

# EQUAL OPPORTUNITIES COMMITTEE

## DRAFT BUDGET SCRUTINY 2014-15

### SUBMISSION FROM THE INDEPENDENT LIVING IN SCOTLAND PROJECT

This response should be read alongside the joint ILiS and Inclusion Scotland response, submitted to the finance committee – available at

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/66640.aspx>

- 1.1 The Independent Living in Scotland project (ILiS) (see [www.ilis.co.uk](http://www.ilis.co.uk)) aims to support disabled people in Scotland to have their voices heard and to build the disabled people's Independent Living Movement (ILM). It is funded by the Scottish Government Equality Unit. ILiS is a key contributor to the national Independent Living Programme. This partnership of Scottish Government, CoSLA, NHSScotland and the Independent Living Movement are the work together towards their shared goal set out in "Our Shared Vision for Independent Living in Scotland"<sup>1</sup>.
- 1.2 Independent Living means: "Disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself, or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life".

For many disabled people, this practical assistance and support, such as access to the environment, advocacy, personal assistance, income, and employment, underpinned by the principles of freedom, choice, dignity and control; is essential for them to enjoy their human rights on an equal basis to non-disabled people.

- 1.3 The role independent living plays in protecting human rights in this way, is recognised and underpinned by international human rights and equalities obligations to which the UK and Scotland are party to. This includes the recognition that all of the rights outlined in the European Convention on Human Rights (ECHR) and Human Rights legislation belong to disabled people, and that they are strengthened and contextualised by the rights set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).
- 1.4 The following evidence highlights that all spending decisions and Government economic policy should be directly aligned to the social policy of Government in order to ensure the Government can meet its own targets and its obligations to the equality, human rights and independent living of disabled people. A human rights based approach to decision making can support this. We recommend that all future Government spending decisions, including decisions not specifically relating to disabled people, are taken with these principles at the fore.

## 2. Access to services

- 2.1 The voice of disabled people continues to be under-represented in public policy and decision making<sup>2</sup>. This is particularly disappointing because hearing and understanding real life stories directly from disabled people – who are experts by

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2013/04/8699>

<sup>2</sup> ILiS; "Ready for Action", 2009

experience – will help policy and decision makers understand the reality of existing policy and practice, and thus what needs to change.

- 2.2 Disabled People's Organisations (DPOs) and the adoption of coproduction<sup>3</sup> methodology can help with this. DPOs are run by disabled people and directly accountable to them. They represent disabled people, support them to have their voices heard and to influence local and national decision making. They support disabled people to engage collectively with decision makers to make change happen.
- 2.3 A recent report by the House of Commons Public Accounts Committee highlights the value of DPOs. It found that, within the first 14 months of the Workfare operation, of the 104,000 people taken off incapacity benefit, the programme only placed 3.7% in a job lasting more than three months. It contrasts these figures with those provided by the user-led (DPO) Glasgow Centre for Inclusive Living. At the termination of its ESF funded "Professional Careers Service"; of those assisted to find traineeships within local social housing associations; 82.4% gained full-time employment; 94.1% gained an academic qualification; and 11.7% went into further education<sup>4</sup>.
- 2.4 Despite this and their essential contribution to policy making and significant impact on inequality – many DPOs are losing their funding<sup>5</sup>. This is primarily due to a tendency by decision makers to fund front line or life and limb provision, at the expense of empowering disabled people to contribute to preventative solutions, in line with the 'Christie' Commission, towards a flourishing and inclusive Scotland. In this environment of under-resourced community engagement with disabled people and their organisations, and where the strongest pockets of capacity are national; ensuring disabled people in all localities across Scotland are included, resourced and supported to engage meaningfully should be a priority and should take into account the significant costs of accessible engagement.
- 2.5 We recommend that DPO's are supported and funded to work in collaboration with policy and decision makers locally and nationally – including to speak out when things go wrong. We further recommend that efforts and resources are directed to those services run by and for disabled people so that policy makers can be assured of evidence driven by lived experience.

### **3. Funding for personal support and independent living**

- 3.1 For some disabled people, the practical assistance they need to participate in society is care and support. In this sense, social care is a crucial infrastructure for equality and should be supported and resourced as such.
- 3.2 Despite this, social care is in crisis in Scotland<sup>6 7</sup>; the elastic in money for it has snapped, demand is rising but monetary input is not<sup>8</sup>, disabled people's needs are unmet but this is not recorded officially<sup>9</sup>, the ILF is no longer available and disabled

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<sup>3</sup> see the ILiS guide to coproduction at [www.ilis.co.uk](http://www.ilis.co.uk)

<sup>4</sup> House of Commons Committee of Public Accounts "DWP: work programme outcomes." Thirty-third Report of Session 2012-13" <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpublicacc/936/936.pdf>

<sup>5</sup> "Thriving or Surviving"; Disability Lib, 2008

<sup>6</sup> <http://www.unison-scotland.org.uk/stuc2009/7.html>

<sup>7</sup> <http://www.communitycare.co.uk/articles/28/01/2011/116193/cuts-are-ravaging-personalisation-say-social-workers.htm>

<sup>8</sup> Prof David Bell (2012:19), *Fiscal Sustainability: Issues for the Finance Committee Work Programme 2012*

<sup>9</sup> <http://www.ageuk.org.uk/professional-resources-home/public-affairs/reportage/past-issues-of-reportage/reportage-february-2012/viewpoint-is-there-a-gap-in-social-care-funding/>

people and social work staff, are struggling to manage the daily stresses that this causes<sup>10</sup>.

- 3.3 To date there have been three responses to this gap between supply and demand: to raise thresholds for accessing services i.e. to provide care and support for only those with critical support needs<sup>11</sup>; to charge the people who are receiving the services more for them; and; to distribute current resources equitably among users – effectively ‘robbing Peter to pay Paul’. Neither of these approaches recognise the essential role of social care as a key infrastructure for equalities.
- 3.4 The Government has duties to promote the equality of disabled people, set out in the Equality Act 2010. For disabled people to have equal opportunity, they sometimes need to be treated differently. Equitable resource allocation among disabled people misses this nuance – it seeks funding solutions to address the inequality of a group of people, from only within that group of people<sup>12</sup>. We do not think you can achieve equality by seeking to support one disempowered group, at the expense of disempowering another.
- 3.5 Furthermore, disabled people cannot afford to bridge the funding gap. Charges for community care contribute only 2.2% (approx. £50m) of the cost of social care<sup>13</sup> but they cost individual disabled people up to 100% of their income<sup>14</sup> and only 38% of the revenue collected goes back into paying for social care services<sup>15</sup>. Given its essential role in equality and human rights, it is fundamentally unfair that users of community care should be asked to pay towards it.
- 3.6 Social care benefits all of Scotland’s people by ensuring all its citizens can contribute equally – when appropriate support to do so is in place – yet it is funded only from a discrete, finite resource and where this resource gets stretched, disabled people pick up the short fall. They pick this up either in their pockets – by paying higher charges for it – or in their wellbeing and human rights – by doing without.
- 3.7 Given the complexities and challenges outlined, we recommend that; LA’s be required to gather data to record unmet need on the basis of a broad, human rights based approach to social care; the Scottish Government work with LA’s to make social care free at the point of delivery; the Scottish Government, COSLA and others – in coproduction with disabled people – consider and publically set out, quickly, what they plan to do to address the crisis in funding for social care in Scotland.

Pam Duncan  
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4 October 2013

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<sup>10</sup> <http://www.unison-scotland.org.uk/stuc2009/7.html>

<sup>11</sup> <http://www.scotland.gov.uk/Topics/Health/Support-Social-Care/Support/Older-People/Free-Personal-Nursing-Care/Guidance>

<sup>12</sup> Wiebke Kuklys; "Amartya Sen's Capability Approach: Theoretical Insights and Empirical Applications," Springer, Berlin 2005

<sup>13</sup> LFR3 analysis, ADSW, 2010

<sup>14</sup> Care charging league, Learning Disability Alliance, 2013

<sup>15</sup> In control, 2012