



Adults and Safeguarding Committee

5 June 2019

Title	Members' Item in the name of Councillor Reema Patel
Report of	Head of Governance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
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Summary

The report informs the Committee of a Member's Items and requests instructions from the Committee.

Officers Recommendations

1. That the Committee's instructions in relation to the Member's items are requested.

1. WHY THIS REPORT IS NEEDED

- 1.1 A Member of the Committee has requested that the item tabled below is submitted to the Adults and Safeguarding Committee for consideration and determination. The Committee are requested to provide instructions to Officers of the Council as recommended.

Adults & Safeguarding Committee: 5 June 2019

Member's item: Cllr Reema Patel

The Right to Independent Living

The right to independent living is a cornerstone of disability rights. It stems from the argument for a social model of disability; recognising that what stops people from achieving their true potential are the societal barriers to doing so, and not the fault of the individual themselves. Central to the social model is also the importance of informed choice – that disabled people are best placed to determine what is the most appropriate level of care and support for them to thrive.

In its budget, Barnet Council agreed 'savings' of £424,000 to be achieved by removing the right to community based care placements by default. It is clear that the intention behind doing this is to remove choice and control for people who need social care support, as well as their families and carers. The impact assessment says,

'We will continue to meet our Care Act duties through meeting clients' eligible needs. However, some clients and their carers / families, may consider this change unfavourable if they have a preference for a community placement.'

The decision to make these savings and the policy change underlying it runs entirely counter to the established principles for disability rights set out above, and especially counter to the principles of informed choice and control. The effect of this policy will be to institutionalise and segregate disabled people from their homes, families and communities, often placing them out of borough and far away from home in a drive to reduce costs – and must be resisted.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, the Convention) was ratified by the UK in 2009, and enshrines the right to independent living. The provisions set out in Article 19 are as follows:

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

I request that the Committee listens to the concerns of local advocacy and charitable organisations such as Inclusion Barnet and Barnet Alliance for Public Services and abandons plans to make these cuts, ensuring that those who need social care continue to have the option of a community placement by default, and are not forced into a residential care home against their will.

I also ask that officers provide the Committee with the following:

- An update on implementation of the proposal, including the number of individuals that have been placed in residential care without being given the option to remain in the community by default.

Should this member's item not be supported by the Committee, I will be personally writing to the Equalities and Human Rights Commission to draw their attention to this matter, and to ask that the EHRC review Barnet Council's policy.

2. REASONS FOR RECOMMENDATIONS

2.1 No recommendations have been made. The Committee are therefore requested to give consideration and provide instruction.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not applicable.

4. POST DECISION IMPLEMENTATION

4.1 Post decision implementation will depend on the decision taken by the Committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 As and when issues raised through a Member's Item are progressed, they will need to be evaluated against the Corporate Plan and other relevant policies.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 None in the context of this report.

5.3 Social Value

5.3.1 None in the context of this report.

5.4 Legal and Constitutional References

5.4.1 The Council's Constitution (Members of the Council, Article 2) states that a Member, including appointed substitute Members of a Committee or Sub-Committee may have one item only on an agenda that he/she serves. Members' items must be within the term of reference of the decision-making body which will consider the item.

5.5 Risk Management

5.5.1 None in the context of this report.

5.6 Equalities and Diversity

5.6.1 Members' Items allow Members of a Committee to bring a wide range of issues to the attention of a Committee in accordance with the Council's Constitution. All of these issues must be considered for their equalities and diversity implications.

5.7 Corporate Parenting

5.7.1 None in the context of this report.

5.8 Consultation and Engagement

5.8.1 None in the context of this report.

5.9 Insight

5.9.1 None in the context of this report.

6 BACKGROUND PAPERS

6.1 None.