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ORAL Evidence

Taken Before

the Joint Committee on Human Rights

**The implementation of the right of disabled people to Independent Living**

Tuesday 24 May 2011

Sue Bott, Neil Coyle, Marije Davidson, Jaspal Dhani and Julie Newman

Jim Elder-Woodward, Pam Duncan, Rhian Davies and Paul Swann

Evidence heard in Public Questions 1 - 37

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**Members Present**

Dr Hywel Francis (Chairman)

Lord Bowness

Baroness Campbell of Surbiton

Mike Crockart

Rehman Chishti

Lord Dubs

Lord Lester of Herne Hill

Lord Morris of Handsworth

Virendra Sharma

Baroness Stowell of Beeston

### **Examination of Witnesses *[Panel 2]***

**Jim Elder-Woodward**, [Independent Living in Scotland] **Pam Duncan**, [Independent Living in Scotland] **Rhian Davies**, [Disability Wales] and **Paul Swann** [Disability Wales].

Q21 The Chairman: Good afternoon. For the record, could you please introduce yourselves?

Paul Swann: My name is Paul Swann. I am the independent living policy officer with Disability Wales.

Rhian Davies: I am Rhian Davies. I am the chief executive of Disability Wales.

Pam Duncan: My name is Pam Duncan. I am policy officer for the Independent Living in Scotland project.

Jim Elder Woodward: My name is Jim Elder Woodward. I am the convenor of the steering group responsible for the Independent Living in Scotland project. May I ask the Committee, if they do not understand what I am saying, please indicate and my colleague will interpret.

Q22 The Chairman: For the record, we were due to have witnesses from Northern Ireland. As most of you know, they were unable to travel because of the volcano in Iceland. As with the previous witnesses, we assume that you all support independent living as a basis of government policy, but are you all happy that the UK Government and each of your devolved Administrations or Governments share your understanding of what independent living means for disabled people?

Rhian Davies: Disability Wales fully supports independent living. We have been campaigning for some time for a national strategy on independent living in Wales. An issue for us is that Wales appears to be the only country in the UK that does not have a specific overarching strategy on independent living. We feel that that is a huge loss for disabled people in Wales. We have been working away, lobbying, campaigning with the Welsh Government and other bodies to secure the introduction of an independent living strategy.

Pam Duncan: In Scotland we have a very specific approach to independent living. The independent living movement's definition of independent living is that disabled people of all ages have the same freedom, choice, dignity and control as other citizens at home, at work

and in the community. We then go on to say that 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. We already have that in our submission so I did not just read it out for no reason. The issue of practical support to live your life with freedom, choice, dignity and control is central to the way that we view independent living. In Scotland we have a shared approach to that vision. If you wanted to download the whole vision on independent living in Scotland, you could see it on our website. We share that vision with the Convention of Scottish Local Authorities, the Scottish Government and the disabled people's movement in Scotland.

However, we have some concerns about the shared understanding. We believe that there is considerable patchy provision, not just across government directorates, but between central government and local government. We also feel that the buy-in towards independent living relies heavily on strong leadership. So we are not sure about the buy-in below strategic level.

I am sure you will be aware of the concordat in Scotland, which presents some issues and challenges for independent living in Scotland, because very often there is a difference between what central government think and suggest and what local government then consequently do. The concordat is there in the middle.

In the UK as a whole, we are concerned that, although the Government recognise in rhetoric that they share the definition, some of the approaches to independent living and to disabled people that we have seen recently—for example, within welfare reform there are cuts to DLA and the closure of the independent living fund—represent a strong focus on retrenchment. We do not feel that that supports independent living. We also feel that for independent living to be a reality, collective co-production is essential, and strengthening the voice of disabled people and their organisations to challenge decisions and oppression, which you have already heard about earlier this afternoon, is crucial. We are not sure that that has translated into what we have seen in recent months.

Q23 The Chairman: I take it that there is a dialogue between Wales and Scotland and that you would wish to encourage that dialogue, given the differences between Wales and Scotland.

Rhian Davies: Yes. I know that there have been joint meetings between Wales and Scotland. In our discussions with the Welsh Government we have promoted particularly what has been going on in Scotland, because there is perhaps a greater feeling of affinity with the Scottish approach to independent living, compared to Wales. The stumbling block for Ministers in Wales is that the model adopted around independent living in England focuses on personalisation, which politicians in Wales see as privatisation by the back door. In Wales we are particularly committed to the ethos of public services and there is huge concern about dismantling of the welfare state, social services and the NHS and so on. That has been a particular challenge for us.

We presented a manifesto calling for a national strategy for independent living ahead of the recent Assembly elections. We have adopted our own definition of independent living, which is that it "enables us as disabled people to achieve our own goals and live our own lives in the way that we choose for ourselves". We have been promoting that with the Assembly in the absence of its having its own understanding of independent living, I would contend. Recently the Assembly introduced the social care charging measure, which addressed the postcode lottery of charging in Wales. In the guidance produced for local authorities, we put forward

our definition of independent living. That was picked up by the Assembly, so I guess that we are inching towards the door, but we recognise that we still have a long way to go on encouraging the Assembly to be proactive on this issue.

Q24 Mike Crockart: To a certain extent, the question that I was going to ask has been answered by what you have said already. I address this first to Independent Living Scotland: you have suggested that although the policies in Scotland are good on paper-you have certainly given a clear statement of what that vision is-there is a gap between policy and the experiences of disabled people. You have talked about one thing that points towards how that gap could potentially be closed in strengthening the voice of disabled people. Are there other concrete things that you think could be done to try to close that gap?

Pam Duncan: I think that there are several things that could be done. First, there should be a real focus on rights and on human rights in the United Nations Convention. We also believe that the issue of localism has presented some huge challenges to independent living. Often, localism is seen as debate between central government and local government, but in fact we see the difficulty as being the difference between localism and human rights. Recently we had a discussion on the issue of portability, which the Committee will be fairly well attuned to, and the issue of localism is particularly pertinent there. When one local authority can make very specific decisions on care and support in that area, it can then become a barrier when trying to move either to or from it as a result of that. It was defined by our colleagues in COSLA as the difference between legitimate localism, which looks at developing local people's ability to coproduce local community decisions that are suitable for that community, and illegitimate localism, which goes head to head with the human rights of disabled people. We suggest that addressing some of those intricate issues of localism is crucial.

We also believe that a lot of policy translating on the ground, and from the UK Government, focuses very much on raising thresholds in the economic situation that we find ourselves in. We believe that we need to have a stronger focus on prevention so that we recognise that empowering disabled people is the way, in order that they can contribute as equal citizens in society, rather than raising thresholds. For example, across the board we are seeing eligibility criteria rising to the point where you get life and limb support. In fact, that, coupled with the cuts to the independent living fund, means that people are essentially imprisoned in their own homes. We do not believe that that approach is necessary; in fact we consider it to be economic suicide if we do not take a preventative approach and consider that disabled people should be able to live in society with freedom, choice, dignity and control as others do.

Q25 Mike Crockart: I turn to Disability Wales. You have already said that the problem there is not so much the gap between policy and implementation but the lack of policy. Privatisation by the back door is something that I understand from the Scottish perspective; it is certainly a major barrier to overcome. How do you see movement towards overcoming that barrier so that people understand that it is more about personalising rather than privatising?

Rhian Davies: To be honest, the very fact of being here today is a huge opportunity for us to present our case on the need for an independent living strategy in Wales. It is extremely embarrassing to us that in the draft report on the progress of the UN Convention on the Rights of People with Disabilities, in the Article 19 part, Wales has no section on what it is doing around independent living. I hope at least that the message is going back down the M4 that we urgently need to address this issue.

The issue in Wales is that the approach has tended to be focused on particular impairment groups—we have an older people strategy and we have had strategies around people’s learning difficulties and mental health—so the view is very focused on people’s specific impairments. There is no overarching sense of a right to be able to live independently in the community, whatever your impairment and whatever characteristic you might have. Other issues that Wales has taken forward have tended to be fragmented.

One of the challenges that we face is that the whole debate on independent living is seen to be one of social care, not of rights. An example of that is that when we put forward our petition to the Assembly last year calling for a national strategy, the petitions committee referred it to the Minister for Social Services in the Welsh Assembly Government, not the Minister for Social Justice and Equality. We are really at the starting blocks.

The Assembly would say that it has a commitment to direct payments, but it is very patchy in Wales. Take-up is very low and depends on individuals championing it at the local authority level. Disability Wales did some research on accessible housing registers in Wales, which we know make a huge impact on looking what accessible housing stock exists in an area. We discovered that just 10 of 22 local authorities have an accessible housing register. On transport, there is a strong commitment to access to rail, but there has not been the same commitment to bus travel. The challenge that we have is there are pockets of good practice, but they are not joined up. The resources are not being pooled; there is no overarching vision; and there is no sense that disabled people have a right to live in and have access to their own homes, to have the personal support they need to be able live there, to use mainstream transport and to use facilities in the community. I am here today to make that case.

Q26 The Chairman: I note that the written evidence from the Welsh Assembly Government, now called the Welsh Government, was from Carl Sargeant, the Minister for Local Government. On the basis of what we have been hearing, I assume that when we invite Ministers to appear before us they will include a Welsh Minister. But I am not at all certain that it would be Mr Carl Sargeant; it may well be Jane Hutt, who has as part of her portfolio equalities issues.

Paul Swann: Jane Hutt is the Minister for Finance. I doubt that she would come herself.

Q27 The Chairman: But someone has a particular brief on equalities. She has in the past held that brief.

Rhian Davies: Before the election, Carl Sargeant had the equalities brief.

Q28 The Chairman: We will write to the Welsh Government immediately following these questions.

Pam Duncan: On that point, one of the things that I missed was also a joined-up approach. It is absolutely essential and Rhian picked up on that. One example that we have is of a woman who had approached her social worker for a wheelchair and a ramp so that she could get out of her house. That social worker was unable to access the budget that would have paid for a wheelchair or the housing budget that would have paid for a ramp. Instead, the woman received 35 hours of community care a week. To some people, that would be essential, but, for that woman, it was neither what she needed nor what she wanted. The result was a longer-standing commitment to 35 hours of community care every week, but still no ramp or

wheelchair. So she could not get out of the house. That shows that a joined-up approach is essential not just for independent living – what use is an accessible bus if you cannot get out of your house to get to it? – but also at corporate level in terms of decision-making, access to budgets and sharing resources. Leadership is crucial there. We have seen in Scotland that where you get leadership at corporate level, you really can effect change further down the line which people can feel.

Q29 The Chairman: On general issues, could I ask both Wales and Scotland – if I can describe you in that way – about the impact of the Government’s proposals for reform of the benefits system together with cuts to local authority funding. Is it your view that this could lead to a breach of the Article 19 of the UN convention?

Pam Duncan: Absolutely.

Q30 The Chairman: In which way?

Pam Duncan: In several ways. As was alluded to earlier on, our view is that disabled people are the hardest hit as a result of a lot of the changes that have taken place. Disabled people face a double whammy from those cuts. For example, we are facing it in our pockets, but we are also facing it in our services. With only 49 per cent of disabled people in work, and almost 90 per cent of them in the public sector, we do not need to be geniuses to work out that their jobs are under threat. People on benefits are no better off because they will be disproportionately affected by the £18 billion of cuts. At the same time, charges for services are increasing. For example, in some local authorities in Scotland, the charge for community care has gone from 25 per cent of your disposable income to 50 per cent of your disposable income. In others, it is as high as 100 per cent of your disposable income. It is leaving disabled people very cash-strapped. The answer is not in them. Local authorities are strapped for cash, and disabled people are too as a result of some of these changes.

On services, we are already hearing of disabled people being told by local authorities that they do not have enough money to support them to live in their own home so, as a result, they will provide them with an incontinence pad that will last for 12 hours so they will only need to see them twice in 24 hours. Where are the human rights and dignity in that? With cuts to DLA, services and disabled people’s organisations-and we have a plethora of evidence of this that we can share with the Committee later in the interests of time-the cumulative impact will be that disabled people will not enjoy their right to family life and community living, as Article 19 states. The Independent Living Fund has a crucial effect on those people who draw down from it, specifically when local authorities are cutting back to such low levels.

Rhian Davies: I support everything that has been said. We have a particular concern in Wales because we have one of the highest proportions of disabled people in the population in the UK. We also have one of the highest numbers of people on incapacity benefit or employment and support allowance, as well as a very high number of people on disability living allowance, so the cuts will have a devastating effect, not only on individuals but also on communities because, rightly or wrongly, within Wales there are communities in which the benefit economy supports the whole community. We are not only seeing services being stripped away but access to things such as shops and amenities because there will not be the wherewithal for people to use those facilities. I particularly want to mention a case well known to us about the Independent Living Fund.

Paul Swann: A young man in North Wales, who is now in his late 20s, went to university and completed his degree. He is a wheelchair user. The local social services department knew that when his time at university came to an end there would be a range of issues, particularly around housing. While at university, this young man experienced independent living. He describes himself as fiercely independent. The situation that he was forced into arose particularly because of the closing of the ILF to new applications. He was one of the first to be affected by this. The consequence is that that young man is still living at home with his mother and father at the age of 27 or 28. He lacks independence. He is fighting for his independence. The financial aspect is critical to him. He does not want to live in shared accommodation with other people whom he does not know. He wants to live independently in his own home and to have an independent life. At the moment, because of the way that things are going, that is little more than a dream.

Q31 Baroness Campbell of Surbiton: We have covered this quite a lot but I am really going to get to the bottom of it. I want to know why, from what you have said and from all the evidence we have received so far, there is complete opposition to the closure of the Independent Living Fund and why those who have previously received ILF grants cannot look to their local authority for that support. We have been told that local authorities will do exactly what the Independent Living Fund did. It does not make sense to have a separate Independent Living Fund when disabled people can get direct payments from their local authority in exactly the same way. So where is this opposition coming from? Do you not trust your local authority to do this? I want to get to the bottom of why that is.

Rhian Davies: In Wales, we have over 3,000 people on the Independent Living Fund. I know that local authorities in Wales have taken full opportunity of the availability of the Independent Living Fund to apply for top-up funding for people, particularly those with high support needs, so we have accessed that fund. I think that £9 million comes to Wales through the ILF. Because that fund existed, that was the route that you took. Now that it has been taken away and the money is not being distributed, so far as I know it is not coming back to us. We have floated the suggestion that the £9 million for people in Wales could come to Wales as a pot of funding, but we have not really progressed that. I know that it was controversial setting up the ILF. People could access it-

Q32 The Chairman: I do apologise. There is a Division in the Commons and we have to follow procedure and leave. I shall certainly be coming back, as will Mr Crockart, although I am not at all certain about my colleagues here. Mr Crockart and I will run down and run back-with difficulty.

*The sitting was suspended for a Division in the Commons.*

Q33 The Chairman: I apologise for that interruption. You were saying?

Pam Duncan: We were talking about the impact of the independent living fund. Baroness Campbell asked why we opposed its closure. We highlight several implications of it. We believe there are human rights implications of closing the fund. 17% of the independent living fund's budget was drawn down in Scotland which, as I am sure you are aware, is more than the Barnett formula that you might expect, so there will be a disproportionate impact in Scotland from closing the independent living fund, because our local authorities and disabled people were quite strong at drawing down on that. We are committed, through various international human rights instruments, to promote independent living for disabled people. I

am sure that the Committee is acutely aware of those. We believe that with rising eligibility criteria, diminishing budgets at local authority level, taking this crucial millions of pounds out of the system for disabled people and their care and support will have serious implications for the realisation of these rights.

We also believe that those international obligations do not diminish in times of financial difficulty. In fact, they are even more important in order to protect disabled people who, it is widely documented, will take longer to come out of recession than anyone else. We think there are independent living implications, specifically. The independent living fund offered a flexible, portable alternative to traditional services and, of course, to the life and limb support that we have heard about that local authorities are offering at the minute. It was a crucial top-up to that.

Politically we think there are implications across local and national government, including devolved Governments. There are specific agendas to which the independent living fund was crucial, not least the self-directed support and personalisation agenda, but also the whole-place approach. Sue indicated earlier that removing one card means that the whole house of cards falls. We all know that getting people back into work is very prominent in the political agenda. Without the independent living fund and that crucial top-up, for many disabled people work will be a distant reality. Further, there is the impact that removing that money will have on charging policies, but also for disabled people, some of whom are charged by ILF for their care and some are charged by local authorities. That has not been thought through and has some very significant impacts in Scotland.

Economically there will be less money to fund the care and support that is essential to meet the human rights of disabled people and to meet the aspirations of the independent living strategy and the vision for independent living in Scotland. Without all this together, disabled people will be unable to contribute to society in a way that could mean that they lifted themselves out of the poverty that they currently experience and play their part in lifting our society out of poverty and to be seen as contributors instead of consistently being seen as benefactors. That is why we are opposed to it.

On the question about local authorities, the bottom line is, trust them or not, they do not have the money. Whether or not they would use it in that specific way again comes down to decision. We would argue that, unless we have a strong commitment to collective co-production and a strong commitment to disabled people's organisations and the right of disabled people to self-express, collective co-production is very difficult. We will be faced with questions in Scotland such as, "Are you happy with the freeze on council tax?". Most people will say yes, but if disabled people are not engaged in that debate, we get other things being squeezed. For example, in Scotland now we have a freeze on council tax costing the country £310 million, but at the same time they collected £350 million in community care charges in the same year. Collective co-production is essential for that, whether local authorities were to be trusted or not. The bottom line is that they do not have the money to fit the bill. It is essentially moving one cost on to another department, or in this case another devolved authority.

Q34 Baroness Campbell of Surbiton: Thank you, I think you have answered that question now. Moving on to the Equality Act, neither Wales nor Scotland placed much emphasis in your written submissions on the role of the Equality Act 2010. What role does the Act play in the protection of the right to independent living? Maybe you can tell me why you did not



place much emphasis on the Equality Act. You have both been big players in the Disability Discrimination Act.

Rhian Davies: First, I have to declare an interest. I am a member of the Wales Committee of the Equality and Human Rights Commission, and ex officio on its Disability Committee. We have an interesting situation in Wales. As I have gone on at length about, we have been trying to lobby the Welsh Assembly Government to introduce a national strategy on independent living. So far they have been resistant to that, but they have proposed that the Wales-specific duties in the Equality Act could be used as a lever to achieve our goals of independent living. We thought was an interesting approach. It is worth mentioning that the Wales-specific duties are very comprehensive and go significantly further compared to the public sector duties in England. We are looking at strategic equality schemes and strategic objectives, for example.

Having consulted with the Equality and Human Rights Commission in Wales, we agree that the Equality Act has an important role, particularly around the involvement of disabled people in terms of the planning and design of services, but on its own it probably would not be able to deliver the kind of overarching strategy on independent living that we are seeking. It will be an important tool, but in terms of an overarching strategy it is probably not the sole answer that we are looking for.

Pam Duncan: We take a similar view. It is very much a tool in the box for disabled people to use. You will be aware that the specific duties on the Equality Act are still under consultation in Scotland, so technically we do not have any specific duties yet in Scotland. We expect that that situation will change very quickly and we will have them. We welcome them as a tool to our box or a string to our bow. We fundamentally believe that things like assessing the equality impact of a decision are essential to mitigate against budgetary decisions that might have a negative impact on disabled people, but for that to be truly effective, we think that disabled people have to be at the heart of decision-making. In Scotland, we also have the general duty to pay due regard, which we welcome, but we absolutely believe that we have to involve disabled people at the heart of decisions like this so that the impact can be fully understood. As our colleagues in Wales have said, it is very much a tool in the box. We see independent living as a human rights agenda. Underpinning that are various pieces of legislation that support disabled people.

Jim Elder Woodward: Overall, there has been a diminishing power to meet the needs of individuals. Taking away the resources of people to be represented undermines the impact of the equality agenda. Disabled people have no real recourse or legal support to take a case to court. That is a real infringement underpinning individual human rights.

Paul Swann: As we know, the Equality Act 2010 is essentially about reducing, or ideally eliminating, discrimination against people with so-called protected characteristics. We are seeking something much stronger in terms of the need to dismantle the barriers to independent living for disabled people. That brings in the social model of disability, which in our case the Welsh Government signed up to in 2002. We are still a long way from having the social model of disability implemented in practice. The social model provides the foundation for independent living. As my colleagues have said, we will actively engage in developing the special duties in the Equality Act 2010, but we need much more than that; we need a national delivery strategy on independent living.

Q35 Mike Crockart: Turning to the broad topic of whether it is all about money, I am trying to look at other ways of doing things rather than just asking if there is enough money in the system. The evidence from Independent Living in Scotland to the Scottish inquiry on preventative spending said that independent living should be recognised as a preventative agenda. Could you spend a little time explaining what you mean by this and tell us of any policies that you think would promote prevention?

Jim Elder Woodward: We believe that every individual should be empowered to be active within the community, to be involved not only in employment, but in other areas. That person will be much more active and healthy than if they are sitting and waiting for someone to come in twice a day to help them cook and go to the toilet. The big debate is between demand and supply of services. If you only cater for the acute and substantial, that debate is going to get wider and wider. The two will never meet. But if you could spend a little more on preventive measures to help people in later life, their health will be maintained, their psychological health will be maintained and they will not be left around at the end of their life, as they will be if you ignore them completely.

The concentration on critical and substantial need is very short-sighted economics, because you are just getting a bigger and bigger backlog, going down the line. The other thing is that you are going to increase the amount of gaps in people participating in the labour market and you are going to get more money into the system than you would if you spend only on those who are in critical need and cannot contribute to society and their community. I hope that you could understand what I was saying.

Q36 Mike Crockart: Absolutely. Thank you. Turning to Disability Wales, you had a slightly different tack in your submission on this topic. In supporting the Welsh Government's sustainable social services commitments, you referred to the way that the Welsh tradition of mutuality will be called on to inspire new co-operative models of care and support. Perhaps I could ask you to say a bit more about this and say what role mutuality could play in delivering independent living.

Paul Swann: In Wales we set off down the personalisation track in a similar way to In Control in England. But we have a very different situation in Wales, socially and economically. It became clear quite early on that we needed to develop a Welsh model of personalisation. An alliance of local authorities, providers, citizens and representative organisations have come together under the umbrella of the Wales Alliance for Citizen Directed Support. We are looking at how we can develop that Welsh model. As you say, we believe that the Welsh tradition of mutuality is a key factor in that. There are three core principles on which we believe that a Welsh model of personalisation should be based: choice and control; change and transformation; and, critically, community. We are very interested in developing that emphasis on community in Wales.

You mentioned doing things differently. Instead of the top-down approach that has been adopted in England, we are looking at how we can nurture local innovation so that different local authorities pick up and run with pilot projects that are appropriate to their circumstances. Critically, it is about citizen involvement. Disabled people know what we need to be put in place but very often decisions are made about us without us. That is not acceptable.

You mentioned the sustainable social services paper. It is very strong about getting things right from the start. If we can do that, we prevent problems and costs occurring further downstream. As colleagues mentioned earlier, there is evidence to show that independent living is cost-effective. We are quietly confident. We were quite pleased with the way that the sustainable social services paper took on board many of the recommendations of the independent commission on social services, which sat last year and took a lot of evidence. A lot depends on the National Social Services Partnership Forum, which will be Minister-led and set up shortly. If the mix of that is right, and if there are enough conversations and enough careful listening takes place, we hope we will be able to develop a community-based approach to personalisation, which will allay many of the genuine concerns that have been expressed in Wales.

Q37 Mike Crockart: I should like to come back with one very quick question. There seems to be a jarring happening there. You are talking about localism local authorities and community-based activity. Earlier we were talking about the difficulties of localism versus the general rights of disabled people. How do we marry the two up? If we want to promote mutuality and see whether that can work across a wider area of the UK and in Scotland, which I think it possibly would, there is a difficulty in that it will necessarily mean different care in different areas.

Rhian Davies: That is the dilemma. We would like to achieve a very strong commitment and direction from the Welsh Government that a right to independent living is essential and for them to lay out to local authorities and other public bodies what should be expected in terms of the kind of services that they deliver, but also what disabled people can expect in terms of rights and entitlements. Like Scotland, Wales has urban areas, post-industrial areas and rural communities. We also have Welsh-language communities. There is a natural diversity that we would want to celebrate and support, and not in any way do away with that. There is a sense in which, at local level, there will be initiatives that reflect that, but it has to be captured in an overall framework or in an overarching strategy that says, "This is our direction of travel; this is what we stake our place as a society on". It is about the rights of individual people, who in this case are disabled people.

Pam Duncan: I relate back to what I said earlier about where localism supports the co-production of local communities and where it supports the right answer for the community. Like Wales, Scotland has very specific geographical or local issues that need to be considered. When that comes up against the human rights and independent living of disabled people, that is when it needs to be challenged. We would like a commitment to the universality of independent living and to see it as a universal right, regardless of where you stay. I live in Stirling just now. I would love to live in Glasgow. I work there and I travel every day, but I cannot move because the local authority's eligibility criteria are such that I may not secure the funding package of support that I already have. Their charging policy is so different that it might be unaffordable for me to move there. As a result, my carbon footprint is much bigger, because I am using the car every day to get to and from Glasgow and I am restricted in the number of hours and the way that I can do my work, all because I cannot get a care package in the local authority where I would like to be.

That sort of thing is an example of how those tensions across local areas come head to head with the human rights of disabled people. There needs to be a national framework of entitlements and rights that sees independent living as a universal right and sees human rights as the universal right that they are.

Jim Elder Woodward: There is a dilemma between localism and individual human rights. I cannot remember who said this, but somebody said that democracy is the best of the worst form of Government, because it is always for the utility of the majority. If you are a minority, democracy does not always help. The way out of this, I believe, is for the minority of disabled people to be encouraged through independent living to become part of the democratic process, so that their voice is heard among the other more major voices within democracy. Unless you can facilitate the social and civil as well as the economic involvement of disabled people, the voice of the disabled minority will not be heard. This is where localism needs to get involved with the needs of disabled people in the local decision-making process. I hope you can understand what I am saying. The present input of social care, will not allow you to participate economically and socially in the community. Until we have a voice in local democracy, localism will not represent our human rights.

The Chairman: Thank you very much for that. I think that you have summed up the essence of this very important evidence session. You have had a receptive audience here. Much of the evidence seems to run counter to the prevailing view of endorsing localism and devolution. As somebody who has supported devolution since the 1970s and continues to do so, I do not support it on the basis of devolving to be different, and certainly we do not support devolving to result in something worse.

When we come to have the Ministers before us, we will be asking questions about why devolution is resulting in something that is not necessarily better. I look forward to hearing their answers. No doubt they may be scribbling away already.

We will be writing to thank you and to pose other questions that we have been unable to ask today. Please feel free to add in the memorandum that you will be providing to us anything that you feel we have not covered today. It has been a very comprehensive session, but I am sure that there are other matters that you would wish to address. Thank you very much.

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