Template Consultation Response

City of Edinburgh Council – Charging Policy Consultation
Closing Date: 22 October 2025

Proposal 1 – Changing the way the maximum weekly contribution is calculated

Question 3
Do you agree that we should make this proposed change to the taper discount?

Response: No.

- There is a disproportionate Impact on Low-Income Groups. Even a £4 per week increase creates real pressure for people on fixed or very low incomes. Against the backdrop of rising living costs and inflation, this change risks pushing people closer to financial distress and debt.
- This proposal causes a cumulative financial impact and cannot be considered in isolation. When combined with other proposed new charges (for day services and transport, for example), the total increase in out-of-pocket costs is significant and will hit those already most disadvantaged.
- There is a lack of clear justification as the consultation notes a maximum increase of £4 but does not explain how this improves the sustainability of social care finances or what cost savings it creates at system level.
- This proposal poses human rights and equality concerns. The UN CRPD Article 28 protects the right to an adequate standard of living. Increasing charges risks undermining that right if people feel compelled to reduce care uptake. COSLA Guidance emphasises that charging policies must never disincentivise access to support and must respect individual human rights.
- There is no information about an impact assessment. The Council should complete a detailed poverty and equality impact analysis, including a breakdown of how many people will face increased contributions and how much their disposable income will reduce. This information is essential to provide consultees with adequate information to be able to respond fully.
- There is no information in this proposal about the current minimum income threshold. This information is essential for consultees to fully assess the proposal and should be clearly published and consulted on.

Proposal 2 – Introduce a charge for managing people's finances (corporate appointeeship)

Questions 4, 5 & 6

Do you agree there should be a charge for managing people's finances?
Response: No.

Do you agree it is reasonable to charge people the full cost of this service?
Response: No.

If not, what do you think is a reasonable amount?
Response: Other (please add comments below)

We do not support the introduction of a charge at all.

- The Council has an ethical duty of care. Individuals needing corporate appointee support are among the most vulnerable and lack informal support. Charging them undermines the Council's duty of care and risks exploitation of those unable to advocate for themselves.
- This proposal infringes equality and non-discrimination legislation. The Equality Act 2010 Section 149 requires public bodies to advance equality of opportunity. Introducing charges could disproportionately impact people with severe cognitive impairments or learning disabilities.
- This proposal negatively impacts access to justice and fairness: Service users will often lack the capacity to challenge fees or navigate appeal processes.
- The financial threshold proposal is unfair. A £1,000 account balance is not an indicator of affluence. For those on legacy benefits this sum is likely to represent an essential emergency buffer, not spare income. The Council must explain the rationale for selecting the £1,000 threshold and provide data on what proportion of service users would be affected.
- If charges were to be considered, free independent financial advocacy must be provided, and a full equality impact assessment must be published showing any net financial gain after the cost of additional advocacy and safeguarding.

Proposal 3 – Introduce a charge for care provided by day services

Questions 7, 8, 9 & 10

Do you agree there should be a charge for day services?
Response: No.

Do you agree it is reasonable to charge people the full cost of this service if they are assessed as being able to afford this?
Response: No.

If not, what do you think is a reasonable amount?
Response: Other (please add comments below)

We do not support the introduction of a charge at all.

- This proposal is on contradiction with national policy. The Scottish Government's Care Reform (Scotland) Bill seeks to remove barriers to accessing social care. Introducing day-service charges moves in the opposite direction.
- There is a serious risk of breaching key statutory duties and international obligations:
    - **Equality Act 2010 – Section 149 (Public Sector Equality Duty):** Requires public authorities to eliminate discrimination, advance equality of opportunity, and foster good relations. New or higher day-service charges would disproportionately affect disabled people and their family carers, who already face extra living costs. Reduced access to community activities increases isolation and limits equal participation. For carers—many of whom are women—the extra financial and caring pressures amount to indirect discrimination based on disability and gender.
    - **Carers (Scotland) Act 2016:** Requires local authorities to identify and support carers' needs and to provide services that protect carers' health and wellbeing so they can continue to care if they wish. If families cut back on day-service use because of charges, carers will lose vital planned respite, forcing them to take on heavier duties, harming their physical and mental health, and in some cases compelling them to give up employment. This directly contradicts the Act's duty to sustain caring roles through preventative support.
    - **Social Care (Self-directed Support) (Scotland) Act 2013:** Guarantees people real choice in how support is provided—through direct payments (Option 1), an individual service fund (Option 2), or council-arranged support (Options 3 and 4). Means-tested or full-cost charges create financial barriers to exercising real choice**,** undermining the Act's principle of autonomy and equity. People may avoid Options 1 and 2 if arranging their own support becomes unaffordable, weakening the entire self-directed support framework.

- **United Nations Convention on the Rights of Persons with Disabilities (UN CRPD):**
  Article 19 – Right to live independently and be included in the community. Charges that reduce access to day services, social activities, or essential transport make it harder for disabled people to live as part of their community and violate their right to full participation and inclusion.
  Article 28 – Right to an adequate standard of living and social protection. Higher day-service charges reduce the income people need for housing, food, and basic living costs, threatening their economic security and forcing some to cut essential care.
- **Overall Legal and Human Rights Risk:**
  By introducing or increasing charges across core services, the Council could:
  - Fail to comply with its statutory duties under UK equality and carers' legislation.
  - Breach international obligations to protect disabled people's rights to inclusion and an adequate standard of living.
  - Expose itself to legal challenge and significant reputational damage**.**

- This will negatively impact wellbeing and inclusion: Day services play a vital role in reducing loneliness, maintaining mental health, and supporting independence. Charges risk preventing participation and increasing social isolation or mental-health crises.
- There is no impact assessment for Working Age Adults with Disabilities: For many under-65s, day services provide their main structured daily activity. Charging them risks deepening social and economic exclusion.
- This proposal is inconsistent and potentially unfair. Current financial assessments may not fully capture disability-related expenditure, creating hardship even when the person is technically deemed able to pay.
- This proposal impacts Care Inspectorate Standards. Reduced participation caused by affordability barriers could lead to fewer meaningful activities and compromised outcomes, putting compliance with Health and Social Care Standards at risk.

Proposal 4 – Changing how we charge for transport

Question 11

Do you agree that charges for assisted transport to social care services should be financially assessed and means-tested?
Response: No.

This proposal reinforces geographical inequity. Service users in areas with poor public transport would face higher unavoidable costs, limiting equal access to care and community life.

There is a double charging risk: Many people already contribute to transport through disability benefits or Motability. Assuming these payments cover social care transport is incorrect and unfair.

The City of Edinburgh Council's *Policy and Sustainability Committee* report of 27 May 2025 (*Mobility Component of Disability Benefits and Transport for Adults and Children – Response to Motion*) confirms:

"Whilst charges for assisted transport can be applied, there is no legal mechanism to compel an individual to use specific benefits for a particular purpose. Consequently, section 4.5(12) of the current assisted transport policy is not enforceable."

Key points from that report which directly affect this consultation include:

- A moratorium has already been placed on the 2015 Assisted Transport policy requirement that the mobility component of Disability Living Allowance (DLA) or Personal Independence Payment (PIP) must be used to pay for transport.
- Any future charging for assisted transport must be set out only in the new Social Care Charging Policy, which is still in development and expected at the end of 2025.
- The mobility component of disability benefits has always been disregarded in financial assessments, and that principle remains.
- A full Integrated Impact Assessment will be required for any new policy, covering equality, poverty and the public sector equality duty.
- This means that the current consultation proposal to include assisted transport charges is premature and legally vulnerable. The Council cannot lawfully require or even imply that people use mobility benefits to cover these costs. Any charging must follow the forthcoming new Social Care Charging Policy and be based only on an individual's assessed ability to pay.

We have concerns that these cuts will infringe human rights. Introducing or raising charges now could indirectly reduce service use and lead to isolation, infringing rights under Human Rights Act 1998, Article 8 (right to private and family life) and the UN Convention on the Rights of Persons with Disabilities (Articles 19 and 28).

There are service quality issues: If private taxi services are used, staff may lack training in support or first aid. Centralised minibus solutions or tendered contracts could be more cost-effective and safer. Alternatives such as centralised or tendered minibus services could provide a safer and more equitable model.

The Council's own documentation makes clear that the current Assisted Transport policy is out of date and under moratorium. Proceeding with new transport charges before completing the revised Assisted Transport and Social Care Charging policies would breach good governance and expose the Council to legal challenge and reputational damage.

We therefore oppose any new or increased charges for assisted transport.
We call on the City of Edinburgh Council to:

1. Abandon the current proposal until the revised Assisted Transport and Social Care Charging policies are complete.
2. Ensure full compliance with the Equality Act 2010, the Carers (Scotland) Act 2016, the Social Care (Self-directed Support) (Scotland) Act 2013, and UN CRPD Articles 19 and 28.
3. Conduct and publish a comprehensive equality and poverty impact assessment before any changes are even considered.
4. Align with national policy and human rights duties, ensuring access to care remains affordable and equitable.