



all about people

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BILD supports a strong human rights based focus to implementing the Bubb report's recommendations

"Our rights are the most important issue that people and commissioners need to work by..."
CHANGE response to Sir Stephen Bubb's report

Although Sir Stephens Bubb's report, *Winterbourne View – Time for Change, Transforming the commissioning of services with learning disabilities and/or autism*, for NHS England makes proposals regarding the development of a mandatory commissioning framework, it also makes additional recommendations in relation to strengthening people's rights, forcing the pace on commissioning, a closure programme for 'inappropriate' inpatient facilities, building capacity in the community and developing the workforce and holding people to account.

The report acknowledges that 'by a very long way, it is not the first time anyone has considered these issues'. Like reports that have gone before and presumably reports that will follow, this report's importance will be judged not by its completion but rather by the decisions and actions that NHS England and others make to improve people's lives as a result of its recommendations.

However, this report comes at a critical time. More people are being admitted to assessment and treatment units than are being discharged, and people with a learning disability and their families feel they were made a promise and they have been hugely let down. Three years on from the Winterbourne View scandal, little seems to have really changed.

BILD welcomes and supports the clear focus on people's rights in the report. We believe this is a key to the way ahead. However, it is a damning indictment of our society and particularly the health and social care sector, if those charged with supporting people with learning disabilities have to be reminded to 'pledge' their support to uphold the human rights of every citizen.

People with learning disability are one of those vulnerable groups of people whose fundamental rights are most at risk. This risk is especially aggravated for people with learning disability and autism who present with behaviours of concern and are subject to the use of restrictive practices that may infringe on their human rights and dignity

A human rights perspective on reducing restrictive practices in intellectual disability and autism, Sam Karim, BILD, 2014

The question is, do the Department of Health, NHS England, the Care Quality Commission, local authorities and clinical commissioning groups really need another charter to understand that people with a learning disability and their family members have the same rights as every other citizen?

Their rights are already clearly set out in the Equality Act, the Human Rights Act, the Mental Capacity Act, the NHS Constitution and the UN Convention on the Rights of People with Disabilities, which the UK ratified in July 2009. All UK government policies and practices must already comply with the convention. In reality, is the real issue that many people with a learning disability and people with autism and their carers are unaware of their rights and what they can do to ensure their rights are upheld? Are many professionals in the field not as familiar as they should be with the rights people with learning disabilities already have, and particularly their critical role in upholding those rights?

We urge both NHS England and the Government to focus on a human rights and empowerment model as they plan how to implement the recommendations in the report to ensure meaningful change to the quality of life of people with learning disabilities and people with autism.

A strong and committed focus on human rights, advocacy and empowerment should be central to their work on a new commissioning framework, workforce development and the cultural shift needed to achieve lasting change.

The time for change is now.