

Independent Living in Scotland project

Equality and Human Rights Commission

30th September 2009

The Right to Control

Dear Sir/Madam

The Independent Living in Scotland project

The Independent Living in Scotland (ILiS) project is steered by a group of disabled people. It is grant funded by the Scottish Government and hosted by the Equality and Human Rights Commission in Scotland.

Our aims are to support disabled people to have their voices heard. We will do this by representing those voices to policy makers when decisions affecting the choice, control, dignity and freedom of disabled people are being considered; and by working with disabled people to build the Independent Living Movement in Scotland.

This letter does not respond to the entirety of the consultation document and we have therefore opted not to use the template provided. In addition, as well as focussing on Scottish issues and having a trailblazer in Scotland, a fuller response from ILiS would only be replicating what other stakeholders are likely to be saying, for example, around issues of support needed to exercise the right to control. In this regard, we are happy to support the responses of the Equality and Human Rights Commission and Inclusion Scotland.

The Right to Control in Scotland

Decisions on independent living are taken at many levels within and across local and national Governments. It is often in the gaps between organisations, chains of command and policy silos that independent living fails to be protected.

The ILiS Steering Group is concerned that there has not been full consideration as to the impact of this particular Westminster consultation, or that of others, including the Government's Green Paper on Social Care Reform, on disabled people in Scotland. We fully understand that Scottish Government remit does not cover reserved issues, but disabled people in Scotland are in danger of falling down the cracks if consultations such as this do not consider those aspects of the wider Scottish context associated with the Right to Control.

Some aspects of funding considered in the Right to Control consultation are delivered for disabled people across the UK by the Westminster Government, e.g. the Independent Living Fund and state benefits. As such, many disabled people in Scotland may be affected by the outcomes of any changes made.

The consultation also looks specifically at what aspects of support disabled people could and would want to have control over and how this can be tested by 'trailblazers' sites. These 'trailblazers' will only take place in England and therefore only within the context of other services and funds in England. There are no plans built into this consultation to run a similar trailblazer, focussing specifically on the devolved aspects of funding, or to take account of the Scottish dimension, in the DWP's Right to Control consultation. In fact, the only intention the consultation document mentions around this is that the Scottish Government will be invited to take the learning from the trailblazers and decide whether or not to roll out the Right to Control in Scotland.

The problem with this is that the learning in England may be different from that which could be learned in a trailblazer in Scotland, given the

devolved policies and service design closely associated with those issues being piloted. There are a number of funding streams in Scotland that are offered only to disabled people in Scotland. Without full and proper testing of the Right to Control in Scotland, the true implications and learning in relation to these, both positive or negative, will not be known and therefore be of little value in any future decision to roll out the Right to Control to disabled people in Scotland.

The way forward

It is essential that disabled people in Scotland are not disadvantaged as a result of a lack of joined up thinking and policy making. It is important that any proposals from Westminster, that consider primarily reserved matters, but also include devolved matters, are cross referenced with Scottish Government policy. It is also important that they are consulted with disabled people in Scotland, in terms of any impact a proposed change could have on policy, or indeed, on disabled people in Scotland.

Yours faithfully

[personal details removed]