

27th July 2011

Response to officers and KCC elected members,

RE: proposed changes to charging for domiciliary care

As a pan-disability organisation, we wish to raise a number of serious concerns regarding these changes, the consultation process and the context within which they are being introduced. Disabled people are an easy target because we are least able to object, social attitudes towards us are already declining due to recent government proposals and as a demographic group we are already least able to afford these increases in day-to-day costs.

Taking KCC questionnaire example figures, which are certainly typical, the total income received per year is £12,581, £10,920, and £8,182 respectively. Bearing in mind the national average is reputedly £25k per household, these totals are well below that average and therefore already qualify as “economically inactive”. The earnings disregard, being based on the minimum needed to live averages £5,400 to £8,800 per year for those examples. Taking into account realistic living costs, housing, utilities and council tax – without even beginning to count such luxuries as food or transport, an individual can expect to spend £7k per annum. It could therefore be suggested this disregard amount should be raised at the outset.

To then suggest raising the percentage of net “disposable income” (an oxymoron, if ever there was one), from “only” 85% to 100% is stealing from people who already cannot afford daily living expenses. May we point out that under the Health and Social Security Adjudication Act which KCC quote as giving them discretionary powers to charge for services, also states that charges should be reasonable and have due regard to people’s ability to pay. (Charges are meant to be fair, not an additional tax on disabled people!)

Reducing the Disability Related Expenditure by £4 is then rubbing salt in the wound. Bearing in mind the net “increase in income to KCC” excludes the cost of doing more individual Disability Related Expenditure Assessments to compensate, (which have to be specifically requested, and about which KCC are not being over-helpful already) is a counterproductive change, creating pointless work while the already “economically inactive” are robbed once more.

Regarding charging mental health service users for their care, KCC’s figures quote this is affecting 560 people and raising (a mere) £0.16m for KCC, yet apparently

there are no statistics for what percentage of this total are on a section 117. Seeing it is now apparently nigh on impossible to fully revoke a Section 117, it could be suggested that this entire total of service users is subject to a charge!

With the proposal to bring in charges for day care and its related transport, KCC claims this will only directly impact on the 1,100 service users who receive day care only. Yet with glorious corporate gobbledegook, KCC adds that of the 1,800 who already receive domiciliary care and are paying full cost, “most of these people will already be making the maximum contribution to their care although some will be paying full cost and therefore could make an additional contribution to their day care”. KCC adds that it will take time to identify those who would be chargeable for this service, therefore again, this does seem counterproductive. Presumably service users do already pay for services received at day centres, such as meals, drinks, baths etc – now apparently they have to pay just for the luxury of being there?

KCC seems to regard all these services as a luxury to the service users and a drain on resources; complaining largely about the increase in demand which has made these increases necessary. In 2006, 8,000 people received domiciliary support rising to 9,260 currently. This equates to 252 people each year showing a small increase in demand, not the huge demand that is often indicated. Taking KCC's own figures, and every case as a unique individual with no doubling up, the total number of service users quoted is 7,600 for domiciliary care; 560 for mental health and 1,100 for day care, i.e. a total of 9,260. If this is for the whole of Kent, i.e. a population of 1,411,100, this therefore represents a mere 0.65% of Kent's population, so this is certainly not exactly a screaming majority. We are so sorry to be such a terrible burden to you!

Far from being at the perceived luxury, these are vital services for day-to-day functioning! “Normal” people cannot imagine what it is like to need help with such things as getting up, going to the loo or washing. It can safely be assumed that the majority would rather be fulfilling these functions themselves, without that help, but they do not have that luxury either. Would you prefer it if we all just rotted away in pools of our own excrement? Remember disability does not discriminate... it could be you next!

We also have concerns that the *impact assessment has been carried out by KCC personnel and within KCC guidelines and does not reflect the daily reality for disabled people – even slightly. I suppose we should be thankful that KCC does

admit “high” for those now paying for services which were previously free. We would argue that the impact assessment should be completed after the consultation, not before and that a full impact assessment should be undertaken following the results of the consultation. (*please refer to impact assessment question sheet)

To put this in context, take an average disability income of say £10,920 as in example two (and that is being extremely generous!) The day care charges – taking the expected increase in income divided by the service user number paying, i.e. £0.7m / 1,100 service users – averages out at £636 per head per annum. For mental health charges, assuming 50 per cent would be liable of the 560 service users, £0.16m / 280 service users is £571 per head per annum. In both these cases this is between five and six per cent of total annual income. Despite this being a relatively high income in disability terms, it is still taxable. It is also liable to council tax; yet it is effectively still classed as “economically inactive” with disposable income being a bitter joke.

The social model of disability defines the problem as not being the disability itself, but the social barriers encountered. In these “enlightened” times these barriers are increasing, not lessening. The lack of employment generally makes it nigh on impossible for disabled people to get any work, even if they are fully capable. Income levels are therefore very fixed at this low rate, with no hope of social mobility at all, and in many cases even mobility. Throw in the lack of income on any savings and it is an increasingly toxic mix.

The consultation process is an insult; 6 meetings of 1 hour only at inaccessible times and venues. The questionnaires, with 4 tick boxes, agree, disagree, neither or don't know are not only insulting our intelligence but are also divisive, misleading and difficult to understand. And why was it deemed necessary to print and post 24,500 questionnaires when only 9,260 people receive domiciliary care support? There will also be the added costs of reprinting the charging booklet in autumn 2011 and spring 2012.

Furthermore, as already stated, this has been entirely prepared to KCC's remit, with no prior involvement of local disability groups such as the Centre for Independent Living Kent, to give a truly disabled viewpoint.

Finally, to the context. The estimated increase in income from these changes (and how much has it cost to get this far?) is £2.9m. Yet against the whole social care budget of 424m, £2.9m is something of a drop in the ocean; especially when councillors feel they can only drop their own allowance of £13k by a meagre £195

per annum. This allowance is higher than most disabled people's total income, yet we are being asked to pay more than they are prepared to lose! Well, we must apologise for being such a burden to you in wanting to get out of bed in the morning and fulfil daily functions.

This may well save £2.9m in the short term, but in the long term it will actually exacerbate the problem, as people's situations decline due to lack of necessary (not luxury) care. Yet the direct payment system and personal budgeting is already supposed to be saving local authorities money. (And, what has happened to those savings and that of The Kent Card?)

KCC claims these cuts ('increase in charges') are needed to protect "frontline" and "preventative" services. Which "preventative" services are those? Preventing what exactly? And why should disabled and older people alone pay for these services?

Councillor Graham Gibbens, cabinet member for adult social care, was quoted in Kent on Sunday media as saying that KCC has to do what's "best" ahead of what's popular and claimed these cuts would help "more" people while keeping them out of hospital. Best for whom exactly? While it is good that they are still helping people with "moderate" needs, the hours are being reduced so drastically, while stealing the last of our less than moderate incomes – yet KCC still luxuriate themselves?

Birmingham City council was recently taken to court by four disabled people regarding their changes to care services. Eligibility criteria were changed to only offer care to those with "critical" needs. (These are divided into three; moderate, substantial and critical, in order of increasing magnitude.) The judge ruled in favour of the disabled people, setting a precedent for future cases. He ruled that Birmingham City council had failed to comply with the Disability Discrimination Act, specifically taking account of people's disabilities, even where that involved "treating disabled persons more favourably than others". While he acknowledged the "burden" this creates, he also ruled that Birmingham City council had failed to consult adequately or fully take account of the impact of these changes. (Sounds familiar?!)

It is not only local but central government that is failing to take these into account. By viewing a life on disability benefits as a "lifestyle choice" and by implication, a luxury, social attitudes towards people with disabilities are already worsening. The big society – does that include us then? Or shall we just hide away so that we don't spoil the view from your beautiful ivory castles?

Yours faithfully



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living in kent