

# The Impact of Government Policies on Disabled People 2nd draft

***Baroness Campbell of Surbiton, 5<sup>th</sup> of May 2011***

My Lords, I would like to thank the noble Lord, Lord Low, for securing this debate on the impact of Government policies on disabled people.

Government policy relating to disabled people can never be simple. A myriad of economic, social and environmental responses are needed to enable us to live independently and contribute to society as equal citizens. Over the past 40 years, successive government policies have liberated disabled people by increasing the choice and control we have over our lives. We call this Independent Living. It is not simply about being helped to get up, go to bed and get out of the front door. It is about getting the support needed to access all of life's opportunities, such as work, leisure and family life. **In fact, all the things that non-disabled people take for granted.**

All governments have stated their desire to maximise disabled people's choice and control. **They have recognised how much our country benefits from the rich diversity that disabled people bring to the world.** They have followed through with enabling policies and rights-based legislation: the Disability Discrimination Act (later becoming Equalities Act), the Community Care (Direct Payments) Act, the Independent Living Fund and the government strategy, "Improving the Life Chances of Disabled People" **are but a few notable achievements.**

Most importantly, they have provided money – it is an essential ingredient for Independent Living **which can also generate cost-savings, especially in the long-term!**

My Lords, enabling disabled people to play their full part in society costs money. But the benefits of Independent Living speak for themselves. Disabled people are now visible, we witness them working, raising families, supporting others through volunteering, even securing debates and speaking in this Chamber. **Much of All** that, My Lords, is now at risk.

When this coalition government came to power, it rightly needed to spend wisely and cut **wherever** possible. But its treatment of essential **Independent Living** support for disabled people has become alarmingly unwise and dangerous. As a result, disabled people risk being consigned to invisibility and institutionalisation, whether at home or in a home.

The negative effects of three government policies are having a cumulative effect in putting Independent Living at risk.

Firstly, is the refusal to ring-fence the additional funds for social care made available to local authorities by the Department of Health. The Association of Directors of Adult Social Care estimates that local authorities have cut one billion pounds from social care budgets. A quarter of these cuts are to front-line services for older and disabled people. Four out of five councils in England and Wales **will now** only provide services to

people whose needs are assessed to be 'critical' or 'substantial'.

Second is the decision to close the Independent Living Fund. The fund is already closed to new applicants – denying disabled people entering adulthood, the same opportunities that their older peers enjoy.

Thirdly, the government says it intends to reduce the Disability Living Allowance (DLA) budget by **20% £2.17 billion for working age adults**.

These cuts are not just turning back the clock on Independent Living. They are returning disabled people to the 'dark ages' - when basic needs will no longer be met, **even Like: to live safely in one's own home**, to eat and drink and to use the toilet when you need to **or . It means** being denied the opportunity of **doing things you enjoy doing, even of** contact with family and friends. In short, it means taking away basic human rights.

Here's one example: Elaine McDonald is a retired **prima** ballerina who became severely disabled. She received nighttime assistance to visit the toilet. Her local council says it can no longer afford to provide this assistance and says she must sleep wearing incontinence pads. **Elaine Mrs/Miss McDonald** unsuccessfully appealed the decision. She will now take her case to the Supreme Court but, my Lords, why must she be forced to do this? My Lords, would any of you consider it reasonable to be required to lie in your own urine and faeces? The Human Rights Act includes the right not to be subjected to degrading treatment. Slopping out in our prisons was

outlawed as a result. Does **Elaine Mrs/Miss McDonald** have fewer rights because she is a disabled woman?

This example is not unique. Government policies mean this country is failing in its obligations under the United Nations Convention on the Rights of People with Disabilities. Article 19 of that Convention recognises the equal right of all disabled people to live in the community, with 'choices equal to others'. It requires that states take 'effective and appropriate measures' to ensure that disabled people fully access this right to 'full inclusion and participation in the community'.

Social Care Services make human rights possible. Cutting services means that:

- A person with a communication impairment may be denied freedom of expression because they are refused the equipment and assistance they need to communicate,
- **Someone with a mobility impairment may be denied the equipment and assistance needed to leave home, go shopping and to visit friends and family;**
- Someone with personal care needs may be denied basic human dignity and subject to inhuman and degrading treatment because they are refused adequate assistance with personal care.

Independent Living, which is what Article 19 is about, is what makes us human. It is about our rights to autonomy, to self-determination, to make the most basic, as well as the most important choices about our

lives. All political parties recognise the importance of this. All have supported the 5-year Independent Living Strategy. This committed the government to taking action to ensure that, “All disabled people have the same choice, control and freedom as every other citizen”. Could the Minister please explain how current government policies are compatible with that aim?

Of course these government policies do not only harm disabled people. They also damage carers, **80% of whom are women**. When a disabled person is denied support it is left to parents and families to pick-up the pieces. Denying support to disabled people means denying support to carers too.

**I fear we are** Are we going to see 30 years of progress wiped out. The Minister will undoubtedly tell us that making personalised support a reality has been adequately funded and that it is up to local authorities to spend wisely. This will not do. Can the Minister **estimate for the please tell the** House how many disabled people will face a reduced level of **DLA support award for “daily living” or “mobility” needs or indeed no award in one or both areas** as a result of the introduction of the proposed Personal Independence Payment (PIP)? **Will the Minister also tell the House when we will get clarity regarding the lower rates of PIP?** Hundreds of thousands of disabled people need to know **and live in fear and anxiety**.

It suits government and local authorities to blame each other. But it is the lives of **the** disabled people that are being crushed. Disabled people currently have no

avenue other than the Courts to challenge local authority decisions. So will the Minister tell the House, what the government will do when local authorities abrogate their responsibilities? Who can disabled people turn to when a local authority's priorities are elsewhere? Time is not on our side and many disabled people are already desperate.

Will the Minister please explain why disabled people are so different from other **citizens human beings**, that our basic **human** rights to freedom, dignity and autonomy can be withdrawn so quickly when the economy is tested? It is no exaggeration to say that increasing numbers of disabled people are **being** imprisoned in their own homes, denied dignity and excluded from society. At the same time, the government demands that disabled people should contribute like everyone else by working and playing our part in the community. Believe me, disabled people want to work and play our part. We have been fighting for this for more than 50 years. **We are not the ones putting us back in the box.** To be active citizens, to work, rest and play, we need Independent Living support. This support should be ring fenced, not left to localism to get right.

Will the Minister, in this debate, give his personal commitment to explore ring-fencing monies for Independent Living at local level? I know the policy of localism is at odds with ring fencing but our human rights depend upon it. Otherwise, more of us will be forced into residential care against our will. Or be found, home alone, gasping for a drink or the toilet. Otherwise, widespread abuse of basic human rights will take place

**routinely** behind closed doors. The UK government will be ignoring its responsibilities under the Human Rights Act and Article 19 of the UN Convention on the Rights of People with Disabilities.

The Minister will be aware that the Joint Committee of Human Rights is conducting an inquiry into the implementation of the right to independent living for disabled people. His response to this debate will inform that inquiry.

If national policies and their local interpretation result in further cuts to Independent Living support, I fear disabled people who need that support will disappear from the radar. And that will include me and, very possibly, other noble Lords in the Chamber today.