

Health and Social Care Independent Living Bill

This bill is intended to :

- to impose duties upon certain officers and public bodies in respect of the disabled persons;
- regulate the rights of the disabled persons to an independent living;
- amends the Mental Health Act 1983; and
- amends the Health & Social Care Act 2008.

The purpose of the Bill is to create the conditions in which disabled people can live independent lives, and enjoy the same choice, freedom, dignity, control and substantive opportunities as persons who are not disabled, at home, work and as members of the community.

In particular, the Bill seeks to enable people with disabilities to make decisions about what care and assistance they receive, and about their living arrangements, by providing rights and entitlements to independent living.

Key areas of changes and developments through the Bill:

- A duty would be placed on local authorities to ensure the appropriate levels of support, advocacy, accommodation and employment opportunities are available to disabled people in their area.
- NHS services would have to ensure the appropriate levels of support, rehabilitation and palliative care services are available to disabled people.
- Local authorities and NHS bodies would have to co-operate to provide integrated services.
- A national independent living implementation plan and local independent living strategies would have to be established.
- Local authorities and NHS bodies would have to maintain registers of disabled people in their areas.
- The right for all disabled people to self-directed assessments of their requirements concerning any assistance, support, associated treatment, therapy, health or personal care, or skills training that they might need to live independent lives would be established.

- A duty would be placed on responsible authorities to allocate individual budgets to disabled people, to be allocated, used and controlled in a manner of that person's choosing.
- No disabled person should be placed in a care establishment against their wishes, and should they wish to live in such an establishment it will be one of their choosing.
- The Mental Health Act 1983 would be amended to ensure independent living options are investigated before authorities decide to section or provide compulsory treatment.
- Local housing authorities would have to provide disabled people with accessible and affordable homes.

Although this bill is at a very early stage, it was read on the House of Lords on 23rd November 2009 and it is likely that it will receive the royal assent within the next few months. It is important that the necessary training is provided for all staff in order to be fully up to date with the legal implications and the rights of the disabled persons to the choice to independent living.

If you require any further information regarding this bill please contact Peter Thornley on 0115 9888 763 or email pthornley@fraserbrown.com.

