

Coalition on Charging Cymru
Response to Health and Social Care Committee
Social Services and Wellbeing (Wales) Bill
Part 5 Charging and Financial Assessment

Introduction

The Coalition on Charging Cymru (COCC) is a consortium of national and local organisations that represent the interests of disabled people, older people and Carers. COCC believes that social care services should be provided free at the point of delivery to people assessed as needing them and has campaigned to this end since its formation in 2001. We believe that a system of free non-residential social care would provide consistency, clarity and equity in access to support and avoid discriminatory, unfair and resource-intensive means-testing and charging practices.

Whilst consistently opposing the policy and practice of charging, over the last twelve years, COCC has engaged constructively in a series of advisory task groups and consultations initiated by the Welsh Government which sought to mitigate the effects of charging on service users. In doing so COCC's purpose was to secure the best possible outcome on their behalf and has contributed to the following changes in Welsh Government policy:

- Income disregard ('buffer') increased from 25% to 35%
- Introduction of 10% disregard on disability related expenditure.
- Maximum weekly charge of £50 across Wales
- Removal of Day Service transport charges
- Right to request a Financial Assessment
- Guidance on process for challenging charges

COCC understands that the disregards outlined in WAG Fairer Charging Guidance (2008) removed three thousand service users from charging and reduced the charges of a further eight thousand people. Moreover the First Steps Improvement Package introduced as part of the Social Care Charging (Wales) Measure in 2011 meant that in one third of local authority areas, people paying the maximum charge saved on average over £7,000 a year. In other authorities, those on maximum charges saved between £2,000 and £5,000 a year.

These measures while falling short of zero charging are unrivalled in the UK and have proved an important means of tackling poverty amongst older people, disabled people and Carers. Given that most recipients of social care exist on benefits and/or modest occupational pensions, it is also proving a vital tool in mitigation against the impact of the UK Coalition Government's policy on Welfare Reform. COCC is aware that tens of thousands of disabled people in Wales will see a drop in their income as a consequence of the combined effect of the introduction of the 'under-occupation' charge or 'bedroom tax', the abolition of Disability Living Allowance to be replaced by the Personal Independence Payment and linking benefits up rating to the Consumer rather than Retail Price Index.

The Social Services and Wellbeing Bill

COCC welcomes the goal of the Bill to bring about a transformation in social care services which ensure equality, voice and control for all who use services. It will however confine its response to Part 5 of the Bill regarding charging and financial assessment in non-residential care highlighting areas where it has concerns, seeks clarification on specific points or where it believes that the bill and accompanying regulations provide an opportunity to improve on the current situation.

£50 maximum weekly charge

We note that local authorities will continue to have the power to impose charges for providing or arranging a service together with a duty to undertake financial assessments in 'certain circumstances'. We understand that this will bring the provisions of the Social Care Charging Measure (Wales) 2011 into the bill. However given that the current disregards (additional buffer and disability related expenditure) and the weekly maximum charge are set out in regulations we seek a commitment from WG that these will be retained within the new arrangements.

It is also vital that WG takes the opportunity to strengthen the regulations. For example the £50 maximum weekly charge greatly benefited disabled people in high charging authorities, however given the lack of proportionality applied to those charged less than £50 a week it had little impact on them. For individuals on benefits, a charge of say £30 a week is a significant amount. COCC is concerned to learn that some LA's have increased the charges of those paying less than £50 per week despite no change in their income. In light of the impending cuts in benefit and increased living costs, COCC calls on WG to

review the level of the maximum charge including the need for proportionality for those paying less.

Charging for Preventative Services

COCC is deeply concerned to learn that WG intends to introduce a power that would enable local authorities to charge for preventative services including the provision of information, advice and assistance. It is strongly of the view that this will undermine the transformative agenda sought by the Bill and be a retrograde step in the light of the WG's track record in reducing the level of charging, by introducing charges where hitherto none existed.

The levying of charges for preventative services may deter many from taking them up, the more so in the current economic climate. Charging for information and advice about one's rights and entitlements including the availability of services provided by the local authority itself is not only inappropriate, it is also inequitable. It is likely to disproportionately affect individuals who, because of their impairments, literacy levels or lack of social media skills are unable to find out about and interpret this information for themselves.

It will also introduce another item of expenditure or form of taxation for individuals who, through no fault of their own and very often due to failings in society itself and public bodies in particular, require the support of intermediaries such as advocates, brokers or counselors.

COCC does not accept the argument that in order to provide preventative services they must be paid for by the individuals assessed as needing them. We believe very strongly that WG and LAs should be exploring more imaginative ways of developing preventative services through co-production with third sector and citizen organisations and more fully utilizing resources already available in the community.

Financial Assessments and Charging Reviews

COCC calls for clarification from WG regarding undertaking financial assessments in 'certain circumstances'. As long as charging remains, COCC believes strongly that comprehensive financial assessments should be undertaken where that is the wish of the individual so that any charges are made in the context of their full circumstances including the disabling barriers they face.

COCC also calls for a review of the process for challenging charges through a short, consistent and straightforward review process. During the discussions of the Social Care Charging Measure Advisory Groups, we did not support WG's conclusion that the Social Services Complaints Procedure was the appropriate mechanism for individuals to challenge the specific amount that a LA charges them. The Complaints Procedure is a route for those who feel that their Social Services department has not followed due process or who have concerns about the way in which they have been treated. It is less appropriate for challenging charges where the dispute is over its affordability and not necessarily regarding the manner in which the decision was reached.

COCC is concerned to learn that due to the inappropriate guidance in place, some Local Authorities are continuing with the traditional 'Panel' approach, consisting of officers and members of the Council who examine in minute detail an individual's finances making judgments regarding how they should use their income.

Monitoring

COCC believes that on-going monitoring of the effects of the regulations and guidance in relation to charging is vital. It calls on Welsh Government to make available the information it has collected on the impact of the Social Care Charging (Wales) Measure and to use this to inform the development of the new regulations and code of practice.

Appendix 1

This response was coordinated by Disability Wales on behalf of the Coalition on Charging Cymru following a meeting by telephone conference on 26 February 2013. It is endorsed by the following COCC members:

Age Cymru
Arfon Access Group
Carers Wales
Disability Wales
Gwynedd Direct Payments Forum
Learning Disability Wales
Leonard Cheshire Disability Cymru
Mind Cymru

COCC's response has additionally benefited from the input of individual service users affected by charging.