

Scottish Women's Convention response to:

Proposed Bill for Free Personal Care for Under-65s

October 2017

The Consultation

Within Scotland, the current procedure and criteria for free personal care stipulates an age limit of 65 and above or, alternatively, if the individual is in the last six months of a terminal illness. If a person under the age limit applies to have their care needs assessed and the outcome is that care is required, they are obligated to pay for said care depending on weekly income.

Under the current law, a person under 65 years old can be assessed by their local authority as requiring personal care due to the nature of their illness or health condition but then be told that in order to receive the care they need they will be required to fund it themselves. The current law also allows local authorities to charge for this type of care and in practice most do so.

This proposed Bill seeks to abolish the current age-limit that restricts the right to free personal care to those aged 65 or over. The effect will be to extend the provision of free personal care to anyone who is assessed as needing it irrespective of their age or condition. The Bill will make no changes to the current statutory provisions in place for those aged 65 or over who require free personal care. Local authorities already have a duty to assess any adult who appears to need social care services. The Bill will make no changes to the current requirement on local authorities to provide assessments nor will it change the definition of what personal care entails. If a person is assessed as needing personal care then the Bill will ensure it is available to them free of charge.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues around this proposed Bill and its implications for women as key stakeholders in regards to health and social care services.

Question 1:

What 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. At present, it is only within the last six months of a terminal illness or if over 65 that free care is provided by local authorities. Women have raised a number of objections to this approach. Firstly, whilst medical opinion is of course invaluable, actually measuring out how long an illness will have to take effect in a terminal format is often incorrect and more often than not leads to extra stress and grief for both the patient and their family.

Women have spoken to the SWC about the strain they themselves have come under attempting to establish some form of extra care for them or loved ones without financial restrictions being imposed.

“Just because somebody is younger, doesn’t mean they are coping any better.”

The current provision fails to take into account significant gendered inequalities between men and women. The latter need this form of personal care as individuals. They also provide care to bridge the gap in the current legislation. Women look after partners, parents and children with additional care needs, often to the detriment of their own health and wellbeing. This impacts greatly on their ability to gain and stay in employment.

Women who have experienced some form of abuse can be left with a debilitating illness which requires them to access care provisions. Domestic abuse, commercial sexual exploitation and other forms of violence against women have a huge effect on mental and physical disorders which tends to be underestimated. Issues such as these which disadvantage so many women should not require means testing or age criteria to access free personal care.

Question 2:

What do you think are the main advantages, if any, of the proposal?

A major issue is the stigma that can be attached to free personal care at present. Under the current system many continue to be stigmatised and often do not claim a few short hours of free care a week. Societal attitudes make those with lesser earnings or those who cannot work due to illness feel they are seen as “*scroungers*”. It is hoped that in extending care to all and taking away the current format of means testing that this will go some way to remedying this.

A further problem that may be alleviated is in respect of unpaid carers, both socio-economically and psychologically. At present, many female carers partake in what is often referred to as “*sandwich caring*”, defined as a usually middle aged individual caring for children or grandchildren as well as parents who may well not have reached the age criteria of 65. In giving just a few hours a week respite to these carers, the proposals here could seek to ensure that they are best placed to pursue other activities and be physically and emotionally available to their cared for person.

Question 3:

What do you think are the main disadvantages, if any, of the proposal?

At present, budget cuts imposed by austerity measures alongside rising costs of living have contributed towards many Local Authorities already struggling to coordinate current health and social care measures. More must be done at a legislative level to coordinate this approach between all local authorities and ensure resources are in place to counteract this if the bill is to succeed effectively.

Question 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

One point that must be considered within the context of this proposed members Bill is the significant challenges posed to Scotland from an aging population and the implications that this has at both a financial and political level for health and social care. The majority of free personal care will not only continue to be undertaken in a much larger proportion by those over the current age limit, but will only include a small number of those under the age of 65.

Additionally, it must be taken into consideration that the huge sum of money that unpaid carers save the Scottish economy, this alone offsets any extra financial implications of the Bill and will go some way to making carers feel more valued.

B) Businesses (including those that provide care services)

Any processes concerning social care going forward within the context of this Bill, should do the utmost to avoid privatisation of services in delivery of care. If this becomes legislation, ensuring that there is provision of sufficient numbers of high quality staffed services is crucial. Care workers, the majority of whom are women, require good employment practices and safe working environments.

Given current problems with NHS staffing levels alongside the impact of Brexit, this must be taken into account and appropriate actions implemented to ensure care work is seen as a valued form of employment and direct career routes for progression within the sector laid out. Women have commented that in the long term this will achieve more for the economy by stimulating more jobs and ensuring higher employment.

C) Individuals

Women across Scotland who deal within their day to day lives of being cared for and being unpaid carers have voiced their support for this Bill. It can be argued that financial implications will be offset in a number of years by the benefits of a small number of hours of additional support a week which may prevent both mental and physical problems later on. Contributing to the easing of the burden of isolation earlier before the age criteria kicks in, for example, can provide a significant boost to mental health that allows many seeking care to feel valued and destigmatised, preventing some health complications in the long term.

“A lot of people with health problems live alone, this could give them the company they need.”

Further to this, the Carer’s Act 2016 stipulates legislation detailing that all local authorities must ensure carer support plans are in place in order for carers to achieve personal outcomes to aid them with their duties as an unpaid carer. By providing free personal care, carers would be provided with a few hours a week in order that these personal outcomes can be met.

Question 5:

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

The number of people needing personal care under the age of 65 is rather small in comparison to those over the current age criteria. Additionally, those that will be covered should this legislation be implemented may not actually wish to not take up the offer of free personal care. However, having the option there is extremely important.

Question 6:

What overall impact is the proposed Bill likely to have for protected groups (under the Equality Act)?

As mentioned above, given the high proportion of care undertaken by women and continued gender streaming into the care sector as a form of employment for many, women have commented that this proposal will go some way to ensuring greater forms of protection and respect for themselves as females.

In terms of those under the limit, this entails that not providing a small percentage with free care is discriminatory and can be seen as having no regard to age as a protected characteristic.

Question 7:

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

It is crucial that women’s voices are heard during every stage of this process. Given the significant role that women play as stakeholders both as carers and cared for in many different capacities, a progressive plan must be put in place to ensure gender equality.

A pressing issue which continues to be underestimated, however, is the roll out of the likes of welfare reforms which are doing highly significant damage to women entitled to social security in general, but most particularly for those in need of free personal care. These continuous cuts have led to many of the most vulnerable being placed into financial crisis.

This is particularly significant for those women who should be given more freedom and rights by passage of this Bill. However, as long as women continue to be persecuted disproportionately in terms of welfare reform and continued austerity they will endure social security assessments and face the stigma and shame as a consequence of such.

Question 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?

As is the case with most aspects of health disorders, those that will need this form of personal care tend to be from lower socio-economic areas and thus are consistently discriminated against when it comes to health and social care. This is further exacerbated by the continuing cuts and changes to social security for the most vulnerable, as mentioned above. Given the integration of Scotland's health and social care strategy, this should arguably constitute a firm commitment to be taken forward and seen as part of the focus whereby it is free for those that need it most, regardless of age.

This is also in keeping with the commitment to eradicate poverty within Scotland. Any approach to free personal care should be linked with this as a priority with the utmost focus on the most deprived and vulnerable within society. Bringing forth legislation such as that proposed here can only be seen as an advantage, both economically and socially.

Question 9:

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

Women throughout Scotland are generally supportive of this proposed legislation and the potential it has for furthering gender equality within our country. From an ethical standpoint, withholding healthcare for a segment of the population is fundamentally flawed and has no place within a society that strives for equality.

Conclusion

The SWC welcomes and fully supports the introduction of this proposed Bill. The current means of provision of free personal care to those above a certain age limit impacts on women in a negative and discriminatory manner. Women throughout Scotland have voiced their support for ensuring that care is extended to those most in need, rather than being based on qualifying age criteria. As key stakeholders in the health and social care system as both carers, cared for persons and staff, women play a vital role in this process and it is crucial that their voices are heard.

For further information, please contact
Shairi Bowes, SWC Research Advisor
Email – shairi.bowes@scottishwomensconvention.org
Telephone – 0141 339 4797

www.scottishwomensconvention.org

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to health and social care within Scotland.

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