## Con-Dem 'reforms' promise misery for millions and must be fought!

The Con-Dems' vicious cuts are hitting us all. This millionaire government is determined to make the As these two articles show, the attacks on disabled take up these issues and demand a decent standard working class and the most vulnerable in society

pay for the bankers' crisis.

people's rights and services are increasing in of living for all.

intensity and speed. The anti-cuts movement must

## Dignity denied

## An Independent Living Fund user

The majority decision of the Supreme Court to support Tory-led Kensington and Chelsea council's withdrawal of overnight care to Elaine McDonald is a major setback for disabled people and their families. It will lead to a firestorm of councils reassessing the claims of vulnerable people for much needed care.

Elaine was left with reduced mobility after a stroke in 1999. After falling and breaking her hip in March 2007, the west London council put in place a care package for Elaine costing £703 a week.

While the council took responsibility for some of this, the other part was regarded as 'temporary' by both the council and the national Independent Living Fund (ILF). The ILF would have assumed responsibility for this had an application been successful.

The council has made contradictory statements about why the application for funding failed. After the Supreme Court judgment, the cabinet member responsible for adult social care, Fiona Buxton, said that "unfortunately she [Elaine] did not finalise the arrangements to obtain this grant."

But in the Court of Appeal judgment, the stated reason why the ILF application failed was "because Ms McDonald, on turning 65, ceased to be eligible for funding from it." When Elaine left hospital on 12 March 2007, she was 63, about to turn 64 on 2 May.

The ILF then had a policy of fund-

disabled people whose applications were submitted before their 66th birthday. This upper age limit was only reduced to 65 on 1 October 2007.

Some disabled activists are concerned about these inconsistencies. Elaine's expectation that overnight care should continue would not have been questioned by her council if the ILF application had succeeded. This legal case could and should have been avoided.

A social work assessment, started in July 2008 and signed off three months later, recorded Elaine as needing "assistance to use the commode at night".

Despite this, the council's management decided in October 2008, after funding overnight care for 18 months, to remove this and 'offer' Elaine a care package of £375 a week for daytime support, and £75 a week to employ a care worker to help fit incontinence pads at bedtime, although Elaine is not incontinent.

The council was able to use two legal judgments from the 1990s that had weakened the statutory duty on councils to assess disabled people's needs and provide social services as stated in section 2(1) of the Chronically Sick and Disabled Persons Act 1970.

By allowing councils to consider their financial position when deciding what assessed needs they will meet and giving them the authority to consider cost when choosing how an individual need will be met, these judgments paved the way for the detrimental Supreme Court ruling.

Elaine opposed this 'offer' and ing care and personal assistance for sought a judicial review of the coun-



Thousands joined the Hardest Hit demo in May against cuts photo Paul Mattsson

cil's decision. The High Court ruled that the council could construe the need for assistance to use a commode at night in a more economical way as a need for "night-time urination" that could be met using pads.

But the Court of Appeal rejected this argument and held that the council had been in breach of its statutory duty. However it also held that two care plan reviews in November 2009 and April 2010 constituted reassessments that defined Elaine as having "night-time toileting needs" that could be met using pads. It held that Elaine had no "substantial complaint".

The Supreme Court majority agreed with the Court of Appeal ruling, although one of the five judges, Lady Hale, argued that the care plan reviews were not reassessments. Lady Hale's dissenting judgment recognised that needing assistance to use the toilet is very different from protection from uncontrollable bodily fluids, a view most people will concur with.

Elaine's lawyers tried and failed to argue that the Disability Discrimination Act and the Human Rights Act supported her right to overnight care.

It is vital that the disabled people's movement and all those who oppose the Coalition's cuts mobilise to defend Elaine and disability rights, and demand that Kensington and Chelsea council restores her overnight care immediately.

London Disabled People Against Cuts held a well attended meeting on 9 July and agreed to organise a protest at Kensington and Chelsea council in support of Elaine, which will probably take place on 21 July at the next meeting of the cabinet of the council.

## Invest in jobs and services, not privatisation

**John Peters** East Cheshire Socialist Party

As a carer I try to keep up to date with information about changes and

ployment and Support Allowance will also see the majority of people on this benefit lose £36, with some losing as much as £51 a week! This could mean a loss of up to £79 a

even more taxpayers' money.

lack of care and funding for the elderly highlighted by the likes of the Dilnot report.

We have also recently seen the

So why can't this £5 billion be put



cuts to benefits and their effects. The Welfare Reform Bill, rushed through Parliament earlier this year, will not only see the full scale privatisation of unemployment services, but will also force the already underpaid millions of people who claim benefits further into poverty.

Disabled people will be one of the worst hit groups with the government planning to 'reform' Disability Living Allowance into the 'targeted' Personal Independence Payment.

This 'reform' will do away with the lower rate of the Care Component, which will cut the income of 650,000 disabled people by £28 a week.

In response Scope, the disability charity, said: "Reducing the number of rates of the components, even by one, could have a huge and detrimental effect on people whose impairments have subtle but significant implications for participating in society."

week for some people, with no right of appeal and little warning.

Further plans to time limit Em-

And don't be fooled into thinking you're safe if you work - the Universal Credit will lump all benefits into one. Hidden in this horrible piece of ideologically biased legislation is the power to force people in receipt of benefits to work extra hours or look for better-paid work!

The Con-Dem government has set aside £5 billion which will be paid to private firms to get unemployed and disabled people back to work in the Work Programme.

It has been exposed in the media that charities are losing out because private companies are bidding ridiculously low in order to get the contracts.

This opens up the prospect of these companies completely underfunding 'support' for the unemployed, going bust or having to go back to the government demanding towards investing in the services we need - creating jobs and improving lives in the process?

Millions of workers, unemployed, disabled and poor will be affected by this disgusting Welfare Reform Bill and the only way to defeat it is to link up with the trade unions and anti-cuts organisations to get rid of the Con-Dems.

But we also have to highlight the role that the last Labour government played in setting up the ridiculously unfair Work Capability Assessment for the Employment and Support Allowance which will potentially 'find' many sick and disabled people fit for work.

Only a socialist society, where resources are under the control of the majority of people and production is planned to meet our needs, can provide us with proper job opportunities and full support for the disabled and elderly.

10% discount on ticket purchases before 31 August. Book online at www.socialism2011.net or phone 0208 988 8779. Cheques should be made payable to 'Socialism' and sent to Socialism 2011, PO Box 24697, London E11 1YD