



INDIVIDUAL MEMBER OF THE PUBLIC B

02 November 2007

RE: PE 897

POINTS FOR CONSIDERATION BY THE FREE PERSONAL CARE ENQUIRY COMMITTEE

1. Discrimination against elderly people who are mentally ill. The NHS provides a service for everyone which is free based on Taxes and National Insurance contributions paid throughout working lives. Why are residential and nursing homes out with the umbrella of the NHS? Free NHS care for the elderly ill should be considered in areas other than a hospital setting. Why are elderly vulnerable people singled out and forced to pay the bulk of the cost of their care themselves when they have already contributed.

2. Overcharging. The cost, of £520 per week for residential accommodation provided by a local authority run care home, as opposed to an average of £440 per week in a private sector care home.

The reasons given for this, boils down to a shortfall in funding.

At the end of the day, to make up the shortfall, the cost is being passed on to the care home resident, so the resident is not benefiting from the free personal care allowance at all, because of the huge increase in Care Home fees.

Can it really cost almost £500 per week to keep someone in residential care?

Surely it must be costing more to keep people in their own homes with care packages, yet these people (no disrespect intended) do not have to sell their home to pay for this type of care. Elderly people in care homes are discriminated against, again.

You do of course have the option to move the care home resident to cheaper accommodation, but who is actually going to do this, knowing the upset and distress this would cause to an elderly person with Alzheimers who has been settled in their current accommodation for over 2 years.

So the person is trapped in a situation where they are exploited and overcharged and there is nothing they can do about it.

The Care Commission do not get involved in issues relating to monies or overcharging, even though I think it should be considered as an important factor in the protection of the

care home resident.

3. There seems to be some level of confusion over what rate of free personal care a person is entitled to.

£145 is paid to someone who requires, what is considered to be a low level of personal care.

£210 for someone requiring Nursing & Personal care.

It seems to be a bit of a hit or a miss what level you receive.

Social work departments decide on what level you receive based on what you might be able to do for yourself and what type of care setting you are placed in.

For people with Alzheimer's for instance this can seem unfair as their condition can vary from day to day. Some days they can do more for themselves than others.

Alzheimer's is also a progressive illness.

If you are in residential care you are only entitled to £145 per week.

This would be acceptable if the resident was only being charged for residential care, but the local authority have put a blanket fee of £520 per week on all of their care homes irrespective of whether they are providing 24 hour Nursing care or Residential accommodation.

So the person in Residential accommodation is missing out by only receiving the £145 allowance, but is expected to pay the same fee as someone receiving 24 hour nursing care, who gets the £210 allowance.

There is a considerable shortfall in what the resident has to make up.

I am not aware of any criteria for reassessing someone at regular intervals to see if their circumstances have changed and they are getting the benefits that they are entitled to.

4. Benefits: The majority of benefits are not paid to people in care home settings Attendance Allowance and housing benefits for example. Yet people who can still manage to live at home receive Free Personal care allowance as well as the other benefits. Again care home residents are penalised. Where as, if they were entitled to the benefits dependant on the nature of their illness they would not have to contribute as much of their own money to pay for their care and may not have to sell their homes. As it stands every penny of their income goes towards paying for care. I am aware of a case where a care home resident applied for Pension Credit and discovered that she should have been entitled to it for over a year. She received a cheque for £600 which was spent on clothes and shoes and other necessities. Six months after the money was spent, a letter was received from the local authority saying that " as the money actually formed part of the resident's income" it would have to be payed back. Something that had never been explained before. The resident is now paying it back to the local Authority at £40 month, she only gets £20 a week for herself and from this she has to pay the money back. She has no other savings.

5. Low uptake of direct payments: In my experience Social Work departments do not have sufficient knowledge of the rules and entitlements relating to care. Residents and their families are left to find out information for themselves. There are no clear criteria

available to relatives of recipients of care; they have to rely on any one individual's interpretation of the care policy.

You can ask the same question of several different people and you will receive several different answers.

Direct Payments and deferred payments are not being offered by local authorities

Charging orders against peoples properties are being served on them by Local Authority Legal departments without any explanation of what it means or any agreement with the resident or their nearest relative.

The limited options open to care home residents that could help, are not being offered to them.

6. Inheritable property. You will see from earlier correspondence relating to my petition PE897

I make reference to a will.

Normally a will is drawn up many years in advance of someone becoming ill.

The whole purpose being that the person is setting out his or her wishes.

In the majority of cases the main item in a will is the person's home, the main beneficiaries being their family, as is befitting of any parent.

It is inconceivable therefore that by the time a will comes into force, the contents of that will do not exist because the family home has been sold and the proceeds used to pay care fees.

Has anyone ever considered if this is legal?

I feel this is a major breach of a person's Human rights.

I think this point should be addressed as a matter of urgency.


Again, no other member of society with an illness is forced to sell their home to pay for care.

Why are care home residents singled out for this practice?

Their home, their lives work, should be their own to do with as they wish.

7. There are various bodies set up to protect care home residents, but I feel that in the middle of all the rules and regulations the fact that we are actually dealing with an individual, an elderly vulnerable adult, a human being, is being forgotten. Their rights, their dignity, their opinions, their choice is being ignored.

These are the key points which I think should be given consideration by the Free Personal Care enquiry committee.


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McKenna C (Catherine)

[REDACTED]

Sent: 26 October 2007 12:51
To: Dubery RE (Rhona)
Subject: Independent Funding Review Group: Petition PE 897, Alzheimer's

This message has been received from an external party and
has been swept for the presence of computer viruses.

Dear Rhona:

Independent Funding Review Group: Petition PE 897, Alzheimer's

During the last session of the Parliament, the then Health Committee considered a petition from Ms Angela Smillie calling upon the Parliament *'to consider and debate the financial implications for elderly people with mental illnesses such as Alzheimer's Disease having to sell their homes to pay for residential care'*.

A copy of the Petition is attached:

<<PE897[1].pdf>>

Although Committee did not make any formal recommendations on this issue as part of its care inquiry; it did write to the then Deputy Minister, and copies of the relevant correspondence is attached.

<<PE897 24.10.06 dep minister res care.doc>> <<Dep Min Health - Letter sent - Health Committee - Petition PE897 - Executive's Review of Free Personal Care - 16 November 200061.pdf>>

The Petitioner has since contacted the Committee, asking if this issue can be considered as part of Lord Sutherland's review.

Her contact details are:

[REDACTED]

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[REDACTED]

Thanks

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