

## **Portability of Care Packages, Factsheet**

- **The Henry Spink Foundation Portability Campaign:** Michael and Henrietta Spink are campaigners for the disabled. They live in Cornwall with their two severely disabled sons, Freddie and Henry. They have been campaigning for the portability of domiciliary care packages for over 3 years. Their campaigning has encompassed Ministers and politicians from all sides of the political spectrum, as well as key Local Government bodies including the LGA and ADASS, key reviews and consultations such as the Law Commission and the Commission for the Funding of Social Care, other charities and organisations who work in fields affected by these issues. There has been overwhelming support for the principle of portability (please see charity quotes below). Link: <http://www.henryspink.org/home.htm>.
- **Personal Care at Home Act 2010:** the principle of portability was included and approved by Parliament in this legislation passed in the last days of the Labour Government early last year. The 2010 Coalition Government have chosen not to commence this Act due to concerns about other principles included within the bill regarding the provision of free care for the most needy older residents irrespective of their wealth. Link: [http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH\\_110405](http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH_110405)
- **The Law Commission Report:** “Adult Social Care” May 2011 - The Law Commission is the statutory independent body created by the Law Commissions Act 1965 to keep the law under review and to recommend reform where it is needed. It undertook a scoping paper on adult social care legislation in 2008 and carried out a full consultation in 2010 reporting to the Government in May 2011. It recommended that changes to statutes should enable portability of care and support. Link to all documentation: <http://www.justice.gov.uk/lawcommission/adult-social-care.htm>
- **The Dilnot Report:** “Fairer Care Funding: The Report of the Commission for the Funding of Social Care” July 2011 - an independent body commissioned by the Government to make recommendations on how we can achieve an affordable and sustainable funding system for care and support, for all adults in England, both in the home and other settings. Included the portability of care assessments within their top 6 recommendations and stated that the current system is confusing, unfair and unsustainable (see p5, p52 and p65) Link: <https://www.wp.dh.gov.uk/carecommission/files/2011/07/Fairer-Care-Funding-Report.pdf>
- The Government are using the Law Commission and Dilnot review as the basis for consideration in the forthcoming Department of Health, **Adult Social Care White Paper** now expected in Spring 2012, to be followed by legislation in the second parliamentary term.
- **The Sayce Report:** “Getting in, staying in and getting on: Disability employment support fit for the future” June 2011 - an independent review commissioned by Government and led by Liz Sayce (Chief Executive of RADAR, and a Commissioner at the UK Commission for Employment and Skills) identifies portability of care packages as one of 8 key barriers and opportunities to facilitate better access to real jobs. Link: <http://www.dwp.gov.uk/policy/welfare-reform/specialist-disability-employment/>
- **Social Care Portability Bill [HL] 2010-11**, Baroness Campbell of Surbiton, Crossbencher, has introduced a Private Members Bill (PMB) into the House of Lords. PMB's are Public Bills introduced by MPs or Lords who are not government ministers. As with other Public Bills their purpose is to change the law as it applies to the general population. A minority of Private Members' Bills become law but, by creating publicity around an issue, they may affect legislation indirectly. There is currently no date for the second reading of this bill and it will fall at the end of the parliamentary session if it has not progressed. Link: <http://services.parliament.uk/bills/2010-11/socialcareportabilityhl.html>