

Slide one

Cheshire Disabled People's Panel (CDPP) Presentation to Cheshire West and Chester Social Care Commission - Funding and Paying for Care Session.

[Image]

Logos of Cheshire Disabled People's Panel members:

Cheshire Disabled People Against Cuts (DPAC)

Deafness Support Network (DSN)

Dial West Cheshire

Disability Information Bureau (DIB)

Disability Positive

People's Choice Group

Slide two – The Cheshire Disabled People's Panel

- The CDPP is an alliance of organisations that are governed, led, managed and staffed by disabled people, including Cheshire Disabled People Against Cuts (DPAC), the Deafness Support Network, Dial West Cheshire, the Disability Information Bureau (DIB), Disability Positive and the People's Choice Group.
- We use the term 'disabled people,' 'we,' and 'our,' to mean disabled people (of any age) facing disabling societal barriers due to their impairments or conditions—these include:
 - physical impairments
 - mental ill health
 - hearing impairments (including Deaf people with British Sign Language as their first language)
 - visual impairments
 - learning disability/difficulty
 - neuro diversity,
 - and those with chronic illness or fatigue.

Slide three – The Cheshire Disabled People's Panel

- The CDPP's work is rooted in the Social Model of Disability and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

- CDPP provides a single point of access for senior public sector decision-makers to enter into equal partnerships of co-production with disabled people on the design, implementation, and reviewing of policy and practice—including adult social care.
- The CDPP campaigns with the disabled people’s rights movement for universal, uncharged provision of services for the meeting of statutory care and support needs, upholding Article 19 of the UNCRPD, funded by progressive taxation—the right to an independent life. We do not regard National Insurance or Council Tax as progressive taxation.

Slide four – Disabled People’s Organisations (DPOs) winning the case for universal, uncharged social care provision

- The DPO position was made clear to the UK Parliament Levelling Up, Housing and Communities Committee at their ‘Long-term funding of adult social care’ oral evidence session, (29 November 2021) by Fazilet Hadi (Head of Policy, Disability Rights UK), the Alzheimer’s Society, and Age UK
- This position is held by the Mayor of Greater Manchester:

[image]

Which shows a social media post/tweet from Andy Burnham - Labour Mayor of Greater Manchester.

“An £86,000 cap will never be the fairest way of funding social care however you do it”

“Social Care on NHS terms, funded by wealth taxes and a 10% levy on estates, is the way to go”.

Slide five - Disabled People’s Organisations (DPOs) winning the case for universal, uncharged social care provision

- The Green Party voted for a motion in support of universal, uncharged adult social care provision at its 2021 Conference:

[image]

Which shows an extract from the Green Party - free social care and support for disabled adults

Synopsis:

Millions for people rely on Social Care and Support. The current systems is thoroughly broken. This motion clarifies and extends Green Party Policy to offer a fully funded service, free at the point of use, with universal legal right to independent living for all adults with disabilities.

Slide six - Disabled People's Organisations (DPOs) winning the case for universal, uncharged social care provision

[image]

Which shows a statement from Welsh Labour – their promise to Wales.

Pursue a sustainable UK solution so that care is free for all at the point of need. If the Conservative UK Government breaks its promise again and fails to bring forward a fully funded scheme within the current UK parliament, we will consult on a potential Wales-only solution to meet our long-term care needs.

Slide seven - Disabled People's Organisations (DPOs) winning the case for universal, uncharged social care provision

[image]

Which shows the headline from Disability News Service website – dated 13th February 2020

Labour leadership: Starmer backs calls for free social care.

The MP leading the race to be the labour's next leader has become the first

candidate to back calls by disabled people's groups for introduction of free social care, funded by national progressive taxation.

Slide eight - Local authorities' care charging and the Care Act (2014)

- Central government does not make any presumption that councils will charge for non-residential social services, nor did the Care Act (2014) introduce any requirement to charge.
- Under the provisions of the Care Act, local authorities have the discretionary power to charge for care. It is a political choice to do so—not a legal requirement.
- The Care Act signified a shift from pre-existing duties on local authorities to provide particular social care and support services, to the concept of 'meeting needs' (set out in sections 8 and 18 to 20 of the Act).

Slide nine - Local authorities care charging and the Care Act (2014)

- This is the core legal entitlement for adults to care and support.
- The Care Act provides a single legal framework for charging for care and support under sections 14 and 17.
- It enables a local authority to decide whether or not to charge a person when it is arranging to meet a person's care and support needs or a carer's support needs.
- The overarching principle is that people should only be required to pay what they can afford.

Slide ten - Violations of disabled people's rights by local authorities

- The Association of Directors of Adult Social Services have evidence that councils are failing in their statutory duties to meet disabled people's needs:
- ADASS press release (29 November 2021):
- Almost 400,000 disabled and elderly people are now waiting for an assessment of their needs or service;

- More than 1.5 million hours of commissioned home care could not be provided since May 2021, a five-fold increase
- Essential visits to disabled people are being denied— in contravention of their legal rights

Slide eleven - Unacceptable social care funding decisions: care charging increases

- In the face of these pressures, local authorities are opting to cut care packages and increase charges—intensifying risks of failing in their statutory duties. DPOs are monitoring the situation to ensure disabled people's rights are upheld.
- BBC News research (August 2021) found disabled adults in England are being hit by a steep rise in the amount they have to pay towards their care
- Some adults with learning disabilities are paying thousands of pounds extra a year, with six councils doubling the amount of money collected in charges.
- In half of 83 areas that responded to a BBC request, bills across all users have risen at least 10% over two years.

Slide twelve - Who receives statutory social care and support in Cheshire West and Chester?

- We know that, since 2019, 3766 disabled residents in CWAC have been assessed as having an eligible non-residential care need (otherwise known as a care and support need), which the council has a statutory duty to meet.
- 90% of those with assessed care and support needs locally have assets of less than £20,000—these disabled people are managing often complex and intersecting disadvantages, and facing structural barriers to participation in work, leisure and wellbeing activities, and public life.
- The CDPP is working to protect the rights of these residents and calls on the Commission to protect them from any increase in care charges in 2022.

Slide thirteen - The DHSC Care and Support Statutory Guidance (CSSG)

- From the Department of Health and Social Care's (DHSC) Care and Support Statutory Guidance (updated 27 August 2021):
- 'The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life. '
- 'Local authorities must promote wellbeing when carrying out any of their care and support functions in respect of a person. ('the wellbeing principle')

Slide fourteen - The DHSC Care and Support Statutory Guidance (CSSG)

The statutory definition of wellbeing:

- personal dignity (including treatment of the individual with respect)
- physical and mental health and emotional wellbeing
- protection from abuse and neglect
- control by the individual over day-to-day life (including over care and support provided and the way it is provided)
- participation in work, education, training or recreation
- social and economic wellbeing
- domestic, family and personal
- suitability of living accommodation
- the individual's contribution to society

Slide fifteen - The DHSC Care and Support Statutory Guidance (CSSG)

- The wellbeing principle applies equally to disabled adults with care and support needs and their carers
- The position of the CDPP is that Cheshire West and Chester Council is at risk of violating the statutory guidance wellbeing principle, by choosing to exercise its discretionary powers to charge disabled people for meeting their statutory care and support needs.
- Non-residential care charges create and intensify poverty and di/stress, limiting life choices and lowering health and wellbeing outcomes. 62% of people_using food banks in 2020 were disabled.

Slide sixteen - Disability Related Expenditure and the Minimum Income Guarantee

- People with care and support needs who are able to work do not have to pay for care—those unable to work can pay a significant proportion of our benefit income towards care charges.
- From Cheshire West and Chester Council's non-residential care charging policy:
- “a financial assessment will be undertaken for all service users with eligible needs under the Care Act who are in receipt of chargeable services. The financial assessment will ensure that the service user:
 - (a) Has sufficient money to meet their housing costs and any disability related expenditure, and
 - (b) Retain their basic minimum income guarantee (MIG), in line with the Care Act 2014 guidance.

Slide seventeen - Disability Related Expenditure and the Minimum Income Guarantee

- Many people do not have sufficient understanding of DRE.
- The MIG is wholly inadequate, at statutory and discretionary levels (see our recommendations slides)
- Disability Related Expenditure (DRE) is extra expenses created by disability or illness and can include: payment for community alarm system, higher than usual fuel bills, additional costs due to a special diet, purchase of equipment such as a stair lift or electric wheelchair, additional laundry costs, and anything else reasonably identified (as noted in the CWAC non-residential care charging policy)

- DRE should be clearly recorded in a Care and Support Plan and is separate from purchases made with a Personal Budget.

Slide eighteen - Lived experience of non-residential care:

Richard's testimony

- DRE upholds disabled people's rights to stay independent, maintain wellbeing, and be fully included in society.
- Disabled people on means-tested benefits have to pay a significant proportion of their already small income for social care support, leaving many disabled people in poverty – in breach of the statutory guidance.
- The Cheshire Disabled People's Panel are very grateful to Richard for agreeing to share his lived experience of social care and the impact of charging with the Social Care Commission today
- Case studies will be provided of other people's lived experience after the session.

Slide nineteen - Upholding the wellbeing principle in social care funding decisions: the CDPP recommendations

- A commitment from the Council Leader, Labour Group, the Commissioners, and opposition councillors to support the disabled people's rights' movement call for universal, uncharged provision of social care
- When considering the future funding of care in the CWAC authority for 2022/23, the Commission must commit to the following safeguards:
- Non-residential care charges to be frozen at current levels.
- The Personal Expenses Allowance for residential home residences must be raised above the Bank of England predicted 2022 annual rate of inflation—5%

Slide twenty - Upholding the wellbeing principle in social care funding decisions: the CDPF recommendations

- The Minimum Income Guarantee to be increased at the discretionary level for 2022/23 across all rates, in addition to the statutory increase set out in the White Paper, to compensate for year-on-year inflation-rise impacts since 2014.

[image]

Which shows inflation rates from 2014 - 2021 and different benefit income levels to show what these income levels would be if they had increased in line with inflation year on year.

Slide twenty-one – Upholding the wellbeing principle in social care funding decisions: the CDPF recommendations

- CDPF seeks a commitment from the Commission and Cabinet that an adequately funded, co-produced Disability Related Expenditure guidance resource is created for distribution from April 2022 to every person in CWAC with care and support needs charged for care and support
- To comply with GDPR regulations, the distribution of the resource will be undertaken by the local authority
- The authority to agree to a convenient, low-cost procedure for submitting DRE expense receipts / evidence—for example, photographing of receipts / GP letters with a phone camera, for emailing to the local authority financial assessment team.

Slide twenty-two

[image]

Campaign poster saying “nothing about us without us”

Slide twenty three- Research resources

1. Association of Directors of Adult Social Care - snap survey reveals a rapidly deteriorating picture of Social Care
Services: <https://www.adass.org.uk/snap-survey-nov21-rapidly-deteriorating-social-services>
2. UK Parliament Formal Meeting oral evidence session – long term funding of social care: <https://committees.parliament.uk/event/6477/formal-meeting-oral-evidence-session/>
3. Department of Health and Social Care - Care and support statutory guidance: <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>
4. Welsh Government – Charging for social care <https://gov.wales/charging-social-care>
5. The Guardian article - UK inflation could top 5% by early 2022, says Bank's new chief economist:
<https://www.theguardian.com/business/2021/oct/22/uk-inflation-could-top-5-per-cent-early-2022-bank-new-chief-economist>
6. Disability News Service article - Labour leadership: Starmer backs calls for free social care: <https://www.disabilitynewsservice.com/labour-leadership-starmer-backs-calls-for-free-social-care/>
7. BBC News - Social care charges: Disabled and vulnerable adults hit by steep rises: <https://www.bbc.co.uk/news/uk-58259678>
8. Disability Rights UK – Social Care Reform, improving Disabled people's lives: <https://www.disabilityrightsuk.org/news/2021/june/social-care-reform-improving-disabled-people%E2%80%99s-lives>
9. Scrap Care charges – Why we need change, Social Care on equal terms with the NHS: <https://www.scrapcarecharges.com/why-we-need-change>

10. Trussel Trust – The state of hunger report:

<https://www.trusselltrust.org/2021/06/28/the-state-of-hunger-its-not-right-that-disabled-people-are-being-forced-to-turn-to-food-banks/>

[End of presentation]