care more generally

The introduction of Free Personal Care for individuals aged over 65 restricted eligibility criteria to support with personal hygiene, continence management, food and diet, problems with immobility, counselling and support, simple treatments, and personal assistance. Other forms of support and interventions which prioritise independent living and community connectedness are ineligible under the provision of Free Personal Care. Analysis by Scottish Care¹ found that there has been a dramatic reduction in the number of individuals receiving publicly funded support for areas outwith the definition of 'personal care'. They report that access to services has narrowed significantly to those with high level personal care needs and often, those with lower needs are left without support. Less intensive forms of support are often crucial to supporting people with learning disabilities to participate fully in the community, tackle loneliness and isolation and promote active citizenship. We are concerned that the decision to focus on personal care rather than social care more generally may result in a prioritisation of focus task-based, time limited interventions leading to the 'social' element of care becoming neglected.

We ask that, given the extensive changes to the health and social care landscape in the 15 years since the introduction of Free Personal Care, the Scottish Government feasibility study encompasses a refresh of the definition of personal care informed through collaboration with a wide and diverse range of stakeholders.

Impact on demand and delivery

The policy must be adequately funded so that local authorities don't simply tighten eligibility criteria as a result of decreased income streams. There is evidence that this has occurred in provision for the over 65s. The Social Work in Scotland report by Audit Scotland highlighted that funding pressures have led to a tightening of eligibility criteria and most councils now only provide services to people assessed as being at critical and substantial risk². We know there is unmet need in the system already and the eligibility criteria attached to any extension of Free Personal Care will need to take account of this. Additionally, it will be essential that providers have the workforce and capability to meet any increase in demand which may result.

¹ Bringing Home Care, Scottish Care (2017)

² Social Work in Scotland, Audit Scotland (2016)

We ask the Scottish Government to work with Integrated Joint Boards to consider the potential impact of introducing free personal care on the delivery of health and social care services to those accessing support in their areas.

Interaction with the wider policy environment

There is a need to properly assess how the extension of free personal care will interact with other areas of policy e.g. whether there be an impact on the amount people with learning disabilities receive for the care element of Personal Independence Payments. Additionally, maintaining the current system of localised charging policy risks continued disparity which undermines the principles of choice and control within Self Directed Support (SDS). Any new policy should be enshrined in legislation and be rights based with clear duties placed on local authorities. It should also be accompanied by a set of indicators which enables progress towards identified outcomes to be reviewed on an ongoing basis.

We ask the Scottish Government to ensure that in determining the means by which people access support it maintains a clear focus on the end goal which must always be ensuring that the outcomes of individuals improve.

Summary of recommendations

1. We ask the Scottish Government to consider its duties in relation to human rights in Scotland and how these can better be supported by the extension of free personal and/or social care.
2. We ask the Scottish Government to consider seriously the merits of shifting resources toward a preventative approach in order to avoid a budgetary focus on crisis management and unplanned emergency admissions.
3. We ask the Scottish Government to assess the financial impact on local authorities and third sector organisations of undertaking financial assessments at the point of access to social care by individuals.
4. We ask that, given the extensive changes to the health and social care landscape in the 15 years since the introduction of Free Personal Care, the Scottish Government feasibility study encompasses a refresh of the definition of personal care informed through collaboration with a wide and diverse range of stakeholders.
5. We ask the Scottish Government to work with Integrated Joint Boards to consider the potential impact of introducing free personal care on the delivery of health and social care services to those accessing support in their areas.

6. We ask the Scottish Government to ensure that in determining the means by which people access support it maintains a clear focus on the end goal which must always be ensuring that the outcomes of individuals improve.