

**PE1533/M**

Petitioner Letter of 29 May 2015



The response from the Scottish government leaves us wondering if there really is a willingness to resolve this matter.

### **NEGOTIATIONS UNDER WAY**

It offers nothing of substance to the Petitions Committee. However it is public knowledge that there are ongoing negotiations between local authorities and the Scottish Government on substantial changes to the level of income disregard used in the financial assessment of disabled people.

Currently there is a buffer of 16.5% applied in Scotland, to set an income disregard beyond the basic ESA or Pension Credit levels. This is much less than in England where a buffer of 25% is applied and a world away from our Celtic cousins in Wales who have a buffer of 35% to better help meet the needs of disabled people.

The Scottish Government is currently negotiating with local councils over what it would cost to raise the Scottish buffer to one of these two levels and local councils certainly seem to think that the Scottish Government will put up the cash to meet any loss they may face from respecting the needs of disabled people.

There are two points of crucial importance. First this was never discussed in the COSLA working group that the Scottish Government has suggested that we take part in. This group has not met since January and has not discussed the matter of adjusting the income thresholds in its last 3 meetings. Since councils were discussing this proposal in April, it can only have come about through some other method of "roundtable discussion." Supporters of our petition stopped taking part in this group because it failed to deliver meaningful change and it looks like, in practice, the real discussions take place elsewhere in secret rooms where disabled people and their organisations cannot take part.

Obviously even the Scottish Government does not think that the COSLA group "would be the appropriate place for any round table discussion on charging to take place."

It is not actually clear that local councils think that this is an appropriate place either. COSLA reported in September 2014 that "the annual charging guidance survey; which has received responses from fewer than half our councils." The Standard Financial Assessment Template, when put out for consultation, received even less – only 7 responses - one from the Scottish Government, three from third sector organisations and three from Scotland's thirty-two local authorities.

We are concerned that we are in the middle of a struggle between government and councils especially when we come across statement's from COSLA like this one; "While it is of course open to us to argue that no charges should be applied to anyone who needs social work support, that is not a matter that is primarily for local authorities but rather the Scottish Parliament."

We should explain at this time that the Scottish Government seem to have been misinformed about who is taking part in the COSLA working group. Contrary to the Cabinet Secretary's statement there are no Disabled People's Organisations taking part in it. A DPO is a user led organisation and it was these groups along with carers who left the working group in July 2014. There are indeed some third sector organisations who are still taking part but these groups can, rightly, have different interests from disabled people and their organisations.

It is not enough to invite people to attend, but that meetings have to be productive and people have to be confident they will be genuinely listened to and taken seriously, rather than the whole thing being a box ticking exercise.

Second such approaches won't work in delivering any real change for disabled people. We would urge the Petitions Committee to support a root and branch reform of care charging, not fiddling around the edges. The current proposed change will only see more money going to local councils. Local councils will continue to adjust other parts of the charging system to bring in even more money.

## **RAISING CARE CHARGES**

The more that local councils sense the Scottish Government is vulnerable on this issue and wants to deal with it, the more they will improve their "negotiating position" by increasing charges. The Petitions Committee may think that I am over egging the proverbial pudding but 2015-16 will, amongst many others, bring the following changes.

- South Lanarkshire Council has increase the care charge tax rate by 10% to bring in another £100,000 per year.
- Edinburgh Council has increased the charge it makes for an hour of care at home by 14%.
- Midlothian Council has increased its charges for Telecare by 50%.
- East Renfrewshire has plans to double their charging income by collecting an additional £220,000.
- West Lothian Council has brought forward plans to increase their charging income by £750,000 - an increase of 300%.

I will save the Petitions Committee from having to read the whole list of care charge increases in this year's council budgets. But our point is that altering the income disregard on its own may make no practical difference to disabled people if their overall care charge payment is raised by other means. Our view is that the current

proposals are just a back door way for councils to squeeze extra money out of the Scottish Government.

Our petition has long argued that this increasing of charges is not a zero sum game such as; councils raise charges; disabled people go to their Swiss bank accounts to get the money; the money is reinvested in services; and everybody wins.

Instead the reality is that disabled people all over Scotland are being driven into poverty by excessive care charges. Disabled people can no longer afford to pay and councils know this.

The Scottish Government published a report “Severe Poverty In Scotland” in March of this year which showed that many disabled people were not only in relative poverty but actually in severe or extreme poverty. Even at these poverty levels, disabled people would be expected to pay care charges. Many simply cannot pay.

### **NON PAYMENT OF THE CARE TAX**

Research by Scotland Against the Care Tax found that 21% of disabled people, some 14,300, who pay care charges are now in substantial arrears in their Care Tax payments.

Of these, almost 5,600 people have so little prospect of being paid that councils have started debt management procedures against.

Yet in the whole of 2014, only 25 disabled people in just 4 councils were taken to court for non-payment of their Care Tax. Councils know that many disabled people just cannot afford to pay their care charges and after threatening them through debt management procedures, most councils just give up and write off the debt.

As one council said when explaining why they didn't pursue people to court, “This is mainly due to the client group involved (elderly/vulnerable/etc) but also down to simple economics – the low value of the majority of the debts makes court action uneconomic.”

There have been claims that since care charging by councils is discretionary and that they all have a waiver system that anyone who has a problem paying can be excused. However councils have admitted to Scotland Against the Care Tax that they do not advertise the waiver process for fear of getting too many applications! A low level of application for waivers does not mean that people are happy to pay or that they can afford to pay but more likely that people are simply not told how to apply so that councils can maximise their income at the expense of disabled people.

- In Highland – out of 5,600 people paying care charges in 2014, no one asked for a waiver of charges.
- In Dundee - out of 2,500 people paying care charges in 2014, no one asked for a waiver of charges

- In Angus - out of 3,600 people paying care charges in 2014, one person asked for a waiver of charges

BUT in Falkirk which brought in new charges in 2014 and clearly explained to people that they could apply for a waiver, 995 older and disabled people wrote to the council asking for their care charges to be waived.

We remain unconvinced that going back to a body run by COSLA, convened by COSLA and organised in the interests of COSLA could be a genuine “roundtable discussion.”

If the Scottish Government is not able to organise a genuine open and free roundtable discussion we would be happy to do this ourselves and would welcome the participation of members of the Scottish Parliament’s Petition Committee in this venture.

However a one off discussion would not be enough to complete the task and we again ask for the Petition Committee’s support in calling on the Scottish Government to lead the formation of another group which includes Disabled People’s Organisations and the non-COSLA councils. This would work to genuinely co-produce policy; meet on a more frequent basis; and have a strict timetable to address specific issues around charging, including considering its eventual abolition.

Yours Sincerely

Jeff Adamson  
Chair Person – Scotland Against the Care Tax