

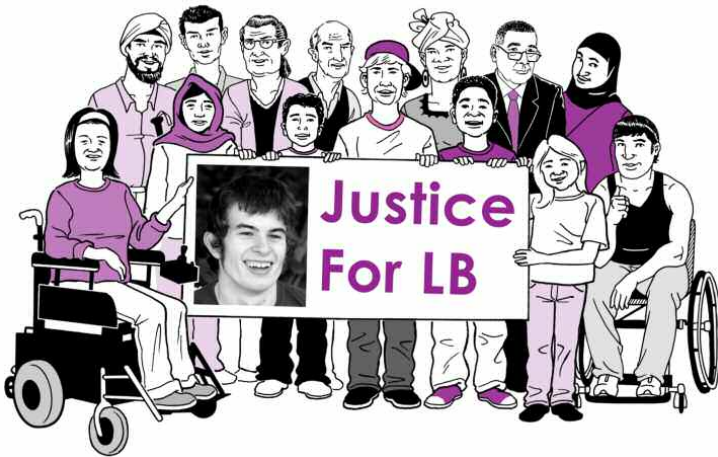


#LBBILL

Book Two

Easy
Read

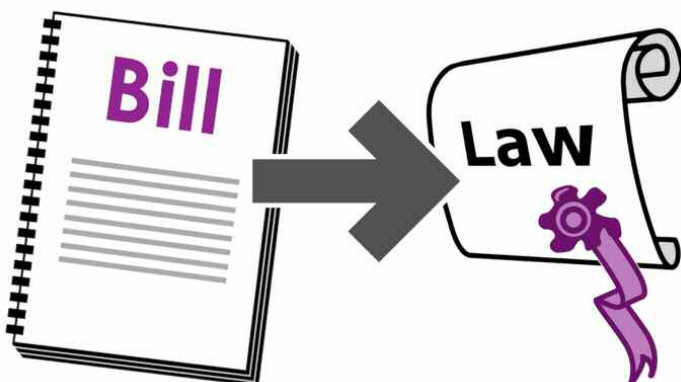
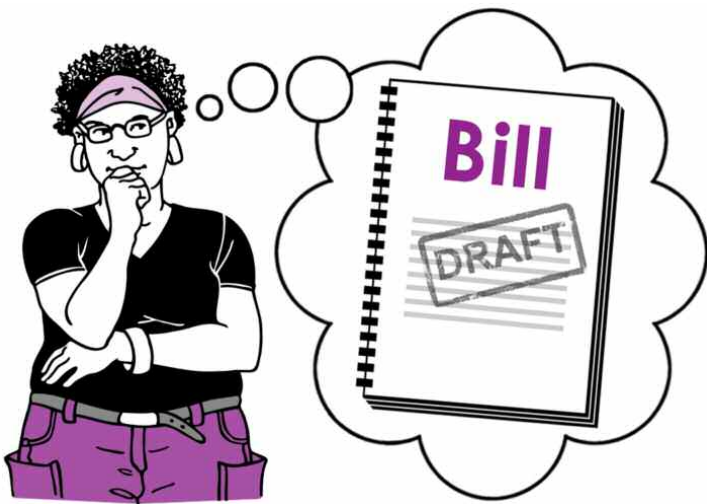
*What we want the
LB Bill to say*



This document is about the Justice for LB campaign and what we want to do.

It tells you about an idea called the '**LB Bill**'.

The '**LB Bill**' is an idea for how the law can change.





We think the law needs to be changed to make things better for disabled people. The law is the rules which everyone has to live by.

The National Health Service (NHS) and your Council ([put in appropriate council name](#)) also have to do what the law says.

We have made **2 documents**.

Read the document “**Book 1: About the LB Bill**”. It tells you:

- Who Justice for LB are.
- Why we want to change the law
- What we need to do to change the law
- What we want the law to say

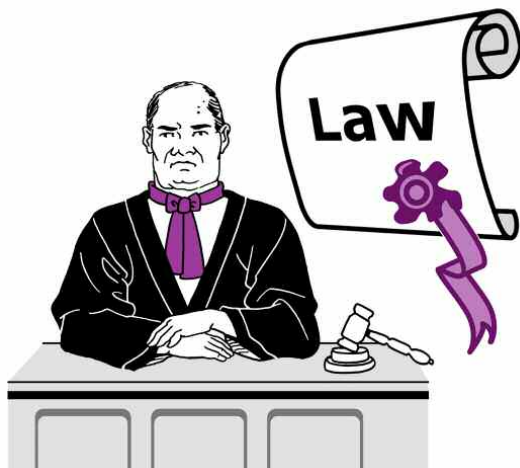


This document “**Book 2: What we want the LB Bill to say**”:

- Tells you more about what we want the law to say
- Asks you what you would like the law to say



The Justice for LB campaign wants to change the law to make the NHS and Councils listen to disabled people.



The law is the rules which everyone has to live by



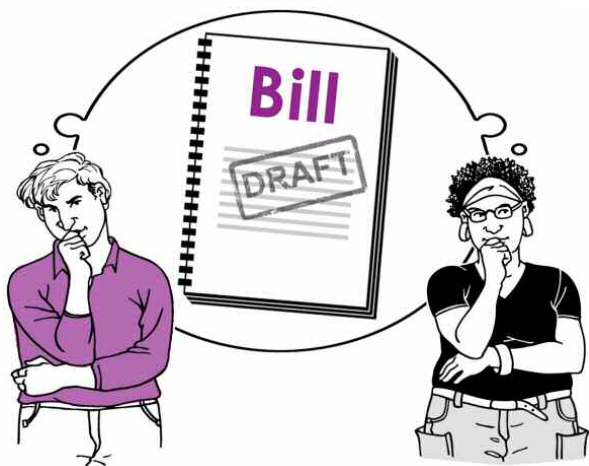
The Justice for LB campaign has to ask the Government and Members of Parliament’s (MP’s) to change the law.



MPs decide what the law should say.



The Justice for LB campaign has to write something called a '**Draft Bill**'. A Bill is a idea for a new law.



'**Draft Bill**' means it is just an idea and is not yet finished.



Justice for LB will have to give it to the MPs to look at.



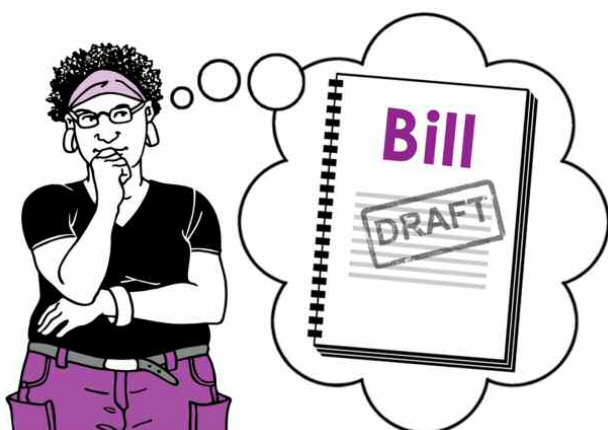
The campaign hopes that MPs will agree with our draft Bill.



If the MPs agree with our draft Bill, they can try to make it the law.



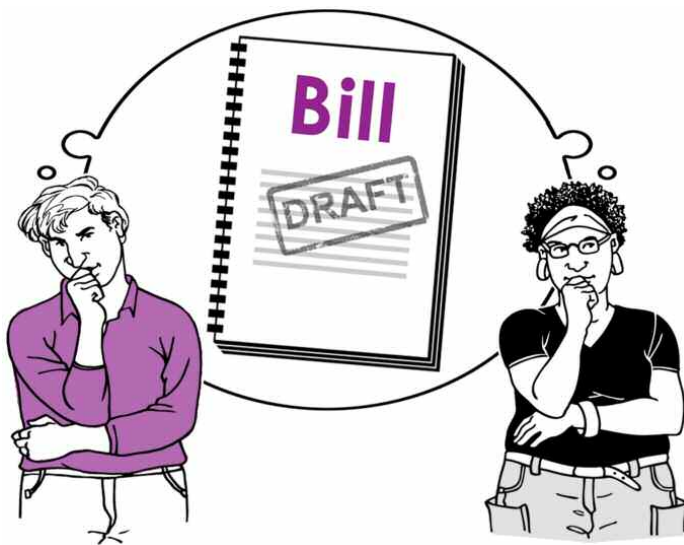
The campaign needs to hear from everyone about how the law should change.



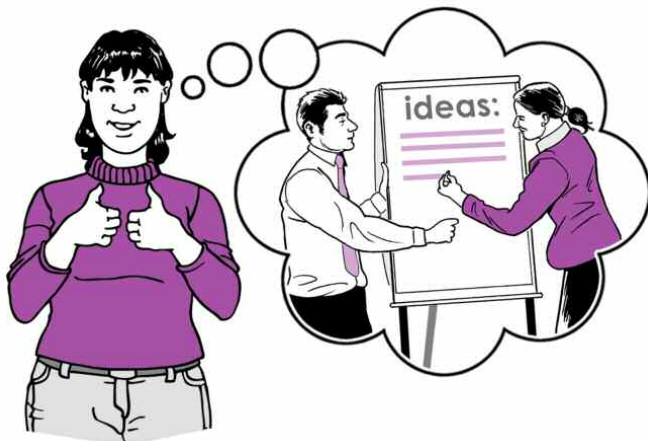
Draft Bills have '**clauses**'.
A clause is one of the ideas about how the law should change.



The next pages explain the ideas for the second draft of the Bill.



We want to know what you think.



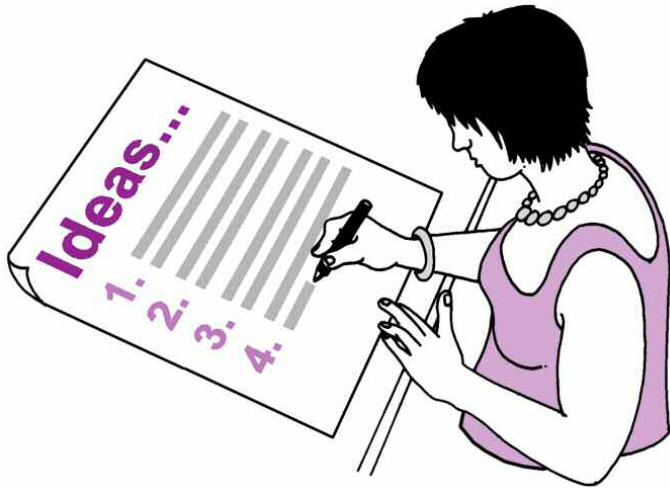
Do you agree with our ideas?

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Do you disagree with our ideas?

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Do you have your own ideas about how the law can make life better for disabled people?

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Clause 1



Councils and the NHS must do what it says in Article 19 of the Convention on the Rights of Persons with Disabilities (CRPD)



Article 19 of the Convention on the Rights of Persons with Disabilities is an agreement that governments make to say they will respect the rights of disabled people.



Our government has signed the agreement.



A council is the people who run most things locally.

Councils must help disabled people that need help.



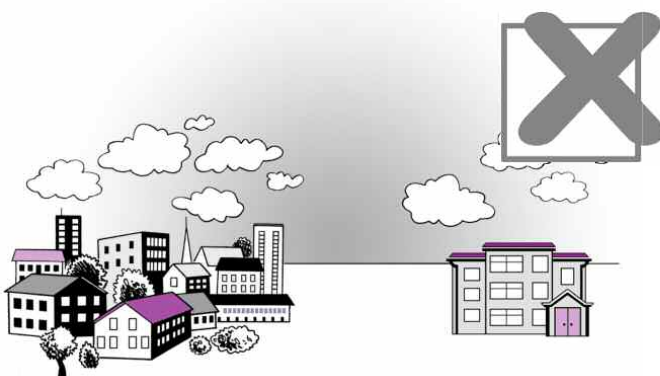
The NHS must meet people's health needs.



Councils and the NHS should make sure that these things happen:

Disabled people should choose where they live and who they live with in the same way everyone else does.





Disabled people are not forced to live in a way they don't want to unless the law says they should.

The only laws that can make people live where they don't want to live are the [Mental Capacity Act 2005](#) and the [Mental Health Act 1983](#).

Disabled People should get the support they need to:

- take part in their community
- to avoid being lonely or separate from their community



- be educated with everyone else

- get a job, training and other activities that they want

Is this a good idea?

.....



If yes, what exactly should Councils and the NHS have to think about so they can make Article 19 (CRPD) happen?

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What does it mean to you to be included in your community?

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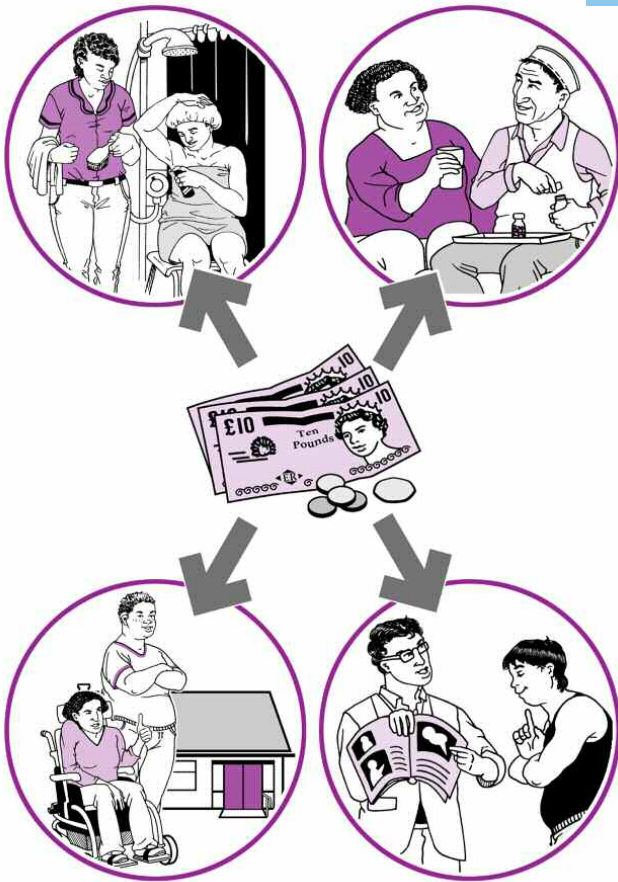
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Clause 2

When deciding about paying for care at home for disabled people, the care should be what people need at home.

At the moment, some councils cap the amount of money disabled people can have for their care at home.

A cap is a limit on how much money a council can spend.





Usually, the limit is what it would cost to put that person in a residential care home.



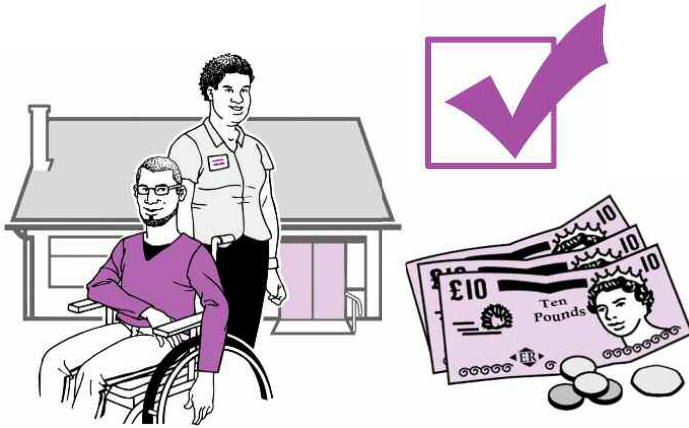
Sometimes councils also say they will put people in a residential college instead of giving them education and care at home.



This sometimes means that councils stop themselves spending enough money to help someone stay at home.



The Justice for LB campaign thinks this is wrong.



The campaign thinks decisions about paying for care at home should ignore any type of limit and focus on what the person needs at home.



Do you agree?

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Clause 3

Councils and the NHS must have enough support for disabled people in the community.

The campaign thinks that in every area there must be enough support to help disabled people stay in their community.

This would mean that disabled people would go into a care home or hospital only if they really needed it.





Every council and the NHS should do these things:

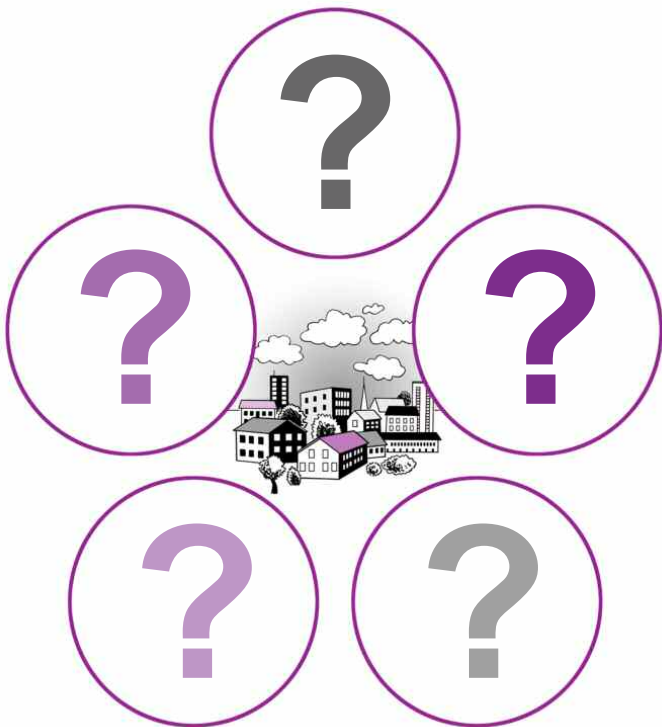
- make sure there are services for disabled people and families when a crisis happens
- employ disabled people with the right experience to plan the local services that are needed
- support disabled people in their areas to make a report every year that says what has been done to achieve what is needed in Clauses 1-3



Do you agree?

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What kind of support do you think would help keep disabled people in their community?



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Clause 4

Every disabled person should get support and live in the place that best suits them.

This clause is supposed to do 2 things.

It should help keep disabled people in their homes.



There are some disabled people who can't stay in their homes.

They should still have a right to live in the place that is best for them.





Councils and NHS bodies would decide where the best place to live would be for each disabled person.



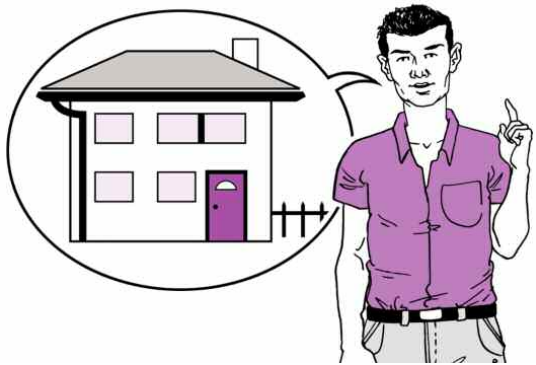
The Council or the NHS must do what it says in Article 19 (CRDP) as in Clause 1.



When deciding where the best place for a person to live is, the Council or NHS must do these things:



- Ask the disabled person if there is anyone whose views are important to the person and could help make a decision about where they live



- Make sure they help the disabled person and those important to them to say what they think about where they live
- Help the disabled person make a shared decision about what the disabled person wants
- Ask an Independent Mental Capacity Advocate or independent advocate chosen by the disabled person to advocate for them under the Care Act 2014

When deciding about where a disabled person lives, the Council and NHS must think about the money they spend.



When deciding about where the disabled person lives, the rights of the disabled person under Article 19 (CRDP) in Clause 1 is more important than the money spent.

The Council and NHS should check that where the person lives is still the right place to live. This is called a review.

The disabled person should be fully involved in the review.

The review should happen within three months of moving in...

...It should then happen at least once a year.



The Council and NHS should:

- Ask the disabled person if they want anyone else involved in their review.
- Help them make a shared decision about what the disabled person wants
- Ask an Independent Mental Capacity Advocate or independent advocate chosen by the disabled person to advocate for them under the Care Act 2014

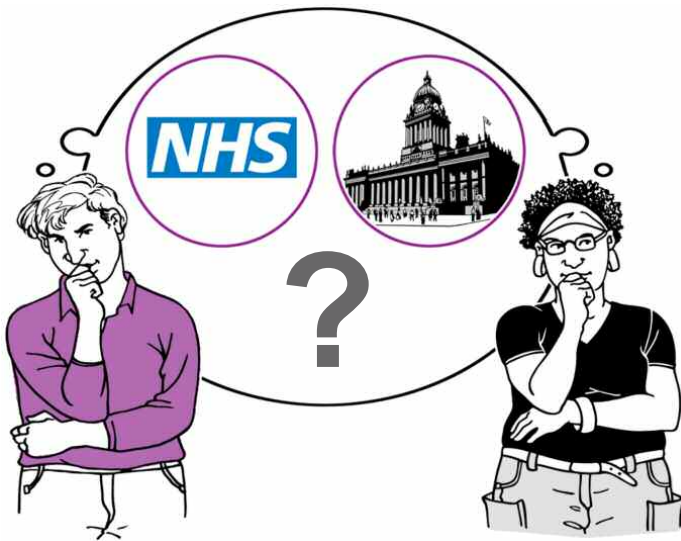
Do you agree?

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The draft Bill says that Councils and the NHS should have to think about Article 19 (CRPD).

Is there anything else they should have to think about?



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Clause 5



whenever a disabled person moves or is moved from where they live, this should be approved.

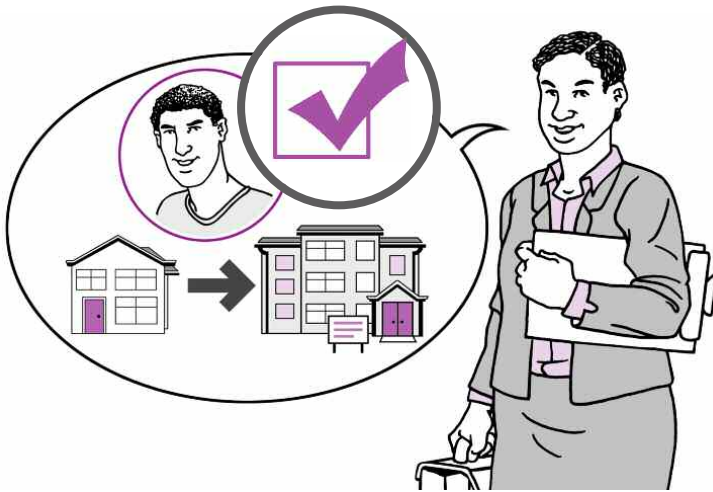
Approved means agreed by someone. The campaign thinks that these are the people who should approve a move:

The disabled person if they are over 16 and can decide for themselves.

The parent or the person who has responsibility of a parent if the disabled person is under 16.



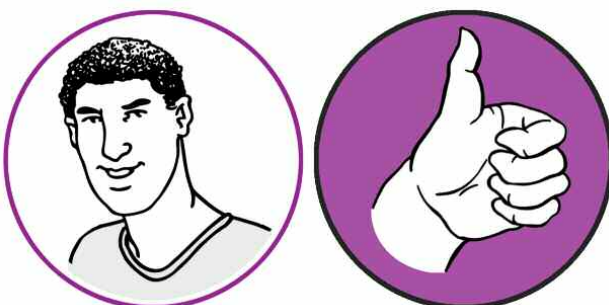
Where there is no-one who acts as the child's parent, the Family Division of the High Court must say if they think the new home is best for the child.



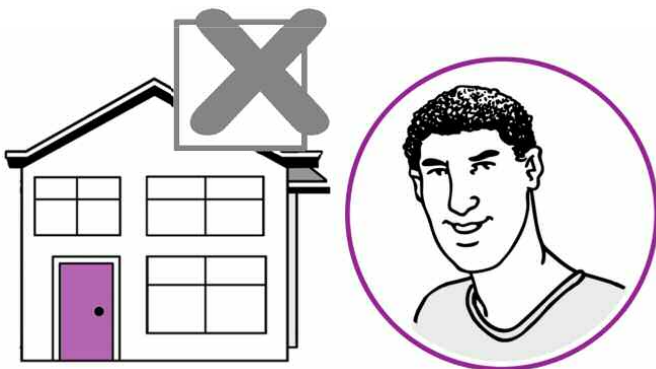
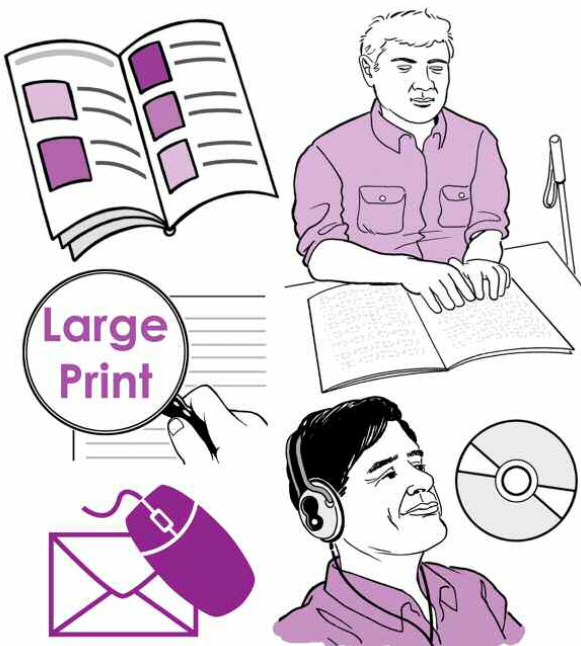
The Court of Protection if the disabled person is over 16 and can't decide for themselves.



The Court of Protection is the court which makes decisions for people who can't decide for themselves.



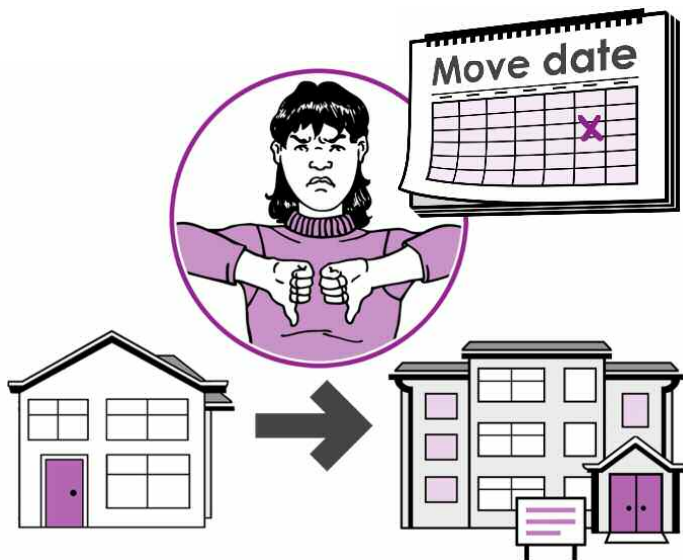
All decisions by the Court of Protection have to be what is best for the disabled person.



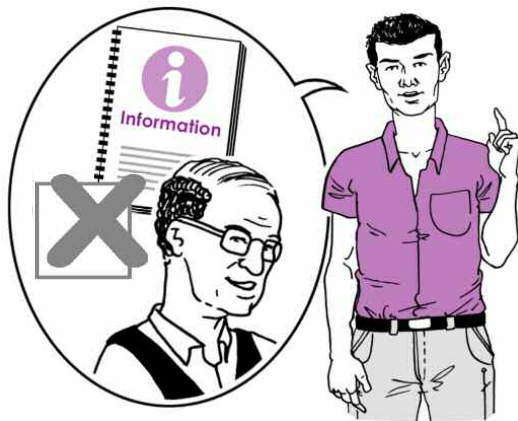
The disabled person would have a right to be told everything they would need to know so they can decide whether or not to approve a move.

The council and NHS would need to give information in a way the disabled person understands. It would need to say these things;

- Why they think the place where the disabled person lives is not right for them
- Why they think the place they want the disabled person to move is the right place for them



- What they have done to try and keep the disabled person in their home and/or;
- What they have done to do what the disabled person wants
- When the disabled person has to move somewhere they don't want to, but the law says they have to, what they are doing to keep this as short as possible;
- When this decision will be reviewed



The council and NHS should give this information to;

- the disabled person
- Any family that cares for the disabled person
- any independent advocate helping the disabled person to speak up
- any other person that helps to care for the disabled person

If the disabled person is 16 or older, the information should not be given to anyone that the disabled person does not want.

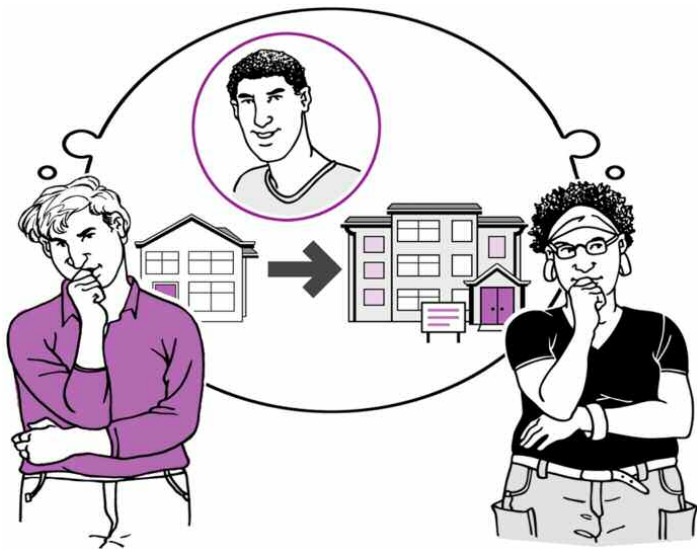
If the Council or NHS refuses to give anyone in the list above information about the disabled person, they must say why not in writing.



Do you agree?

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What would people need to know before they could agree or disagree with a move?



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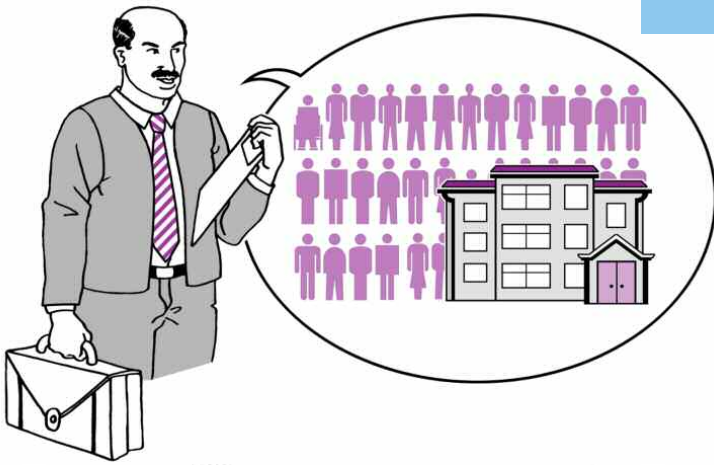
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Clause 6



Councils and the NHS should have to be open about the disabled people they support at home and in care homes or hospitals

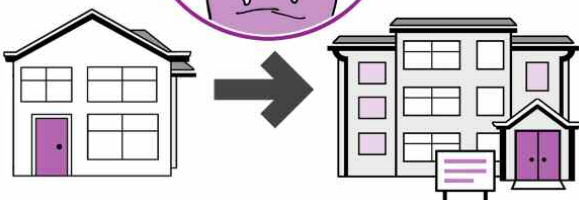
1. Councils and the NHS would have to tell the government what they are doing every year.



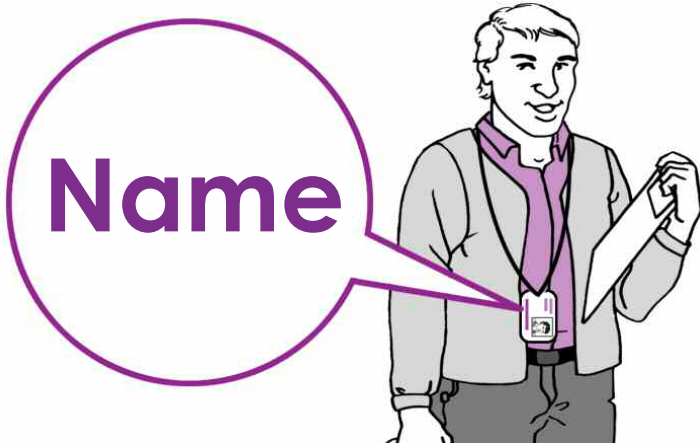
They would have to tell the government:



- How many disabled people they helped to move in 1 year



- How many disabled people had to move but did not want to



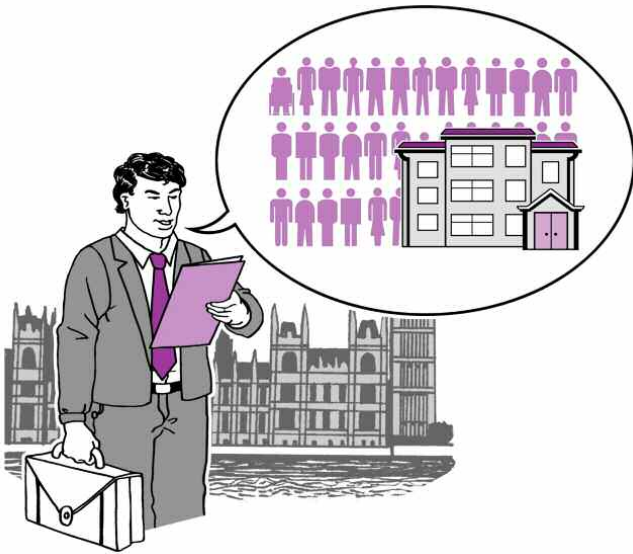
- Why they did not help these disabled people to live where they wanted to live and;
- What they are doing to help these disabled people to live where they want.
- The name of the social worker who must help the person get what they need
- What they have done to make sure that there are the right community services so disabled people can stay in their community



2. The Council and NHS should write this report to the Secretary of State every year and put it on their website.

3. The Secretary of State should tell Parliament and write a report every year that says;

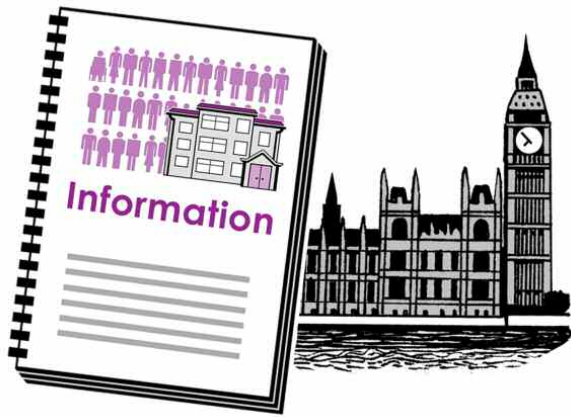
- What are the main things all the Council and NHS reports are telling them



- Whether more or less disabled people are being made to live where they don't want to
- What they will do to make sure that Councils and the NHS do what the law says

Do you agree?

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How should the government have to make this information public?

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Is there anything else they should have to make public?

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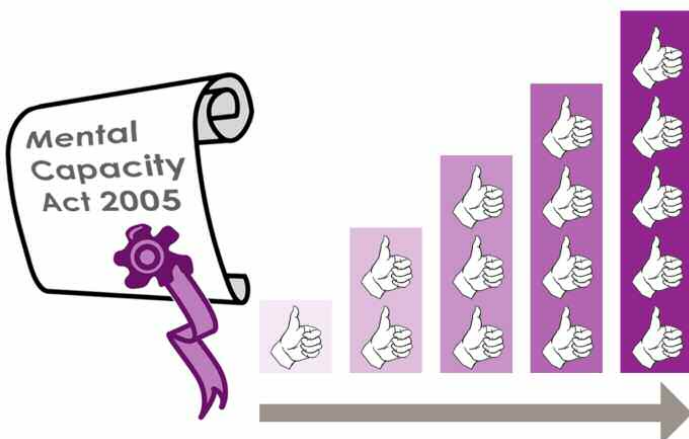
Clause 7

The Mental Capacity Act 2005 should change to give better rights to disabled people and families.

The Mental Capacity Act is the law about how decisions get made when people can't decide for themselves.

It is often called the MCA.

The Justice for LB campaign thinks the MCA can be changed to make it better for disabled people and families.





The first change is about when someone thinks a person can't decide something for themselves.



The Justice for LB campaign thinks that when this happens the disabled person and their families must be consulted.

Consulted means asking someone what they think about things.



The second change is about decisions taken in a disabled person's best interests.



Best interests means what is best overall for the person.



When people can't decide for themselves, a best interests decision must be made.

The campaign thinks that when this happens disabled people's views, wishes and feelings must be considered first.

The campaign also thinks that best interests decisions should take account of disabled people's Human Rights.



There is more information about Human Rights here:

http://www.equalityhumanrights.com/sites/default/files/documents/publications/ours_to_own_easy_read.pdf



The campaign also thinks that families should be consulted in best interests decisions.



There are some times when families should not be consulted about best interest decisions.



This should only happen when it isn't best for the disabled person to consult their family.



Do you agree?

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Are these the right changes to the MCA?

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Are there other changes you think are needed?

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Clause 8



People with learning disabilities and autism shouldn't be under the Mental Health Act 1983.



The Mental Health Act is the law for people who have a mental illness.

It is often called the MHA.



At the moment, people with learning disabilities and autism are sometimes covered by the MHA.



People with learning disabilities are covered by the MHA when other people are worried about their behaviour.

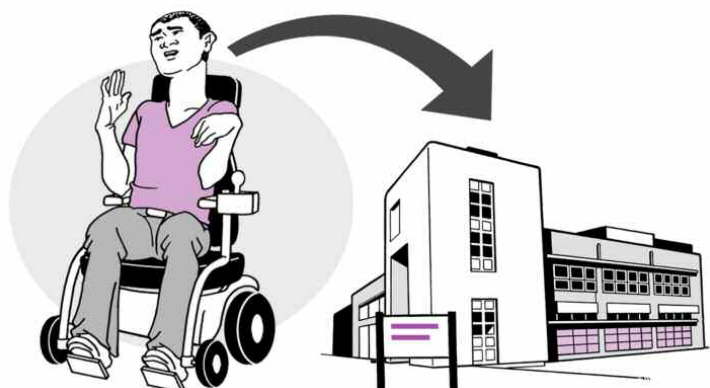


People covered by the MHA can be 'sectioned'.

If you are sectioned you will be kept in hospital for your safety or other people's safety.



This is usually because the person is unwell with a mental illness.



But sometimes disabled people are sectioned just because of their disability.



This might happen if the disabled person behaves in a way that worries people.



The Justice for LB campaign thinks this is wrong.



The campaign thinks disabled people should only be covered by the MHA if they are unwell because of mental illness.



The only time disabled people should be covered by the MHA unless they are unwell with a mental illness is if otherwise they would go to prison.



Do you agree?

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When do you think disabled people should be covered by the MHA?

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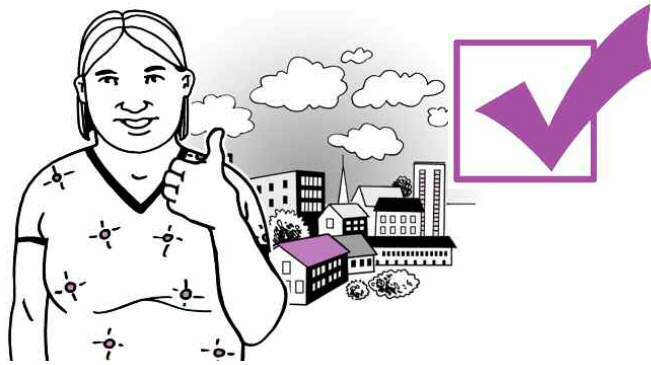
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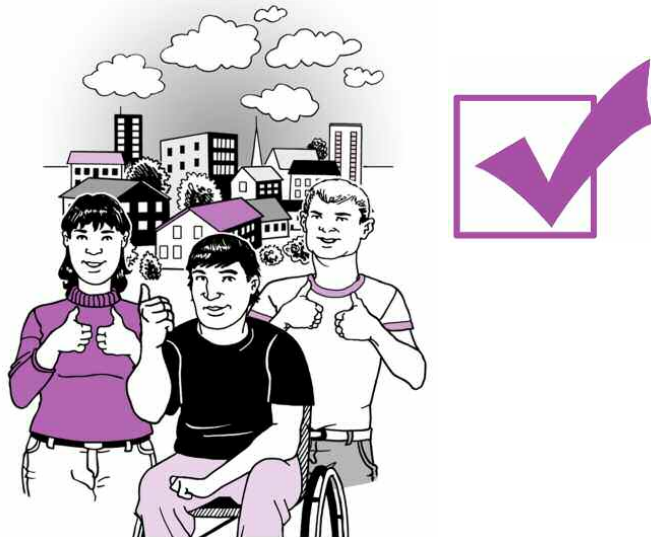
Clause 9



Councils and NHS must provide community mental health services to disabled people



Community mental health services help people with mental health problems stay in their communities.



The Council and NHS must make sure that community mental health services can also help disabled people to stay in their communities.

Do you agree?



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How can mental health service help disabled people best?

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Clause 10



Councils and the NHS must involve disabled people and their supporters in decisions about their care



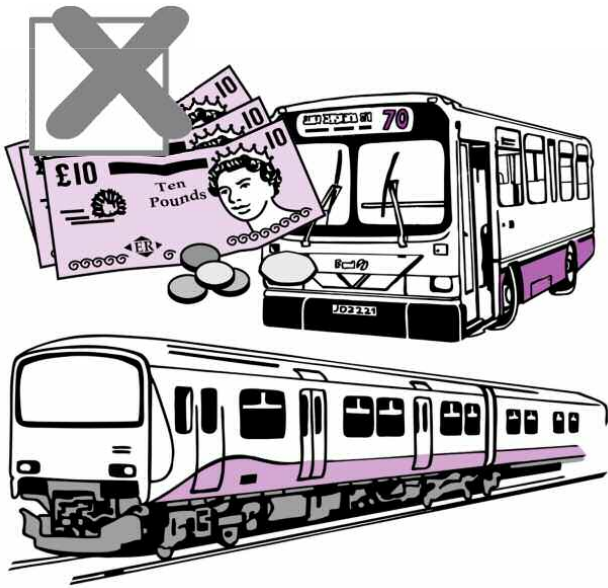
The Council and the NHS must make sure that when a decision needs to be made about where a disabled person lives or about their care that;



- The disabled person is given plenty of warning about when the meeting will be to make the decision



- The disabled person knows that they can bring any other person they choose to the meeting to help them



- Free help is available to help the disabled person get to the meeting
- Time is made in the meeting for the disabled person to say what they want in a way they choose to communicate
- The decision that is made in the meeting is communicated quickly to the disabled person and the person they have chosen to help them



Do you agree?

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Are there any other ways that disabled people should be involved in making decisions about their care?



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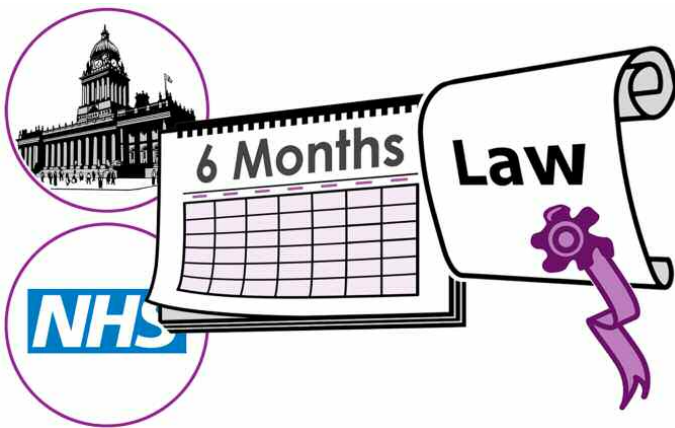
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11. Guidance



Guidance is what the Secretary of State must give Councils and the NHS to tell them how to use a new law.



If the LB Bill becomes law, the Secretary of State must give Councils and the NHS guidance within 6 months of the new law being agreed.



To decide what the guidance will say, the Secretary of State must do a public consultation.

A public consultation means that all of the public must be asked what they think, including disabled people.



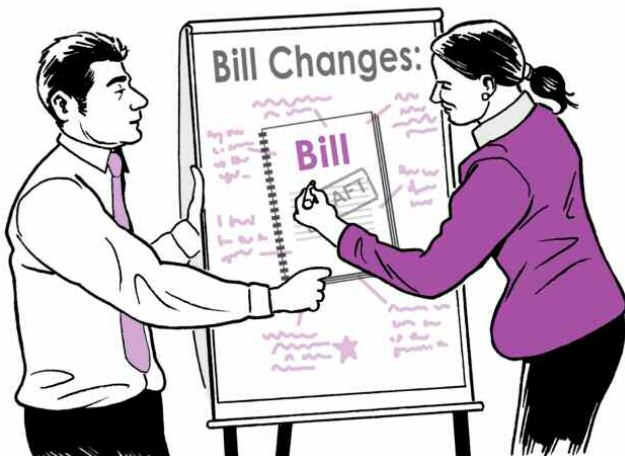
The consultation should be made easy to understand for all disabled people.



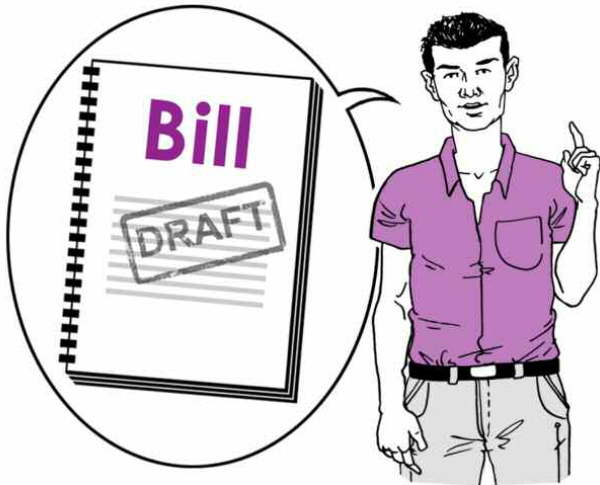
Councils and the NHS must do what the guidance says.



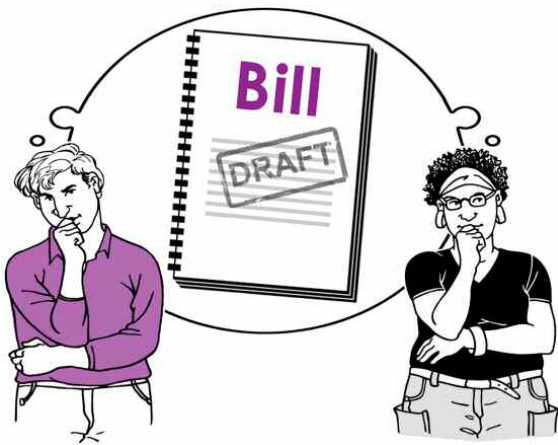
These are the clauses for the second draft Bill.



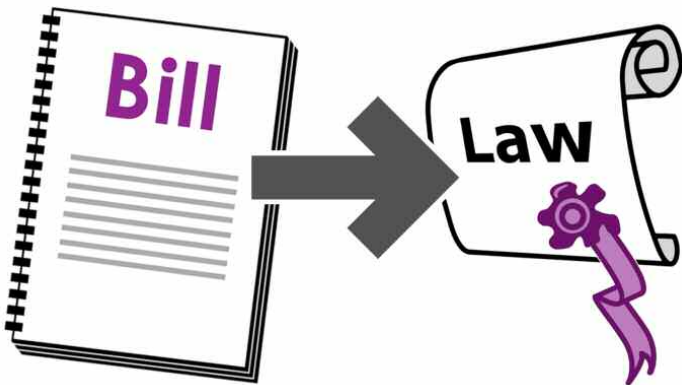
It can still be changed.



You can say anything you like about the Bill.



These are the questions about the Bill the campaign would like you to answer:



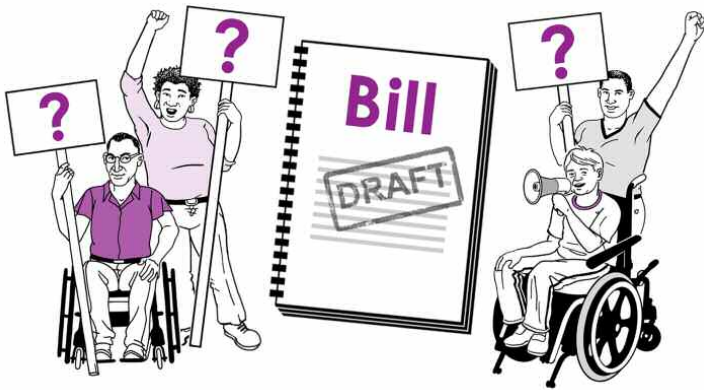
1. Is trying to change the law through this Bill a good idea?

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2. Are there any big issues that the second draft of the Bill doesn't cover?

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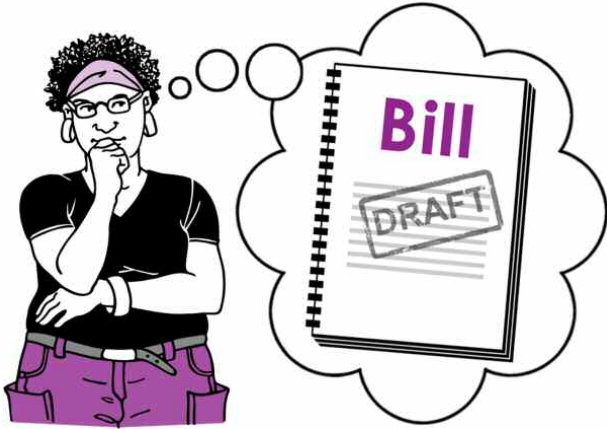
3. Do you understand what each of the current clauses is trying to do?

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4. Do you agree with the current clauses?

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5. Are there any that would make things worse rather than better?

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The campaign wants to work with disabled people and disability organisations to hear as many voices as possible.



Please send us your views and comments on these questions or anything else:

email

LBillFeedback@gmail.com



Twitter

@justiceforLB – or use the hashtags

#justiceforLB or **#LBill**



Facebook

– there are groups both for **'Justice for LB'** and **'LBill'**

Via the Bill blog

www.lbill.wordpress.com

This easy read document was produced by CHANGE
www.changepepeople.org

