



**Action for Carers (Surrey)
Response To
Charging Policy Consultation 2007
(Home and Community Care Services)**

Charging for Care 2007

Evidence for the Select Committee about the process & the detail of the proposals.

1. The Process

Involving service users and carers.

- In past Charging Reviews an inclusive approach was taken whereby disabled people, Carers and the voluntary sector were actively involved in the planning of the consultative process. We do not believe that this has happened this time.
- By active involvement the process could have been tailored to the specific needs of s.users and carers whose lives will be affected by charges. The impact of change could have been considered and discussed at a very early stage, before publishing the proposals, thus allaying unnecessary alarm to s.users and Carers.
- In such a consultative group we could have discussed the need for current policies and developments in relation to Carers to be included, and the impact of charging on these, rather than having to respond at the point of consultation. The resultant consultation proposals would have been more credible, understandable and in line with current policy and practice re Fairer Charging Guidance and the Carers (Equal Opportunities) Act 2004.
- A variety of styles of consultation could have been developed for Carers which would have included:-
 - Questionnaires;-pertinent to Carers; in line with Fairer Charging guidance; tailored to a variety of needs
 - and face to face involvement such as focus groups and fora.
- The proposals in the consultation are too complex, muddled, poorly explained and very difficult to understand. This could have been addressed in a consultative group, prior to publication.
- The LA should have consulted on the whole charging policy so that the changes could have been set in context, giving the full picture and impact, rather than tinkering at the edges.

- The principles of Fairer Charging should have been published along with the proposals, as it is against these that the policy will be judged.

The Proposals – Compliance with Fairer Charging Guidance?

Fairer Charging Guidance was published in 2003. Since 2003 social care policy and practice has progressed and issues such as Disability Discrimination; Equal Opportunities for Carers; Social Inclusion, Promoting Independence and the discussions about the future funding of long term care have developed. Fairer Charging principles, whilst relevant for the time of publication, have not kept pace with these changes and in our view need urgent review by the DOH.

Nevertheless, while Fairer Charging guidance is still an obligation of the Local Authority, it must be adhered to. The key principles are summarised below:-

- 1) The guidance is issued under Section 7 of the Local Authorities Social Services Act 1970.**
- 2) There is no presumption that LAs will charge nor is there any requirement to charge.**
- 3) The guidance is intended to ensure that charging for non residential services is reasonable and fair, and that charging meets the following requirements;-**
 - a. Charging continues to be discretionary
 - b. That all charges for allied services should be considered together and not in isolation.
 - c. Flat rate charges are acceptable only in limited circumstances
 - d. The effect of charging should be regarded and a person's net income should not be reduced below Income Support or the Guaranteed Credit + 25%. Charging below this level undermines policies for social inclusion and the promotion of independence.
 - e. LAs should consult on maximum and minimum charges.
 - f. If disability benefits are included in the charging assessment then disability expenditure must be included and the reasonableness for each service user must be ensured.
 - g. LAs have a responsibility to maximise a service user's income. Comprehensive benefits advice should be provided.
 - h. As a minimum, the savings limit for residential care charges should be applied although LAs are free to be generous as with other parts of the guidance.
 - i. Guidance is given on the treatment of partners' resources.
 - j. Earnings of disabled people and carers must be disregarded and ability to enter and progress in work must not create disincentives to seek work.
 - k. Fairness of charges for Carers' services is specifically given.
 - l. Management of the policy which includes monitoring the impact of charging on users and the cost of administration.

Users and Carers needs must be paramount, including good information.

Surrey County Council must follow this guidance when applying charges for care.

We believe that the current policy and the new proposals are not compliant with Fairer Charging guidance as:

- **They may leave people in financial hardship;**
- **They do not promote the independence of s.users and carers and are in conflict with Self Directed care;**
- **They do not consider the impact on families;**
- **They may create disincentives to work;**
- **They have considered savings in a non-individualised way, will discriminate against savers, and**
- **They have not considered the monitoring process in relation to the changes.**

The following gives examples of this:-

1) **Financial Hardship** - How will the proposals be checked to ensure that an individual approach is undertaken. We believe there are “cliff edge issues” which will have a negative impact on s.users and carers and leave many with little or no resources left over for life beyond disability and caring. **Charging policies must not leave people in financial hardship. The impact of the proposed charges have not been fully considered nor set alongside Fairer Charging guidance.**

2) The proposals will leave service users and families with little or no available income. **This is wholly unacceptable in the light of self directed care and in conflict with Fairer Charging guidance to promote the independence of s.users and carers.**

3) **Impact on families** - The current policy or the recent proposals do not consider the impact on families either in the text or in the examples. **The charging policy is therefore not compliant with Fairer Charging Guidance.**

4) **Access to and progress in work.** Has the impact of the charging policy been tested against s. users’ & carers’ ability to return to and progress in work? We see little evidence of this element of the current charging policy, or the proposals in relation to Carers. **Fairer Charging guidance expects this to be a key element of a charging policy.**

5) The proposals consider a “flat rate” approach to savings and do not recognise an individual’s circumstances and the reason why savings are held is not fully considered eg Many disabled people have to save up to purchase expensive disability related equipment. Most savers will be older people and so we believe that the proposals re savings is discriminatory to savers who also may be older people. **The guidance states that a flat rate approach should be limited.**

6) What are the monitoring arrangements to ensure that s.users and carers who need the services do not reduce or give up the services altogether because of the higher costs? The consultation does not make clear how this will happen.

What will be the cost of administration of the changes? This information must be made available to s.users and Carers. **This element of the guidance must be adhered to at all times.**

Other Issues :-

1) Parity with other Local Authorities.

Why is there an assumption that Surrey should come into line with other LA's charging policies? Has Surrey County Council ensured that the charging policies of other LAs are compliant with Fairer Charging or up to date with other policy and practice relating to Promoting Independence; Self Determined Care; the requirements of the Carers Equal Opportunities Act 2004; or the impact on children living within families where there is a disability?

The current proposals may be "more generous" than other LAs but this is "allowed" in Fairer Charging guidance and is based on past consultations with s.users and carers. **The current proposals take the policy below the standards of Fairer Charging.**

2.) Raising additional income to fund care packages.

The reason given for the additional charges is to fund further care packages. We do not believe that current service users and their families should be funding the care of other disabled people. This should be the responsibility of the residents of Surrey who are better placed to bear additional costs either through raised council taxes or through savings in other Surrey County Council services. **Not only are the families of disabled people charged twice for care ie through local /national taxes and through current charges charges for care, an additional tax is proposed to pay for the care of other disabled people.**

3)The Proposals – Are they in harmony with service policy and practice?

We are concerned that the consequence of any charges based on the proposals will be out of step with the fundamental principles of social care. During the process of consultation, can we be assured that the proposals were given due consideration by senior service managers, to ensure that the impact on service users and carers would not jeopardise their health and well being; their independence; and in line with self determined care and Carers legislation?

4) In General :-

The Proposals - Impact on savers & available income for charges.

The proposals are muddled – Is it the LA's intention to opt for A or B , or A&B? This is not clear in the public consultation documents.

The proposals are difficult to understand and the examples are not helpful or realistic. There are not enough examples of people with savings and in a family setting.

The proposals will place a greater burden on Carers if s.users opt out or reduce services.

The proposals are in conflict with Fairer Charging guidance and therefore we believe unlawful as the guidance is issued under a section 7 notice.

(See the Appendices in full for the rest of the examples)

APPENDIX 1.

Introduction & Background to the Consultation Response.

Action for Carers (Surrey)- a Carer led organisation - has been involved in the discussions and consultations about Charging for Care since the organisation's inception in the early 1990s.

The organisation recognises the pressures on the County Council and shares with the Council, its dismay over the low funding per person from central government in comparison to other parts of the country. We also acknowledge the pressures on the county council of the high costs of Surrey living, which means that, for example, pay rates for care staff and for disability services in general are high, and local housing costs push the budget for the provision of care even higher. This very difficult situation is shared by the service users and carers living in Surrey, many of whom suffer relative poverty where high Surrey costs of living have an enormous income on low income families, with disabled people and carers often falling into this category. It is also worth noting that national welfare benefits are not weighted to reflect the local economy and so there is the double whammy of high Surrey living costs on the same welfare benefits rates as those living in more affordable areas of the UK.

Over the years Action for Carers (Surrey) has met with hundreds of Carers whose lives have been impacted by the county's charging policies. Also over that time government guidance has developed to introduce "Fairer Charging for Care" (2003) . This guidance was broadly welcomed as for the first time it placed restrictions on charging the most financially vulnerable people. However, the guidance did not take into account the impact of charging on the lives of Carers and is now out of step with current thinking on promoting independence and self determined care; with Carers having a life beyond caring; with the imperatives to reduce family poverty and issues such as the impact of the pensions crisis.

Charging for non-residential community care services remains an issue of great concern to Carers, older and disabled people, across the country. In reality these groups of people are double taxed for services, having paid once through national and local taxes and then again through the charging policy. Fairer Charging, in many respects, equates the rules for residential care charges with those of community based care. Living in the community is totally different to residential care as there are the accompanying costs of maintaining a home, family living, transport, accessing work or education, leisure costs etc., as well as the individual costs of disability. We have long argued that there should be a more considered approach to community care charging and we find that Fairer Charging is out of step with current Social Care policy and practice.

We await with great interest the Green Paper, announced in the Queen's Speech which will yet again consider the future of funding for long term care. Meanwhile we believe that Surrey County Council should consider its charging policy and any changes in an holistic way and give due consideration to its impact on the lives of service users and carers.

In 2007, with the development of a new National Carers Strategy, it is essential that charging for care works in harmony with the desired outcomes for Carers.

A key area for attention in the National Strategy is the issue of Carers and their financial circumstances. When reviewing the current charging policy we ask that Surrey County Council is mindful of the impact any changes will have on Carers. The greatest fear we have, if higher charges are introduced, will be that the cost of services will be prohibitive and the service user may be reluctant to pay additional costs and will opt to reduce or opt out of receiving services. Any reductions in service provision and take up by s.users will mean more responsibility and effort would be required by the Carer. At a time when Carers are offered the vision of choice in whether to provide care or what level of care to provide, choice will go out of the window and carers will have to provide care by default. A life beyond caring, being made possible through the Carers (Equal Opportunities) Act 2004, to take up opportunities for training; education; work and leisure could become an unfulfilled dream.

"My mother – in -law will see the rises and say "I'm not paying this" and she will refuse the services she has. Who will have to pick up on this care? Me. I am exhausted doing what I already do. Where will it all end?" – A Surrey Carer.

We acknowledge the folly of one aspect of the Carers and Disabled Children Act 2000 that enabled charges to be made on Carers for services they receive to help them caring. This was an outrageous provision, condemned by Carers and Carers' organisations, and those who support them, nationwide. Carers argued that they already save the nation in excess of £87 billion per annum and any attempt to charge them for services would be met with outrage. The Association of Directors of Adult Services wisely agreed that this was an area of charging that would be folly to venture into and we welcome Surrey County Council in following this lead. Regardless of this gesture to Carers, Fairer Charging has done little to mitigate the impact on Carers.

People living with a disability, more often than, not live within a family network. National research undertaken by Carers UK found that in a household where the the disabled person lives within a family setting, the service user's income is often entwined with that of the carer's and the family as a whole is dependent on the sum total of incomes. Considerable hardship is often experienced by the families of disabled people and Carers, including the children. Caring imposes additional costs upon Carers and their families, thereby compounding the effects of low income.

Evidence from **"Caring on the Breadline; the financial implications of caring" – (Carers UK, 2000)** , showed that charging for services presented particular problems for Carers.

- Three out of four Carers found that they had become worse off since becoming a Carer.
- Two out of three attributed this to the costs of disability.
- Six out of ten Carers had to give up work to care, resulting in a drop in income,

- Four out of five found the level of charges for services caused financial difficulties.
- Carers providing substantial amounts of care struggled to pay for even the basics
- One in five cut back on food
- Almost one in three had trouble paying household bills and were, or had been, in debt
- Four in five carers believed they were worse off financially since becoming a Carer
- More than two in three carers worried most or all of the time about their finances
- Two in three carers believed that this worry was affecting their health.

More recent research - **Carers UK - 2007 - "Real change not short change"** - shows that not much has changed since the introduction of Fairer Charging guidance and in some instances is worsening:-

- Three out of four are worse off as a result of caring
- Two out of three are worse off because of the extra costs of disability
- More than half of Carers are forced to give up work to care
- One in three are facing severe financial hardship and are cutting back on food
- One in three struggle to pay utility bills such as electricity, gas or the telephone
- One in ten cannot afford to pay their rent or mortgage
- One in three are, or have been, in debt as a result of caring
- On average Carers retire 8 years early, missing out on years of income and pensions contributions.

Carers Quotes from "Real change not short change".

"Government should accept that Carers do not choose to give up paid employment but have to because there is no alternative"

"My husband & I have to job share since our son left school. Our income has been halved and neither of us meets the criteria for Tax Credits."

"I am now ill myself after having no help in caring. I am unlikely to find work now - I am 53 after 19 years of caring"

"I earn too much to get Carers Allowance but I am too poor to survive."

"Don't stop me from being able to claim Carers Allowance just because I earn £87 per week. Provide me with alternative care (workers) so that I am able to return to work full time. I have an English Masters degree which is being wasted."

"The cost of my wife's respite is over £1,000 a week. I am expected to provide the same service for £48 Carers Allowance. What a joke!"

"If Carers Allowance was treated the same as Disability Living Allowance (DLA) then I would be better off. The DLA is given to disabled people to have some degree of

independence in their lives. Are carers not entitled to some degree of independence?"

"I am unlikely to work again. My wife is 60 and is disabled. I am 63 and it looks like I will be caring for her indefinitely."

"It's too late – my health and age would make it impossible for me to work"

"I may have to give up work in summer as the person who I look after leaves school and social Services will not cover the time I need to keep working."

"After 16 years of caring I feel out of touch with the world of work and unconfident going back to my previous job. I feel humiliated by being on benefits."

"I need more respite care for my daughter so I can commit to work without worrying about her."

"If I manage to get paid employment I shall be no better off because of the benefits I would lose and needing to pay another carer (worker)."

"In winter I have to choose between heating and food. I need a car to carry out my caring duties as the public transport is virtually non-existent where I live."

APPENDIX 2.

Action for Carers (Surrey) response to the detail of Surrey's Charging Policy and Proposals 2007 .

1. Parity with other Local Authorities.

Why is there an assumption that Surrey should come into line with other Local Authorities' charging policies? Has Surrey County Council ensured that the charging policies of these other Local Authorities are compliant with Fairer Charging or in line with policy and practice relating to Promoting Independence and Self Determined Care; the requirements of the Carers (Equal Opportunities) Act 2004; or with Every Child Matters ie the impact on children living within families where there is a disability?

The current proposals may be **“more generous”** than other Local Authorities but this is an aspect of Fairer Charging that is included in the national guidance. This **“more generous”** approach has been based on past consultations with s.users and carers in Surrey. **The current proposals take the policy below the standards of Fairer Charging.**

2. Raising additional income to fund care packages.

The stated reason given for the additional charges is to **“raise more income”** which **“would be used to support more people at home to help them to remain as independent as possible”** ie to fund more care packages. We do not believe that current service users and their families should be funding the care of other disabled people. This should be the responsibility of the residents of Surrey who are better placed to bear additional costs either through raised council taxes or through savings in other Surrey County Council services. We believe that the independence of current users of social services and Carers would be jeopardised to provide the independence of others. **Not only are the families of disabled people charged twice for care ie through local /national taxes and through current charges charges for care, an additional tax is proposed to pay for the care of other disabled people..**

3) Carers and the proposals. How does the policy consider the impact on Carers?:-

3a) Families & Charging.

Fairer Charging Guidance Section XIV – Carers Para 83 includes **“the consideration of costs such as :- Private purchase of care to allow breaks from caring or to enable the carer maintain employment or to fulfil obligations as a parent.”**

In the proposals - Example 1 is an older person, Example 2 is an older person and Example 3 is a single person. Where is the example of a family's costs?

As there is no example of a family ie children living in a family where there is disability, has there been a consideration of the impact of charges on children? How do families save for their future, for holidays, for education costs – school trips,

additional tutoring, after school activities? How do families save for additional education costs in adolescence, university etc? What will be the impact of reduced savings on Carers who become more impoverished as time goes by, thus creating dependency in the future?

Where is there any consideration of Carers Rights, both Adult Carers and Young Carers, and how the charges could impact on them? "Every Child Matters " expects that **"children are supported to be healthy; to be safe; to enjoy and achieve; to make a positive contribution and to achieve economic well being"**. How does the charging policy consider these expectations for families? There is a potential conflict with the Families Services Directorate re its vision of integrated services for the whole family and the impact of charges for care. We urge the Local Authority to review the current and any future charging policy so that it is consistent with current family "good practice".

Household expenditure where there are children in the family are much higher than in non- children units. Are they to be forced onto the breadline? Even if children's costs are offset, it still limits the costs of a family. How will the charging policy safeguard children and Young Carers so that they equal chances in life with those from non- disabled families. It is possible that s.users will reduce or opt out of services because of the costs of charges and this will cause an additional and unacceptable burden on Young Carers.

"The effect on our lives is totally devastation. We no longer go on holiday, we do not go out, my kids have not got the things they deserve. They have had to go without so much. We are now bankrupt just because I tried to do the best for my family."

Surrey Young Carers, a service run by Action for Carers (Surrey), reports that regular requests are received by the Young Carers Activities Fund so that young carers can take up opportunities that other children take for granted. Requests for funding for activities such as dance, drama, violin, football, swimming lessons, and so on, have been received in recent months. Access to these activities gives the children some normality in their often difficult lives and helps them to fulfil their dreams. (This represents a relatively small number of children in contact with the Young Carers service over the year, but reflects the range of activities such children are unable to pursue due to the reduced financial circumstances of their families.) Any additional charges need to be considered so that such families are not further penalised.

3b) Carers and Health

We have major concerns that additional charges will result in Carers having to undertake more caring tasks, where the s.user reduces or opts out of the service. There is local and national evidence about the impact of caring on Carers' Health of both an emotional and physical nature. The greater the tasks required of carers the greater the impact on their health. More isolation and feelings of exclusion lead to greater numbers of carers with depression. Many Carers report having to take medication for depression, anxiety and panic attacks – a greater drain on NHS budgets.

We also have direct evidence from our Back Care service that Carers are having long waits for vital equipment from Social Services. In some instances Carers have resorted to dipping into limited savings to fund it themselves. This is a quote from a carer whose spouse was terminally ill.

“ I had to very quickly assess what my wife needed on returning home as I couldn't do all the moving and handling myself. I had to eat into our savings and buy a wheelchair, stairlift and medical bed.”

There are issues here about the quality of the Hospital Discharge but while the statutory sectors let down s.users and carers, in the gap that is left, they are driven to use their own resources. How could they do so, if their savings are dwindled or not “ring-fenced” by charging? We remain caught up in these dilemmas and the charging policy needs to acknowledge this.

3c) Carers & Employment

Fairer Charging sets out guidance re **Work Incentives** for s.users and carers. **Section X** states **“Charging Policies should avoid creating disincentives to work.”**

Surrey County Council has been nationally recognised for its work highlighting the social and business case for supporting Carers into work. It funds Action for Carers and Employment as part of its commitment to promoting opportunities for carers to work, remain in work or undertake vocational training, life-long learning and education.

The proposed change to the charging policy contradicts SCC's own guidance and ethos with regard to supporting Carers.

The business case:

- Surrey has almost negative unemployment but many vacancies to fill.
- There are skill shortages
- Carers are a potential pool of labour if employers offer flexible working.
- Carers' Income contributes to Surrey economy.

The social case:

- Carers have a right to a life beyond caring.
- By supporting carers to work the whole family could be lifted out of poverty.
- A supported working Carer is less likely to become ill so less chance of the caring situation breaking down.

The proposed changes to the charging policy risk creating disincentives to work.

The difference between the carer's income when working and the amount they would receive if they were unemployed is usually minimal. Why? (The quotes are from a survey of 241 working carers carried out by ACE Surrey Feb 07)

- It is a fact that many carers accept a part-time poorly paid job that fits in with their caring responsibilities.

“I took a part – time job to fit in with my caring responsibilities. I had to give up a good job to care. This resulted in my whole family having a greatly reduced standard of living”

- If a carer takes a job paying more than £95 per week, (equivalent to 17 hours at minimum wage £5.52), they would lose their Carers allowance £48.65 per week. A disregard is given for extra care costs but not for extra charges.

“Trying to find a job which pays under £95 a week and in term time only is very difficult and I cannot ever get a pay rise as if I earn over the maximum amount, I lose my carers allowance - RIDICULOUS!”

- They may lose some or all of their entitlement to housing benefit, council tax benefit, income support, free school meals, prescriptions, dental treatment and many other passport benefits.

“I am not able to hold down a full time job, as I am too tired to keep up the hours. I must work as we do not qualify for most of the benefits. And this then stops me getting carers allowance. Catch 22. What would make caring more manageable, looking after carers better. Free prescriptions etc.”

- There are extra expenses related to work; travel costs, work clothes, childcare etc. As well as the other expenses not acknowledged in the benefits system. One carer told us-

“I would like payment – a wage for all the administration, phone calls, hospital appointments, and meetings that I need to do. In my situation this is the equivalent of at least one full day each week”

Working tax credit may help to balance some but not all of the costs and loss of earnings highlighted above, but it would have to be **claimed** by the **working carer**.

The result is **any additional charges incurred because of an increase in care package, to allow the carer to work, would have to be paid from the household income, therefore a charge to carers.**

This is in direct conflict with the key principles of the **Fairer Charging Policy** and the **Carers and Equal Opportunities Act 2004**.

3d) The Value of Carers

At a time when charging policies often have a negative impact on Carers the following recent finding has revealed that Carers now save the nation £87 billion per year. This is more than the annual cost of all aspects of the NHS audited in 2006/7 - £81.678 billion.

In Surrey, the value of Carers contribution is now calculated at £1,171.6 million per annum . Many Surrey carers perceive that charges to the service user are in fact a charge on the whole family unit and have said - *“Should this not be offset against what is spent and what we are charged?”*

There are clearly anomalies in relation to the government’s settlements for care in the South East that have a knock on effect on Carers. We are already providing more care than our northern counterparts due to tighter eligibility criteria (based on the Local Authority’s budget), reduced services, and the higher costs of services in the South East (both organised via the statutory sectors and privately organised.).

3e) Self Funding and Carers.

At a time when Carers provide so much value in caring, we continue to be discriminated against. We wish to bring to the attention of the Local Authority a worrying but growing trend, that is being reported nationwide.

It is becoming more evident that the savings threshold beyond which s.users are self funding is often denying Carers their right to assessment and support. About 70% of s.users in Surrey are self funding, and it is common practice for these s.users to be given information about how to find the services they need, but carers often are overlooked in terms of their needs. Just because a s.user is self funding, it does not follow that a Carer has the capacity to find and organise the vital services needed, nor to fund support for themselves. Many of these Carers are being denied their rights to assessment and to services provided directly to the Carer. Consequently, these carers often take on unacceptable levels of care, by default not choice, and go unsupported, at financial risk and in danger of emotional and physical ill health.

“The Care Manager asked us how much savings my husband had and said they were unable to help with services because we had too much. I was given information about where to get personal care and so on but it has been really hard trying to manage this with taking care of him. I only found out about my rights as a Carer at a carers meeting – No-one thought about me at the time. I was just left to get on with it.”

4. The Proposals - Impact on savers & available income for charges.

The proposals are muddled – Is it the LA’s intention to opt for A or B , or A&B? This is not made clear in the written proposals.

The proposals are difficult to understand and the examples are not helpful or realistic. There are not enough examples of people with savings.

Proposal A

We believe that proposal A is a disincentive to savers, and has not considered the changing financial climate in the UK. Many people may have relied on pensions in the past but as these become more problematic to attain or the income from annuities is much reduced, people have turned to other products to give them an income in retirement. Income poor people rely on the interest from savings and

investments to pay for the higher costs of disability and caring, that the benefits system does not provide for. (Welfare Benefits are not weighted for Surrey's higher costs of living!) It should also be noted that cash on interest is not always paid.

There are many different financial products available such as SIPS ; ISAs; Long Term Investment Funds and so on. There are many questions unanswered about the way savings are considered:-

- What constitutes capital and savings?
- What happens where a long term fund is being used where there is no short term income and there are stringent penalties for redeeming funds early? What authority will be used to access these funds?
- What is the actual rate of bank interest? This varies from bank to bank and from week to week in a fluctuating market. How will this be managed to ensure an individualised approach in assessing the charge?
- Will disabled people and their families be given fewer choices about their financial future than non- disabled people? For example - Will compensation be awarded to those who have to redeem ISAs thus losing the tax advantage? Are disabled people and Carers to be discriminated yet again in not being able to take advantage of nationally agreed tax breaks?
- Are compensation payments considered as savings?
- How will savings for high cost disability equipment be considered? Will they be ringfenced against charging until the purchase is made?

The simple savings and bank account is often used by those who do not have access to more sophisticated financial planning. It is these people who will be hit hardest by the proposals and so we believe there is in-built discrimination in the proposals. If the LA does decide to go down this route and raid savings, then we will expect there to be an individualised approach to assessing this charge.

An impact assessment on each service user and carer must be undertaken to be compliant with Fairer Charging.

If we have understood the Example 1 correctly:-

Income support is granted with capital less than £16K, so Example 1 is eligible for Income Support and the charges suggested would drive income below that level. The total impact on users incomes even if they have savings at the levels described may fall into Income Support traps. Is the aim to bring everyone to Income Support levels?

This is a “cliff edge policy” – not recommended in Fairer Charging Guidance.

"With every year it gets worse, partly because benefits are not keeping up with the cost of inflation which is much higher for essentials like food, gas, electricity and water etc."

"My husband is young, disabled and needs a warm home. The cost of fuel is crippling. It would help if disabled people were allowed the fuel allowance."

Proposal B

The difference between the current 80% Net Available Income being considered for charges and the proposed 90% and 100% may be the difference between independence and dependence. This little bit of extra money may be the difference between having choices about one's life and activities, and sitting at home just existing and paying for care, slipping deeper into depression. The impact on the service user's and carer's health could be significant. The impact of caring already takes its toll on a carer's health. National research by Carers UK demonstrates that caring exacerbates emotional and physical illness in Carers. The proposals could add to the stresses already endured by Carers. The examples are outrageous and conflict with promoting independence and emotional and physical wellbeing. This policy will also be gross discrimination against disabled people and carers. **This is not compliant with Fairer Charging Guidance.**

"It's just not fair. Why should we be treated like this just because my husband is disabled?"

"I am so stressed. I do not sleep at all some nights."

"In the space of 2 years we have gone from living to existing. We used to go out at the weekends. Now we feel we are trapped in our home"

"We cannot afford some of the basic things that normal people have and take for granted. We feel that we are treated as second class citizens."

"Luxuries, what luxuries! I haven't had a holiday for 20 years!"

"I have to make do with what I have as I can no longer save up and replace what wears out. I shop for clothes in second hand shops and look for value brands in the supermarket."

"I find it hard to do the things we used to because of financial restrictions. I am trying to live on less than half the salary I was earning 12 years ago"

"It is constant scrimping & living hand to mouth. If something goes wrong in my house I have to ask favours of friends. I am sick of feeling like a charity case."

"At 36 I have little chance of getting on my feet if anything happened to my Mum. I would have no home, no immediate liveable income, and no ability to be re-housed or get extra help to find employment or even take up further training."

"Since my husband's illness, juggling caring responsibilities with trying to earn money has led to a total breakdown in our marriage. We separated in May."

5. Other issues not addressed in the charging policy consultation.

5a. Mortgages.

Where are the mortgage costs in the examples? Are there monthly reviews and appeals to keep up with the changing mortgage rates? What happens when s.users and carers run into trouble paying the higher mortgage costs?

5b. Debt.

How is a s.users debt considered and allowed for?

"We depend on family and friends for everything – it's so embarrassing to admit that I can't afford to provide my wife with the basics."

"I am gradually running up more and more debt and I don't see a way out of this situation."

"Due to my daughter's disability she has to be kept very warm all the time. It would help if we got some help towards fuel to alleviate some of the worry of the huge debts."

5c. Insurance

Why are contents insurance not include in allowable expenses?

5d. Property Maintenance costs.

How can s.users save for essential maintenance costs – replacement windows, roof repairs etc?

"I have spent all of my savings and cashed in all pensions just to keep afloat."

"It has at times driven me to deep depression and thoughts of suicide."

5e. Disability Costs.

Who funds the costs of disability in Example 1? The disability related expenditure is greater than the income and so we must assume that the Carer funds this, as too often happens. This is not shown clearly. Many Carers already support the costs of disability of the s.user. Any further charges on s.users will inevitably impact on Carers.

5. Charging for care – Is it fundamentally wrong ?

Over the years we have considered charging for care. The case against charging at the point of delivery is very strong. The impact on disabled people and their families is too harsh in many ways, and at a time when they are least able to deal with it. Another way of funding care must be sought so that at the point of delivery, people who are already under great pressure are not caused any further anxiety or financial

hardship. We look forward to an informed debate in the proposed Green Paper and hope that this additional burden placed upon s.users and carers is removed from the point of need.

APPENDIX 3

Notes from Charging workshop ACS Forum 27th November 2007.

Toni Carney (TC) introduced herself and her colleague who would be taking notes during the meeting. (We observed that throughout the session the colleague did not take verbatim notes and at times missed many quotes from the carers present.)

TC stated that charging for care excludes residential charges and the “respite” charging policy and that there was no proposal to change them. She also stated that there was no intention to charge Carers for Carers services.

“ There would be blood on the streets if you did!” – Carer

Facts and Figures.

TC gave some facts and figures re service take up;

- Currently 4,360 s.users have been assessed for charging
- 3,084 have been assessed as “no charges”.
- 1,276 pay charges
- 224 signed to say they will pay full cost with no financial assessment.
- 60 s.users assessed to pay the full amount
- 992 pay an assessed contribution of an average about £32 per week. These are the s.users who will be affected by the review.

£2,550,000 / annum is raised in charges. Administration is £0.5 m.

TC went on to give the reasons for the review ie. that there is not enough money in the budget.

The closing date for consultation is 10th January 2008. Executive Committee is to meet in February to decide final outcome. The Select Committee is meeting on 29th November – ACS to present interim findings. Kay Hammond is the Chairman.

Proposal A – increase tariff income

TC - Capital/savings cut off limit the same £24,500 – s users pay full cost above this. Tariff income £1 for every £250 above £13,000 savings. £13,000 based on residential charging rules – Gov says this must be used as a minimum. SCC is now following DOH guidance. SCC was more generous before.

- 500 survey forms were sent out

Group 1 Questions and Answers.

“Why is Attendance Allowance included as it is not a means tested benefit?”

TC - SCC agreed to this but they don't take into account higher rate care component i.e. night time care element as SS do not provide night time care nor do they include the mobility component. (TC said this point would be raised at Select Committee)

“Is proportion of care needed in proportion to charge?”

TC - It is a “Contribution” to the package

“Is the basic allowance set by SCC?”

TC Based on income support rates plus 25% - set by DOH, must use as a minimum

“What is the rationale for expecting a user to get more from capital than earnings? May not actually get return on savings which SCC using. Income used to live and pay for equipment.”

TC - SCC asked us to look at raising more income. We looked at other options including reducing capital limit of £24,500 but this was rejected by members. 90% of other authorities do tariff income. It is not meant to reflect return on investment. If s. users have savings and ask for SS assistance it is not unreasonable to pay for services.

“Who are “nil” charged”

TC Users with v. low income, insufficient savings, exceptional disability costs. If they are on income support they would not be charged. Of 580 learning disability users who receive a service only approx. 40 pay charges.

“It is erroneous to say that capital is earning SCC rates of interest.”

TC No answer

“If we pay from savings for care, how often will SS reassess us, as our savings will reduce which will affect tariff income and charges? This could be weekly”

TC - SS will review on a regular basis. It will not be done automatically. The user will need to demonstrate that savings are being used.

“How will charging impact on other services required as it will be more beneficial for user to leave capital in property rather than other savings. This will impact on fewer homes being sold and therefore fewer homes available for young people.

TC - SCC only look at finances and savings not property”

“Have County Councillors looked at alternative ways of raising income? If 992 users pay ave £32 pw it raises £1.6m. Admin costs to collect this £.5m to £.6m. Save admin costs and make a lower cut off point”

TC – This would only give £1m income if did this

“What is max some people will have to pay”

TC - Tariff income on £11500 is £46 pw

“Is SCC expecting to get more money from 992 people?”

TC - If capital proposal is accepted will generate £100,000pa. A few users in current nil charge group will have to pay in addition to 992.

“What is the point of the reviewing the charging policy”

TC - To raise income which will go back into providing more care packages

“Users will be paying for their “neighbours” care. This does not seem right”

TC - No. A user can't be charged more than the cost of their care package. They will not be subsidising another user of services

Proposal B – increase % net available income

TC All authorities take a % of net available income. Can take up to 100%. SCC currently takes 80%. Want to increase to 90% or 100%. If accepted 90% will raise £140,000 and 100% £280,000

“If we are affected by both proposals then it is not a good deal, user could be substantially worse off”

TC No answer

“I have a son with learning difficulties uses local day centre and respite care. We received an assessment form for respite and we are expected to pay even though he does not benefit. It is a service for the carer.”

TC The Charging policy is not about respite, this is assessed under residential charging rules

“Who will advocate for individuals living alone when savings need to be reassessed (CC Lavinia Sealy)”

TC -SCC will look at on a case by case basis to see if trigger needed, if savings have been used.

“SCC will have to constantly monitor admin costs because of reassessment costs re savings e.g. if new boiler needed, paid for out of savings. Money now gone so individual needs to tell SS so can be reassessed (CC Lavinia Sealy)”

“Individuals will need support with this. Will SCC check on how savings have been spent or will it be based on trust”

TC - SCC can ask for evidence but hope that individuals will be honest

“Don't we get any credit for having saved? We have worked for it, why can't we use our savings?”

“SCC assume that individuals will get more from savings (tariff income) than may actually get so will have to eat into savings thereby reducing them”

TC - No, if not spending savings

“We should tell individuals to spend or give away savings so as not to incur tariff income”

“2 years ago there was a review of the charging policy and a task force recommended changes to policy which users and carers agreed. These changes were never implemented. We need to challenge this (Carol Pearson, SCDP)”

TC - SCC took decision at time that they could not afford to reduce income

“It appears from the examples that individuals are being offered quite a bad deal, a bad deal and a very bad deal depending on circumstances. We need to say no to more charges, but our comments have no influence”

TC - We have to consult. We sent out over 5000 letters, - we had a good response, not all negative. Responses will be fed back to members and taken into account when decision is made

“Can comments be emailed (CC Lavinia Sealy)?”

TC - No. Complete questionnaire and include any comments

If access to email and would like comments passed to Kay Hammond for Select Committee on 29th November send comments to lsealy@surrey.gov.uk before Thursday (CC Lavinia Sealy)

“How many people will be affected by proposed changes?”

TC Probably about 1% of those currently not charged will be affected by the savings changes. Individuals who currently pay charges will have to pay more.

“Will there be better information/guidance on disability costs. This was recommended previously to the task force (Carol Pearson, SCDP)”

TC - The assessment form has been redesigned which incorporates guidance notes within it.

“Can SCDP and ACS have copies of the form and be involved in the final version (Carol Pearson, SCDP)”

Group 2 Questions and Answers.

“Is this a real consultation? Who would tick yes, when we know how much distress this causes? We are all going to say no – so what will you do then?”

“How certain are you that s.users and Carers understood the proposals?”

“We had an accountant and an officer from the ACE project on our working group and we were hard pressed to make sense of the proposals. There were misleading comments such as the LA gives every s.user who has £16,000 savings a further £2.88. If we had been on a working group with the LA before the proposals were published we would have ensured misleading language would not have been used (such as in the past we changed “allowances” etc) and we would have ensured greater clarity in the explanations.

TC replied that she had spoken to over a hundred people on the phone and explained the proposals to them.

(This begs the question – What about the rest? Have they filled in the forms in the full understanding of what the proposals mean?)

TC also stated that many s.users are saying yes.

(It became evident that depending on the s.user’s circumstances different issues arose.)

One Carer of a person with Learning Disabilities picked up on the issue of savers. She said that *“It’s mainly older people who would have savings and it’s them who will be penalised the most by the proposals.”*

(Some Carers of LD people who had cared for their children at home through to adulthood did not experience the same problems as those who lived independently and had to maintain homes and had more potential independence. Many LD s.users lived rent free, had meals and other things provided by their parents, whilst other adult disabled and older people had family responsibilities and/ or had to maintain an independent life and property.)

“How does the charging policy look after the interests of the children? “

TC replied – We look for the best outcome for the family.

Other comments were:-

“ This is savers helping non-savers”.

“ My mother in law who is 87 and quite disabled with osteo-arthritis, pemphigus and post stroke, has flown out to Spain with her friend this morning for two weeks. We are encouraging her to spend, spend, spend – so that she has some enjoyment out of life, and there will be none left for charging when she has to rely on services.”

“ This is very little money in the scale of things. Is it worth all the ill feeling and anguish it’s causing?”

“ Why do we have savings? Is it worth it?”

“ No-one thinks about where you live in the country. The benefits are the same everywhere” (Welfare Benefits)

“The Carers Assessment is a means test!” “Charging has to be co-ordinated with everything that goes on in the county”.

TC outlined the current policy re the £24 k ceiling that would not be changing and that 5% interest would be the rate used for charging purposes.

“What kinds of savings are considered for charging.”

TC “ALL”

“What about long term investments where there is no interest and the money can’t be touched for example 5 years and there are penalties for touching it”.

TC stated they would discuss how to negotiate these on an individual basis.

“I am worried about the ceiling of £24 k and what that means to Carers. Once they decide you are self –funding, they wash their hands of you”.

“ If they see you! - They decide over the telephone!”

“ Proposal B and that it would leave s.users with no available income.How will people go to the pictures for example?”

“ What happens when the s.user says – I am not paying any more. The Carers picks up the care. Carers are just hanging in there now.”

“ I have a son who is 20 in March – After his respite care is charged, he has nothing to live on and as he lives with us you don’t allow him anything. We have to pick up the expenses.”