

MINUTES

22nd October 2007

1.30 – 4.30pm

Eighty9 Albert Embankment, Vauxhall

Approach to the minutes

The minutes do not attempt to capture every point made, but provide a summary of the group's discussions and a record of required action points. Comments and points raised during discussion have not been attributed to individual members.

Terminology

In this paper:

- The Office for Disability Issues is referred to as "the ODI";
- The Independent Living Review is referred to as "the review";
- Members of the Expert Panel are referred to as "members".

Attendees

Expert Panel members: Baroness Jane Campbell, Rob Greig, Saghir Alam, Ian Loynes, Raymond Johnson, Frances Hasler, Fazilet Hadi, Gerry Zarb, David Gardiner, Jeff Jerome (Association of Directors of Adult Social Services, covering for John Dixon)

Officials: Mike Daly (Department for Work and Pensions), Miranda Carter (Department for Transport), Bruce Calderwood (ODI), Craig Muir (Department of Health), Steve Strong (Care Services Improvement Partnership)

Project team: Jenny Morris, Mary Helson, Rosalind Hook, Rhian Connolly, Helen Bowers, Juliet Gogo, Vive Mardemootoo, Richard Timm, Huw Meredith, Catherine Dubois, Peter Nokes, Gail Knowles

Apologies

Jo Williams, Patience Wilson (Department of Health), Zoe Carter, Ian Basnett, Rowen Jade, John Dixon, Elaine Morton, Jane

Everton (Communities and Local Government), Jean Willson,
Sheila Evans (project team)

1 Welcome and minutes of last meeting

- 1.1 Jane Campbell welcomed members.
- 1.2 Jane let members know the sad news that one of the Panel's former members, Menghi Mulchandani, passed away recently after having been ill for some time. The Panel thanked Menghi for her contribution to their work – Menghi's energy and enthusiasm for everything she did and for everyone she knew will be missed by all of us.
- 1.3 The minutes and action points from the last Expert Panel meeting were agreed. Members asked for one amendment to be made – to emphasise that the Panel had had a robust discussion about implementation and were keen to ensure that there is strong national leadership in order to take this forward.

2 Update on Comprehensive Spending Review (CSR) and transformation of social care system

- 2.1 Bruce Calderwood updated members about the Comprehensive Spending Review (CSR) and Pre-Budget Report that were published on 9 October.
- 2.2 Personalisation, independence, choice and control are key themes in this CSR across the areas of education, health, social care and communities. Additionally, there are a number of Public Service Agreements (PSAs) that were announced as part of the CSR that will have a direct impact on improving the lives of disabled people. The most important one of these from an independent living perspective is the Equality PSA (PSA 15), which is intended to:

“Address the disadvantage that individuals experience because of their gender, race, disability, age, sexual

orientation, religion or belief.” (2007 Pre-Budget Report and Comprehensive Spending Review)

- 2.3 This PSA includes a specific indicator that will measure the “level of choice, control and flexibility to enable independent living.” This focus on tackling barriers to choice and control is replicated in other PSAs such as the one on poverty, independence and well-being in later life. The CSR expresses the idea of equality for disabled people in a number of ways, and the important thing now is for the Government to consider what it can do in practical terms within the financial framework and targets that are in place
- 2.4 Jane Campbell asked members for their views on the CSR. Members had the following comments:
- There needs to be something clearer and more specific about self-directed support and learning disability services. There is a lack of clarity about how much money will be allocated to supporting personalised support services.
 - The settlement does not seem to take the “Wanless gap” into account. Members were therefore cautious about the scope for independent living initiatives. The review’s independent living report may wish to flag this issue.
 - Although the framework set out by the CSR is useful, the most important thing now is how PSAs and national commitments are translated into deliverable policy on the ground. There need to be national levers and regional Government Offices need to play a brokerage role to ensure that national targets have the desired effect at a local level.
 - Given the focus on monitoring and setting targets at a local level, it is very important that local people are able to use accessible information to feel empowered to hold their local area to account if necessary.

3 Detailed proposals for a five year strategy – update and discussion (EP9/1)

- 3.1 Jenny Morris introduced paper 9/1, which reports progress on developing the independent living five year strategy. She explained the key issues for the report, and set out the aims of the five year strategy as well as the strategy’s vision and outcomes. She explained that since the last Panel meeting the review team have continued to discuss detailed proposals with colleagues in Life Chances departments, and that they have developed three alternative “packages” of proposals for consideration by the ODI Board of Management and Ministerial Group.

Vision and outcomes

- 3.2 Members had the following comments on the strategy’s vision and outcomes:
- The report is too focussed on social care; it needs to demonstrate that the concept of choice and control is at the heart of disabled people’s lives.
 - Independent living is not just about social care and those who can access social care. It is about choice and control across every aspect of people’s lives. Disabled people need to be able to access skills, training and services that enable them to be supported and empowered in their everyday lives. For example through access to counselling services, computer training, help with personal appearance, support in developing life skills etc.
 - Although the vision remains ambitious, the strategy as a whole primarily appears to pull together existing policies and it is difficult to see what is new. Parts of the strategy are stronger than others, for example the policy proposals on housing. In general, however, members were concerned that the wider strategy did not adequately reflect some of the more ambitious ideas that have been discussed by the Panel.

- The vision is clear but would be strengthened by the inclusion of a defining statement to capture the idea of a “social sea change” in attitude amongst both service providers and the general public.
 - There is a mismatch between available resources and the strategy’s vision, and it is not clear where the resources will come from to accomplish the strategy’s ambitious outcomes and vision. This is a problematic contradiction that is played out on a large scale. On the one hand, responsibility for delivery is shifting from central government to local authorities and individuals, but on the other, resources and ambitions in social outlook are lacking.
 - The strategy needs to ensure that the vision’s aspirations are connected to the local level. There also need to be resources committed to building capacity at a local level. Unless there are adequate resources and a significant culture change takes place at a local level, there will be problems in ensuring that disabled people are properly involved in taking forward the vision.
 - The vision and strategy contains some ammunition for people to use with local authorities if the system fails them. It is disappointing, however, that the strategy doesn’t mention rights, which would strengthen this.
- 3.3 The review team explained that there is a gap between what we would like to achieve and what is deliverable at this point in time given the tight CSR context. The independent living strategy is pragmatic and not so ambitious as its vision, but it is intended to move us in the right direction and towards the next CSR period.

Measuring progress and implementation

- 3.4 Both the Expert Panel and the ODI’s Board of Management have emphasised the importance of clearly showing what difference these proposals will make to disabled people. As suggested by the Expert Panel, the independent living strategy will include case studies to bring the proposals to life. Jenny explained that the review team will clearly show

the difference the proposals will make to disabled people and how we will measure progress.

3.5 Members had the following comments on the strategy's proposals on measuring progress:

- It is important that people are able to experience choice and control across different localities, and do not fall prey to a “postcode lottery”. The concept of portability was seen by members as a critical part of measuring progress.
- We need to monitor PSA targets as we may be over-relying on the performance framework to make a difference. Although devolving responsibility for decision-making and implementation to a local level is one way of incentivising local authorities to deliver change, and is intended to close the gap between national policy and delivery on the ground, there may be problems if Local Authorities choose a weak configuration of priorities within an overall performance framework.
- There needs to be a challenge function at both a local and regional level, possibly through regional Government Offices and local agencies involved in Local Area Agreements. We should not rely too much on the Commission for Social Care Inspection to do all the monitoring.
- It is important that the review's communication strategy introduces ideas of co-production to organisations which have not previously engaged with this concept. The strategy should clearly communicate what we mean by co-production in order to ensure that Local Strategic Partnerships are set up to involve and engage with disabled people and their organisations.
- The strategy should flag up the achievements and progress of disabled people to date in order to show the wider context and show that co-production in development and implementation and doing things on equal terms is achievable.

- The ODI will play a critical role in terms of effectively scrutinising and joining up all the parts of the strategy. It is important to ensure that disabled people themselves are able to scrutinise and challenge at every level. It is important that disabled people stay involved at a national level, perhaps through an independent living scrutiny group.

4 Discussion following Expert Panel legislation sub-group meeting of 3 October (EP9/2)

- 4.1 Paper EP9/2 sets out the discussion of the Expert Panel sub-group on legislation which met for the first time on 3 October. At the last Expert Panel meeting in September, members expressed concern that the five year strategy would lack credibility with disabled people if it did not address the question of legislation. Members agreed to establish a sub-group to consider the most constructive way forward on the issue of legislation.
- 4.2 Mary Helson explained that the Government's approach to effecting change in the way services are delivered is to incentivise local bodies through the new national performance framework. The Government believes that this will achieve the same outcomes as legislating. The question is whether going along with this approach will be credible for the Panel.
- 4.3 Jane Campbell asked members who were involved in this sub-group what the critical issues in the discussion had been for them. She also asked the rest of the Panel for their views and asked what they wanted the review to say about legislation. Members had the following comments:
 - Independent living has always been seen as a rights-based approach. If the strategy ignores the question of legislation it will have a fairly limited impact and will fail to achieve the aspirations of disabled people.
 - Although focussing on the performance framework is a helpful short-term approach, this still does not provide

individuals with a means of individual redress if the system fails them.

- The vision contained in the five year strategy strongly implies that independent living is a citizenship right and equality issue. In other policy areas, utilising the performance framework through Public Service Agreement (PSA) targets and other frameworks does not preclude further rights-based legislation – so why is this different for policies relating to disabled adults?
- There also needs to be more robust and comprehensive cross-sector cost benefit analysis to build the case for legislation.
- Members recognised that a complete overhaul of legislation may not be realistic at this point in time, although it will be necessary in time if disabled people want a minimum guarantee of protected independent living rights.
- The Expert Panel's position – which is that members are sceptical that this approach will work without legislative backing – needs to be reflected to Ministers at the ODI's Ministerial Group meeting on 8 November.
- Members were of the firm view that the report should show that Government has heard and acknowledged the Expert Panel's views on legislation.
- The report should be clear about the Panel's support for legislation and, in contrast, the Government's decision to reject legislative reform at this stage. Members felt that the report should set out the Government's reasons for rejecting legislative reform at this stage.
- Members were of the view that the report should state that new legislation would be considered as a medium to longer-term objective if sufficient progress is not made using the performance framework.

- Members welcomed the proposal that annual reports on progress would be considered by Government but felt there should be a trigger point at which overall progress on delivering the outcomes of the strategy will be reviewed. Members felt that this should be in three years time to coincide with the next Comprehensive Spending Review. At this point – i.e. in the lead in to the next CSR period - members felt the Government should review whether further action to deliver the outcomes is likely to be required, and that an explicit commitment should be made to review the need for legislation at the end of the five year strategy.

5 Any other business

- 5.1 Jane Campbell and Bruce Calderwood agreed to discuss the possibility of setting up an independent living scrutiny group, the role and membership of such a group, and how the Expert Panel can help to inform this and link to Equality 2025.
- 5.2 Jane thanked members of the Expert Panel and the review team for their commitment and hard work, and said that she was looking forward to seeing the final independent living strategy.

Action points

Project team:

- To include a case study in the strategy about someone with a visual impairment.
- To ensure that the vision captures the idea of a “social sea change” in attitude amongst both service providers and the general public.
- To reflect the Expert Panel’s position on legislation to Ministers at the ODI’s Ministerial Group meeting on 8 November.
- To propose to Ministers that the strategy include:
 - Annual progress reports;
 - A commitment to review in three years, in time for the next CSR and performance framework, whether further action to deliver outcomes is needed; and
 - A commitment to review the need for legislation if sufficient change has not been achieved at the end of five years.
- To consider how best to ensure that disabled people are able to scrutinise and challenge the delivery and implementation of the strategy, possibly through an independent living scrutiny group. Jane Campbell to discuss with Bruce Calderwood.

Expert Panel:

- To let the review team have any further comments on the draft independent living strategy.