

## Final CRWIA - Web version of Policy CRWIA

<b>Extension of Free Personal Care to under 65s – Child Rights and Welfare Impact Assessment</b> <b>30 April 2018</b>	
<b>Policy/measure</b>	Extension of Free Personal Care to under 65s - The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018
<b>Summary of policy aims and desired outcomes</b>	<p>Free Personal Care to over 65s was introduced in 2002, following passage of the Community Care and Health (Scotland) Act 2002. The policy provided that local authorities should not charge for personal care, and that by regulations, Scottish Ministers would set out the amount payable to self-funding residential care home residents to contribute towards their personal care costs.</p> <p>It was considered at the time of passage through the Scottish Parliament that as those of working age received different and more generous benefits than over 65s, there was sufficient reason to apply Free Personal Care to those over the age of 65, and not those below that age. The Parliament did, however, note that it would be a matter to review in time.</p> <p>The extension of Free Personal Care to under 65s will ensure that under 65s are able to access personal care on the same financial basis as those over the age of 65. Local Authorities and Health and Social Care Partnerships will retain the responsibility to assess an individual's care needs, and apply national eligibility criteria.</p> <p>This policy contributes towards the following National Outcomes:</p> <ul style="list-style-type: none"> <li>• We live longer, healthier lives.</li> <li>• We have tackled the significant inequalities in Scottish society.</li> <li>• Our people are able to maintain their independence as they get older and are able to access appropriate support when they need it.</li> <li>• Our public services are high quality, continually improving, efficient and responsive to local people's needs.</li> </ul>
<b>Directorate; Division; Team</b>	Directorate for Health and Social Care Integration Care, Support and Rights Division Adult Social Care Policy Team
<b>Executive Summary</b>	<p>It is estimated that up to 120 self-funding residents in care homes under the age of 65 will benefit from free personal and nursing care payments.</p> <p>Around 9,000 adults between the age of 18 and 64 currently receive personal care services in their own homes, for which they may currently be charged. The extension of free personal care to those under the age of 65 would mean that subject to local authority assessment and eligibility criteria, these 9,000 adults would be able to apply for free personal care.</p> <p>Following the extension of free personal care to under 65s, there</p>

	<p>would be a number of people who are not currently receiving personal care services (either through choice, including choice based on the cost of receiving the service, or potentially lack of awareness of the availability of services) or who are privately arranging personal care services, who would be eligible to apply to their local authority for free personal care services. Work is on-going to identify the numbers of this group of people who might come forward.</p> <p>Local Authorities providing social care services for children between the ages of 16 and 18 often use this timeframe to transition from Children's to Adult services. Children are not charged for the social care they receive, but they may become eligible on entering the adult social care system. The extension of free personal care to under 65s will mean that those children between 16 and 18 transitioning from children's to adult services, or entering the social care system will not be charged for the personal care they are assessed as needing.</p>
<p><b>Background</b></p>	<p>Free Personal Care for people aged 65 and over in Scotland currently benefits nearly 78,000 older adults, of whom approximately 47,000 receive personal care in their homes, and 31,000 in residential care.</p> <p>The Scottish Government has been working with COSLA and other partners to improve the fairness and consistency of charging for social care and has committed to consider the extension of Free Personal Care to those under 65.</p> <p>The Social Work (Scotland) Act 1968 ("the 1968 Act") provides the legal basis for provision of social care in Scotland. The 1968 Act places a duty on Local Authorities to assess the needs of residents within their area, and provide such social care services as they deem are required for the individual. The 1968 Act allows Local Authorities to charge for care provided to individuals by the Local Authority, so long as that charge is reasonable and does not exceed the cost of delivering the service.</p> <p>In September 2001 the Scottish Government introduced legislation to provide Free Personal Care for those over the age of 65 who were assessed as needing it, resulting in the parliamentary approval of The Community Care and Health (Scotland) Act 20021.</p> <p>A number of strong campaigns have led calls for the extension of Free Personal Care to under 65s who need it.</p> <p>For a number of years, the Scottish Government has worked with COSLA to bring greater consistency to social care charging in Scotland. In the most recent years, the Scottish Government has invested up to £11m a year into the social care system to reduce care charges by raising the threshold at which people become eligible to contribute financially towards their social care, and by ensuring that armed forces veterans retain the full value of their war pension payments. The Scottish Government has also ensured, in partnership with COSLA, that those in the last 6 months of a terminal illness receive their care at home for free, without having to worry about charges for social care at such a stressful time. By the introduction of a standard financial assessment template across all</p>

	<p>Local Authorities, progress has been made towards greater transparency and consistency across Scotland.</p> <p>The Scottish Government committed to undertake a feasibility study into the extension of Free Personal Care to people under 65 who need it, and examine the potential relationship with social security provision through that study, which was published in September 2017.</p> <p>In September 2017, the First Minister announced in the Programme for Government the commitment to introduce Free Personal Care to everyone who requires it, irrespective of age. This includes children between the ages of 16 and 18 who are transitioning into the adult social care system, or accessing the social care system.</p>
<p><b>Scope of the CRWIA</b></p>	<p>This CRWIA assesses the impact on those children aged between 16 and 18 who are transitioning to adult social care services, or those entering the social care system between those ages, of the extension of free personal care to under 65s.</p> <p>Children under the age of 16 are out of scope for this CRWIA, as care services for children are not charged for by Local Authorities.</p>
<p><b>Children and young people's views and experiences</b></p>	<p>Responses to the Feasibility Study and events held with Glasgow Disability Alliance and groups of social care recipients, including young people were generally supportive of the extension of free personal care to under 65s, subject to local authority funding being sufficient to ensure delivery.</p>
<p><b>Key Findings</b></p> <p>To include impact on UNCRC rights and contribution to wellbeing indicators</p>	<p>Currently children are not charged for any social care (either personal or non-personal) up to the point that they transition from children's social work services to adult social work services, which can be at any point between their 16th and 18th birthdays for children not looked after by local authorities, depending on the service provided by the local authority</p> <p>Under duties in the Children and Young People (Scotland) Act 2014, those children who have been looked after and, as care leavers, are also entitled to Aftercare or Continuing Care are eligible to receive both personal care and non-personal care up to their 26th birthday should they require it.</p> <p>The legislative change will mean that all children and young adults between 16 and 18 years of age will, from 1st April 2019, be eligible to receive their personal care without charge. There will, however, remain a distinction between looked after children and other children/young adults in the provision of non-personal care.</p> <p>Looked after (and formerly looked after) children will continue to be eligible to receive their non-personal care free up to their 26th birthday, where other children will be liable to charges for non-personal care following their transition to the adult social care system. Any charges will continue to be means-tested, and subject to local authorities' charging policies.</p>

<b>Conclusions and Recommendations</b>	The extension of free personal care will improve the situation for children who have not been looked after by local authorities, by extending free personal care to them. Care leavers will continue to be eligible to receive free personal care.
<b>Monitoring and review</b>	The extension of free personal care to under 65s will be monitored over the implementation period, and the Scottish Government will work with COSLA and local authorities to monitor uptake.
<b>CRWIA Declaration</b>	
Tick relevant section, and complete the form.	
<b>CRWIA required</b>	<b>CRWIA not required</b>
✓	
<b>Authorisation</b>	
<b>Policy lead</b> Mike Liddle Adult Social Care Policy Team Care, Support and Rights Directorate for Health and Social Care Integration	<b>Date</b> 26 April 2018
<b>Deputy Director or equivalent</b> Jamie MacDougall Deputy Director, Care, Support and Rights Directorate for Health and Social Care Integration	<b>Date</b> 26 April 2018