


## **ICOD follows the Social Model of Disability**

which means that Disability is taken to be:

**" The disadvantage or restriction of activity caused by a contemporary social organisation which takes little or no account of people who have impairments and thus excludes them from the mainstream of social activities. Disability is therefore a form of social oppression which focuses on the barriers (attitudinal, environmental and organisational) which prevent disabled people from having equality of opportunity in employment, education, housing, transport and leisure etc, etc. "**

## **Do You?**



*Inverclyde Council on Disability would like take this opportunity to wish all of the new and existing readers of Link-Ability the very best for 2001 and to thank you for you continued support.*

Inverclyde Council on Disability recently received funding grants from both Lloyds TSB Foundation for Scotland and CIGNA Healthcare (Greenock) for which we would like to thank them very much for. Both of these grants which were received in August (Lloyds TSB) and October (CIGNA) respectively will go towards maintaining and expanding upon existing services and the development of a few new ones (more about these in future issues of *Link-Ability*). In the meantime ICOD wish both companies well for the forthcoming year and once again thank you Lloyds TSB & CIGNA.



# HUMAN RIGHTS ACT



**Hundreds of laws have been passed affecting every aspect of our lives. Sometimes it can be difficult to know what our basic rights really are. Fifty years ago Britain helped to enshrine our basic rights into the European Convention of Human Rights. But we could only claim them by taking the long road to Strasbourg. The Human Rights Act that came into force on 2 October 2000 means that we can safeguard our rights in Britain, and that we can be clearer about the basic values and standards we share.**

## YOUR CONVENTION RIGHTS

There are sixteen basic rights in the Human Rights Act. They don't only affect matters of life and death like freedom from torture and killing; they also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements.

The Act also covers the behaviour of public authorities. These include Government Departments, Local Authorities, the Police and Prison Services, and it also covers the public functions of organisations such as ScotRail, Private Schools and Charities, which provide services on behalf of Local Authorities.

## INDIVIDUAL RIGHTS

### Article 2 – Right To Life

The right to have your life protected by law. There are only certain very limited circumstances where it is acceptable for the State to take away someone's life, e.g. if a police officer acts justifiably in self-defence.

This Article is expected to have an impact in the area of Health Services where people are refused life saving treatment on the grounds of their disability.

### Article 3 – Prohibition of Torture

The right not to be tortured or subjected

to treatment or punishment that is inhuman or degrading.

This Article will be used to challenge the actions of Social Services Departments or Prisons in failing to prevent the abuse and neglect that occurs.

### Article 5 – Right To Liberty & Security

The right to liberty – 'arrested or detained' – except in limited cases specified in the Article e.g. where you are suspected or convicted of committing a crime and where this is justified by a clear legal procedure, and security of the person.

This article could be used to challenge decisions to keep disabled people in institutions rather than support them in their own homes. However, in the case of people with a Mental Illness, Article 5 allows the State to restrict individual freedom by the lawful detention of persons of 'unsound mind'.

### Article 6 – Right to a Fair Trial

The right to a fair trial and public hearing within a reasonable period of time. This applies to both criminal charges against you, or in sorting out cases concerning your civil rights. Hearings must be by an independent and impartial tribunal established by law. It is possible to exclude the public from the hearing, though not the judgement if that is necessary to protect things like national security or public order. If it is a criminal charge you are presumed innocent until

proven guilty according to the law and have certain guaranteed rights to defend yourself.

This Article is likely to be important to disabled people who may have trouble defending a case.

### Article 8 – Right To Respect For Privacy & Family Life

The right to respect for your private and family life, your home and your correspondence. This would include the right not to be subjected to medical intervention without consent and the right to decide who provides intimate care. It might also include the right to information such as personal, social services and medical records.

### Article 10 – Freedom of Expression

The right to hold opinions and express your views on your own or in a group. This applies even if they are unpopular or disturbing. It also includes the right to receive and impart information. This will be of use to disabled people in ensuring that the information provided by Public Authorities is accessible.

### Article 11 – Freedom of Assembly & Association

The right to assemble with other people in a peaceful way. You also have the right to associate with other people, which can include the right to form a trade union. This is likely to be important to disabled people as it protects them from inappropriate treatment from the Police



# AN OVERVIEW



when taking part in Lobbies and demonstrations.

## **Article 12 – Right to Marry**

Men and women of marriageable age have the right to marry and start a family. The national law will still govern how and at what age this can take place.

This is likely to have an impact on disabled people who are discouraged by authorities from becoming parents. It would also include parents pressurised into abortion where the foetus is disabled and will undoubtedly be raised as an issue in cases involving the sterilisation of disabled people.

## **Article 14 – Prohibition of Discrimination**

In the application of the Convention rights, you have the right not to be treated differently because of your race, religion, sex, political views or any other status – unless this can be justified objectively. Whilst discrimination on the grounds of disability is not specifically mentioned, there is little doubt that disability would count.

## **Protocol 1 – Article 1 -Every natural person is entitled to the peaceful enjoyment of his possessions.**

This would include situations where the State abolishes or reduces benefits to which people were previously entitled, or where people move and are unable to keep equipment that had been provided for their disability.

## **Protocol 2 – Right to Education**

No person shall be denied access to the education system. This provides the right to existing educational facilities. The Convention has already been used in the area of parental choice over whether a child is educated in a mainstream or

special school. Although it was accepted that a parental preference was a conviction, which the Court was required to respect, the Court held that the State did not have to incur the additional expense of supporting the child in a mainstream school in which they had been placed. The only time that the Protocol will come into operation is if the choice of schooling is not appropriate.

## **LIMITATIONS**

The principle of proportionality is central to the Convention. This can be used to justify limiting the freedom guaranteed by the Convention, provided that the objective in doing so is sufficiently important, is not arbitrary or unfair and is in proportion to the objective. The Convention also leaves each State the task of securing the rights of freedoms contained within it. Therefore, individual States have the discretion to evaluate their own public policy decisions. This ensures that the political and cultural traditions of individual States are protected.

## **ENFORCEMENT**

In order to bring proceedings under the Act, a person must be the victim of an unlawful act. Victims can include companies and other organisations as well as individuals. An indirect victim can bring a claim if they are a close relative or spouse where they have also suffered some injury and the victim is unable to proceed. The representative of someone who lacks legal capacity can also make a claim. Potential victims can use the Act if they are at risk of being directly affected even if they have not, as yet, suffered any detriment. An organisation or interest group, e.g. a disability organisation, can bring a representation action on behalf of others if it is able to name all those affected. It can act as an ‘amicus curoe’ or friend

of the Court, arguing on behalf of a party who is unrepresented.

## **TIME LIMITS**

A case must be brought within one year of the unlawful act (or failure to act) by the public authority. The Court may give an extension where it is just and equitable to do so. However, if the rules of procedure require a strict time limit, for instance in judicial review where this is three months, then that limitation period will apply.

## **REMEDIES**

Where a case is successful, a Court may grant any remedy that it considers appropriate, including damages, an injunction or a declaration. In cases linked to other types of proceedings, e.g. a case linked to a Disability Discrimination Act case, all the remedies that would usually be available in a DDA case will be available.

## **A CULTURE OF RIGHTS**

Clearly, the use to which the Human Rights Act will be put by disabled people is still unknown. However, the Government’s main aim in bringing forward this legislation was to create a culture of rights amongst public authorities and the general public. In a society where disabled people’s civil rights are still routinely neglected, they undoubtedly have a lot to gain.

*For further information about the Human Rights Act visit: [www.homeoffice.gov.uk/hract](http://www.homeoffice.gov.uk/hract) - or write to: Scottish Justice Department, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.*

*If you would like a free copy of the leaflet on audio cassette or in braille telephone 0845 6001151.*



## The Government has announced it is allocating an extra £200m a year for 350,000 disabled children, adults and Carers.

The money will be targeted at the poorest people and families on means tested Benefits.

Social Security Secretary Alistair Darling announced in November that from next April the Carer Premium would increase by £10 on top of the usual annual uprating, bringing it from £14.15 to £24.40. This will help 200,000 Carers.

And as part of the campaign to end child poverty, 80,000 disabled children will get an extra £7.40 as the Disabled Child Premium rises £30 a week.

Darling has announced that the Disability Income Guarantee (DIG\*\*), which is to be launched in April, will give £142 - single person, and £186.80 - couples.

It will be £14 more than previously planned and help 130,000 severely disabled adults and 30,000 severely disabled children receiving the Higher Rate Care Component of Disability Living Allowance.

The extra cash will be paid to people on Income Support; Income Based

Jobseeker's Allowance, Housing Benefit and Council Tax Benefit.

People and families getting the Working Families Tax Credit and the Disabled Person's Tax Credit will also be able to get the DIG and Disabled Children's Premium. Darling said that the increases proved the Government's determination to give help where it was needed most. Liz Daone, Head of Campaigns at Scope said, "These proposals are a clear recognition of the extra costs of disability". However, there is disappointment amongst many disabled groups who feel that the Government is not going far enough to help disabled people by giving them Winter Fuel Payments. A spokesperson for Disability Alliance was angry that Incapacity Benefit would not rise by the same amount as the State Pension. While long-term IB will increase from £67.50 to £72.50. Disability Alliance said, "There is no justification for treating people who have to retire early because of disability less favourably."

*(\*\*The DIG is really an additional premium paid with Income Support (to be called the enhanced disability premium). It is an increase targeted at the most severely disabled people in receipt of Income Support, i.e. those people on the highest rate of DLA Care Component.)*

## NEW PLANS FOR CARERS PENSION

The Government recently published a proposal for a pension for Carers in their Green Paper 'Partnership in Pensions'. The plan is that Carers receiving Invalid Care Allowance and Home Responsibilities Protection will be credited into a new State Pension that will replace SERPS. People earning less than £9000 will be able to boost to the new second tier State Pension. The value of these credits will be double what those earners will receive through SERPS. The new proposals value the support that Carers give to their relatives and also the impact that it has on their income and retirement prospects. Offering better pension provision to lower earners, including Carers and long-term disabled people with broken periods of work will help to contribute towards a decline in the number of Carers in poverty. CNA Scotland has long campaigned for a second pension to help Carers who are unable to contribute in their own right as a result of their Caring responsibilities. "This recognition and valuing of Carers support to the community is long overdue and particularly welcome" said Alan McGinley, CNA's Scotland Manager, "Currently thousands of Carers in Scotland are left in poverty in retirement because they cannot contribute towards second tier pension. This proposal recognises the financial sacrifice by Carers."

## INVERCLYDE CARE & REPAIR

**- Free Advice & Assistance on Home Improvements, Repairs & Adaptations -  
- for Older or Disabled Owner-Occupiers or Private Tenants -**

Inverclyde Care & Repair offers advice and assistance to people who are older or have disabilities to maintain, improve or adapt their homes in order that they can remain at home in comfort within their own community. Managed and administered within the Cloch Housing Association Offices, Care & Repair is a free and confidential client orientated service available to owner occupiers and private tenants who are over sixty or who

have a disability. Care & Repair do not pay for the work/improvements or carry it out but they can help you by assisting you to:

- Organise for surveys or drawings to be prepared if necessary.
- Obtain prices from suitable contractors.
- Apply for grants and loans that may be available for the works.
- Organise the works needed and

see it through to completion.

- Approach other agencies that may be able to help.

At your invitation the Project Officer will visit you at home to discuss what works may be needed to repair, improve or adapt your home. For an appointment or for further information contact Kathryn Bryce at Care & Repair, 6 Regent Street Greenock or telephone 01475 787975.

# COMMENT !

## Your Views Matter

**Link-Ability** has received a number of complaints from readers over the past few months regarding the Motability Scheme and the noticeable decline in its service. Below are some of the views that have been expressed by Members of ICOD and the general public. If there is anyone reading this who has/is experiencing similar or indeed other problems through Motability then please contact the office. ICOD are currently collecting information to present to the Scottish Parliament – Motability is an integral part of independent living for disabled people, the decline in service must stop now, before Motability becomes a shadow of its former self and more importantly disabled people lose out more than they are doing so already.

*“...Garages are demanding that 3 year leased cars are returned in pristine condition – (so that they can be sold at a higher price - ed!) with no scratches to the bodywork or windscreen. It has even got so bad that at the yearly service, repair work on scratches is being demanded by both garages and Motability – they are now not even waiting until the 3 year period is up! “*

**Link-Ability** says: As everyone knows stones and other road debris is thrown up, particularly in the winter and creates scratching. In the past disabled people were granted a certain amount of “fair wear and tear” i.e. in that getting in and out of a wheelchair into a car will create some scratches around the door sill and perhaps seat cover – for those people who lift their chairs in beside them. It is now not unusual for garages to be demanding several hundreds of pounds for what is fairly minor damage – and what used to be referred to as “fair Wear and tear”.

*An ICOD Member says: “I got a puncture recently and when I went to fit on the spare tyre, I noticed that it was slightly smaller. After fitting it I found that my car was not driving as well as normal. On contacting the garage where I got my car from I was told that all foreign cars leased through the Motability Scheme are now issued with these smaller spare tyres and that they are only meant to be used for short distances (up to 20 miles) until you get the other tyre repaired.”*

**Link-Ability** says: This is not only out of order but damned right dangerous and is a further example of Motability providing a reduced service. The question is, imagine you are hundreds of miles from home, possibly even abroad, and you couldn't find someone within 30 miles to repair your usual tyre? What happens then?

Also coming to light are problems concerning the Disability Living Allowance Awards that are now made for three year periods only. This is inhibiting people from buying (new) Motability cars through the Hire Purchase Scheme (bought over a 4-5 year period) in essence because of the shortfall in guaranteed finance. For many using Hire Purchase is often the most economical way to afford, run and maintain a vehicle. Effectively by withdrawing longer term awards many disabled people are not being given the choice between leasing a car or owning one.

You can see from the above that there are some serious problems that must be sorted out immediately. If you wish to contact the office regarding this matter, the address and telephone number are listed on the back page.

## **BETA INTERFERON TOO EXPENSIVE & NEW MS DRUG IN THE UK SOON**

The Multiple Sclerosis (MS) drug Beta Interferon is set to be unavailable despite evidence that it could save the NHS money.

Initial recommendations from the National Institute for Clinical Excellence found that the drug, which costs £10,000 a year per person was too expensive and its effect too modest to justify it. But research by MS groups and the drug manufacturer Biogen suggests that its use could lead to lower long-term costs. Peter Cardy Chief Executive of the MS Society said, “We believe that the

processes which have led to the Committee's findings are flawed. The benefits to many people with MS are not ‘modest’.”

Meanwhile the fastest growing treatment for MS in the United States has been licensed in Britain and will be available towards the end of the year.

Glatiramer Acetate, which is produced by the drug company Teva, helps reduce relapses in people with relapsing and remitting MS, the most common form of the condition. The drug works in a different way to Beta Interferon drugs.

In tests of 208 people in the USA 25 percent of those tested remained relapse free for six years, and 60 percent of the group are experiencing relapses only every four years.

Peter Cardy, the Chief Executive of the MS Society said, “Relapses can be profoundly disabling. This particular drug is already used extensively in the USA and could offer greater choices for treatment in the UK.”

Currently there are 85,000 people with MS in the UK. You can contact the MS Society in Inverclyde on 01475 727166.

# OUTRAGE

## - AT EXCLUSION CLAUSE IN NEW EDUCATION BILL -

**Link-Ability was shocked at the recent amendments to Stage 2 of the Standards in Scotland Schools etc Bill that significantly hampers the inclusion of disabled children into mainstream schooling. The amendment will undoubtedly give backsliding Local Authorities little incentive to implement equal opportunities in education for disabled children and create inconsistency throughout Scotland.**

Since the publication earlier this year of the responses to the Consultation document, ICOD along with many other organisations (including the Equity Group) dedicated to the promotion of inclusive education, had been expecting a clear statement of the rights of disabled children to be included in mainstream schools.

We were therefore shocked and disappointed by the text of the Executive amendment (printed to the right) which was passed without division at a meeting of the Education Committee. This amendment worsens rather than strengthens the legal position of disabled children and provides easy opt-outs for a Local Authority seeking to place a child in a school of the authority's choice rather than the school whether mainstream or special, chosen by the child and the family.

The Executive professes a wholehearted commitment to inclusive education but argue that these opt-outs will only be used in exceptional circumstances. However, this amendment as drafted and subsequently passed will only add to the inconsistency between Local Authorities across the country. Local Authorities which are already pursuing effective strategies for inclusive education will continue to do so, those that are doing little to improve equal opportunities in education for disabled children will be able to use this clause to justify arbitrary placement decision.

This amendment gives significantly less support to inclusion, even in comparison to that of the clause for England and Wales under the SEN (Special Education Needs) Consultation and Disability Rights in Education Bill. The text in clause 2(a) for overruling the choice of the child and the parents does not appear in the Bill for England and Wales, and

the text in clause 2(c) uses the phrase "significant public expenditure" rather than using the much stronger phrase "unreasonable public expenditure".

Link-Ability feels that disabled children in Scotland should have an unconditional right to access mainstream education, and we will continue to work towards this both as law and in practice. Inclusive education matters because schools which are able to include disabled children are also better at including all children. All children are different and all children should be able to expect that their school value them as individuals. Link-Ability also believes that disabled children do at least as academically and better socially by being included in regular classes in mainstream schools, and we do not believe that their presence impedes the learning of other children – far from it we believe that non-disabled children can benefit in many ways from having disabled children in class with them. Link-Ability believe that an inclusive system will help young disabled people make more friends and will improve their prospects of finding work. We feel that all the resources and skills that are currently offered by special schools can be provided cost effectively in mainstream schools and as a result these schools would then offer a much broader social and academic curriculum. Fundamentally inclusive education is about recognising children as having equal rights and being of equal value. This should be a basic starting point for the Government, if as they say they want to create an inclusive society! Where better to start, Link-Ability seems to remember quite clearly that one, Tony Blair uttered the words "Education, Education, Education...". This should have been the perfect opportunity for the Scottish Executive to act upon this.

### The Amendments

#### **Requirements that education be provided in mainstream schools.**

Before Section 13 – insert:

1. Where the education authority, in carrying out their duty to provide school education to a child of school age, provide that education in a school, they shall unless one of the circumstances mentioned in subsection (2) below arises in relation to the child provide it in a school other than a special school.
2. The circumstances are, that to provide education to a child in a school other than a special school –
  - (a) would not be suited to the ability or aptitude of the child;
  - (b) would be incompatible with the provision of efficient education for the children with whom the child would be educated; or
  - (c) would result in significant public expenditure being incurred which would not ordinarily be incurred.
3. If one of the circumstances mentioned in subsection (2) above arises, the authority may provide education for the child in question in a school other than a special school, but they shall not do so without taking into account the views of the child and of the child's parents in that regard.

*(Despite vociferous opposition and alternative amendments from campaigning organisations like ICOD & the Equity Group, Scotland's Education Bill with above Amendments was passed by the Scottish Parliament. You can contact the Equity Group on 0131 538 7177)*



# Q & A

## SHOPMOBILITY



### ***What is Shopmobility?***

Shopmobility is a scheme which lends manual and powered wheelchairs and powered scooters to members of the public with limited mobility or any person with a disability, to shop and use the leisure and commercial facilities of the town centre.

### ***Who can use it?***

Shopmobility is for anyone, young or old, and no matter whether your disability is temporary or permanent, if you have difficulty getting around the town then Shopmobility is for you. Shopmobility is about freedom to get around, and you do not have to be registered as disabled to use it.

### ***Why is Shopmobility necessary?***

With a Shopmobility scheme, people can make their own way to as many different places as they wish, even those which are some distance from the nearest vehicle access. You can go where you want when you want.

### ***Shopmobility - Glasgow***

Located at three of the City Centre's prime shopping areas – The Sauchiehall Centre, St Enoch's Centre and the Buchanan Galleries, Shopmobility Glasgow offers you battery powered and manual wheelchairs and scooters on free loan, giving you the freedom to go where you want, when you want. And you needn't worry if you've never used a powered wheelchair or scooters, expert staff are on hand to give you all the

training you need and help you with any bags and parcels. You can access Shopmobility at any of the three Centres or you can be met at a convenient point anywhere in the City Centre. Shopmobility is available, Monday-Friday – 9.30am until 5.30pm, Saturday – 9am until 6pm and Sunday 11.30am until 4.30pm. To book and if necessary arrange meeting points call 0141 332 6486.

### ***Coming Soon – Shopmobility Inverclyde!***

Shopmobility is coming to Inverclyde, which is good news for the estimated 12% of the population that will be able to benefit from this type of service. ICOD are presently in discussions with various groups including Inverclyde Regeneration Partnership, Inverclyde Council, Greenock Town Centre Initiative and Shopmobility Scotland, looking at the feasibility of establishing a Shopmobility service for Inverclyde's major shopping areas. Jim MacLeod, Secretary of ICOD said: "We are delighted that this area is getting a Shopmobility Scheme. It will afford many of our disabled residents the opportunity to get out and enjoy the many facilities available in our town centres. Shopmobility is a badly needed service within Inverclyde. Other areas have shown just how successful this type of service can be, not only to disabled people but to the elderly or those with

mobility problems and it is now generally accepted that there should be a Shopmobility service established in most major towns and cities throughout the UK and it will be an important step forward for Inverclyde."

### ***What will be the benefits to disabled people in Inverclyde?***

With the increase in out of town shopping and the dependency of cars, many disabled people and those with mobility problems experience difficulty in accessing shops and other facilities – like the Cinema or the Waterfront Leisure Complex. It is hoped that a Shopmobility scheme in Inverclyde would remove some of these barriers through offering individuals the use of a versatile range of equipment, giving disabled people, their families and Carers a greater degree of independence within their own town centre and adding to the quality of life.

### ***What will the benefits be to the business community?***

More often than not disabled people do not shop alone. They are often accompanied by other members of their family or a Carer, who also spend money in the local shops or other facilities. The local retailers/businesses therefore benefit from the increased custom in their stores and often at off-peak times. This also helps to promote the local town and bring in extra visitors, which inevitably benefits the local economy.

## SCOTTISH PAYMENTS LET DOWN

Only 143 Scottish people have so far been given Direct Payments to pay for their own care, the Scottish Executive admitted.

Of Scotland's 32 Local Authorities only 13 have introduced a scheme, it said. Yet all Local Authorities (LA) have been allowed to do so since 1997.

A Report by the Scottish Executive found that some authorities did not even know what Direct Payments were.

But the study 'Direct Payments: The

Impact on Choice & Control for Disabled People' showed that the payments can improve people's lives by allowing them to do work or play a fuller role in family life, while very few disadvantages were found.

The Report recommends making it mandatory for authorities to offer the scheme.

Malcolm Chism, Deputy Minister for Community Care said: "We are considering how to move forward on

improving the operation and uptake of Direct Payments."

***Link-Ability*** feels that it is disappointing that so few of Scotland's Local Authorities are providing Direct Payments. They should be available to all disabled people who want them. Disabled people should have choice and at the moment they are not getting it. For more information or to obtain the Report (cost £6) telephone 0131 622 7050 or go to [www.scotland.gov.uk](http://www.scotland.gov.uk)



# BETTER HOMES



**The long awaited Housing Bill took a step closer with the publication in July 2000 of the ‘Better Homes For Scotland’s Communities: The Executive’s Proposals for the Housing Bill’. The Scottish Executive has described its proposals as ‘the most radical housing bill for a generation’, which promises to be the ‘best ever deal for Scottish tenants’.**

The proposals reflect the Executive’s vision for a wider ‘community ownership’, where social housing is owned and managed by non-profit making community landlords. The Executive proposes to enhance Local Authorities’ strategic function, by granting them additional powers and responsibilities but only if they give up their landlord role by transferring their Council Housing stock to Housing Associations or new Community Landlords.

## **A FRAMEWORK FOR COMMUNITY OWNERSHIP**

### **A Simple Tenancy**

To help facilitate the transition to community ownership the Executive proposes to replace the existing system of secure, regulated and assured tenancies with a single social tenancy; providing a uniform set of rights and obligations across the whole of the socially rented sector.

The Paper offers four options for the name of the new single tenancy:

- New Secure Tenancy
- Scottish Secure Tenancy
- Scottish Residential Tenancy
- Community Tenancy

The Bill will provide for a new short single tenancy where full tenancies are not ‘appropriate or desirable’. This will differ from full tenancies in respect of security of tenure, right of succession and right to buy. The Bill specifies three circumstances in which Social Landlords can use the shorter tenancy provisions:

- ◆ for tenants who have been evicted in the past three years on the grounds of anti-social behaviour
- ◆ for tenants in certain types of

special needs housing (their term, not ours) and

- ◆ for local authority housing that is exempt from the existing secure or assured tenancy; for example temporary accommodation for homeless people.

### **The Right To Buy**

The Executive proposes to extend the right to buy to all social housing tenants as part of the new single social tenancy. Council tenants whose property is transferred to a new landlord would retain the right to buy on the same terms and conditions as at present.

New tenants under the single tenancy would have a ‘modernised’ right to buy. This would increase from two to five years, the minimum period as a public sector tenant before which the right to buy can be exercised, reduce the level of discount and introduce new caps on the maximum discount available. Current assured Housing Association tenants with no right to buy would transfer to the new single tenancy but would not be able to exercise the right to buy for ten years.

The Consultation Paper suggests that existing right to buy provisions should be modified to help protect the viability of being Social Landlords. It also proposes that Councils should be able to apply for certain areas to be designated as ‘pressured areas’ where the right to buy would be suspended for new tenancies for five years (with the option for extension beyond this period) subject to specific criteria.

### **Scottish Homes**

The Executive proposes to dissolve the

Board of Scottish Homes, transferring it into an Executive Agency directly responsible to Ministers. The new agency would oversee a new single regulatory framework for all Social Landlords. This will be required to ensure that tenants receive the same standards of management, regardless of their Landlord. Local Authorities’ Landlord function would be included within the new framework, but their strategic, planning and funding functions would be excluded.

## **ENHANCED STRATEGIC ROLE FOR THE LOCAL AUTHORITY**

The Consultation Paper envisages that local authorities will concentrate increasingly on their strategic role – ‘taking a comprehensive view of all housing needs across all tenures and working through other bodies and agencies, as appropriate, to address these needs’ – rather than solely being Landlords.

Currently Local Authorities and Scottish Homes undertake separate housing planning processes, each linked to separate funding arrangements. The proposed Bill would rationalise this planning framework by making Local Authorities responsible for the production of a single definitive Housing Plan for their area. The new plans should provide a strategic framework for the future development of the local housing needs.

The Executive is proposing that the financial role for local authorities should also be enhanced. Where Councils have transferred all their stock into community ownership they would be given more direct control over all public funding for



# FOR SCOTLAND'S COMMUNITIES

housing in their area. In these circumstances, 'strategic local housing budgets' controlled by the Local Authority, operating within the terms of its Housing Plan would replace the present Scottish Homes development programme.

## OTHER MEASURES

At present Direct Labour Organisations can only provide services, outwith Local Authorities, to Housing Associations. The proposed Bill will improve provisions to allow DLOs to carry out maintenance work for Social Landlords to which Council Housing stock is transferred. The exact range of services DLOs will be allowed to carry out will be detailed in the Bill.

The Bill also introduces a wide range of new measures to combat homelessness, including: extending Local Authorities' duties towards homeless people in the provision of accommodation, support and advice services; and placing Local Authorities under a statutory duty to produce strategies for preventing and tackling homelessness in their area, subject to monitoring and regulation under the proposed new regulation measure.

Improvement and repair grants will be reformed to ensure that resources are targeted at those owners least able to pay for improvements to their homes. A statutory test of resources for grant applications, underpinned by a new system of minimum grants, will be introduced. The grants system will also be modified to make it easier for Local Authorities to administer and for applicants to understand. Its scope will be extended to include work to improve home energy efficiency.

The Consultation Paper proposes to give Councils a new responsibility for funding and administering housing support services for 'vulnerable' people needing support. The current funding arrangements for housing support services will be replaced by one single

budget managed by Local Authorities. Under the system, Local Authorities will be able to provide the services themselves, or fund services provided by other statutory and non-statutory bodies.

## CONCERNS

Most members of Scotland's housing community are enthusiastic about the proposed Bill. It has been positively received by the Chartered Institute of Housing and by the Scottish Council for Single Homeless. However there are still concerns about several key aspects of the Executive's proposals, in particular, the attempt to encourage Councils to enter into wholesale stock transfer and end their traditional role of landlords. Also, although some concessions have been made with regard to the right to buy proposals, concerns remain about the impact of extending right to buy to Housing Association tenants. Many details of the draft Housing Bill still need to be resolved. Overall the Consultation Document provided Local Authorities and other interested parties with a final opportunity to strengthen this piece of crucial legislation.

## FOR SALE

### 2 lightweight wheelchairs

**1. Swede Act seat - width 15". The chair is just under one year old and is in good condition. Colour, metallic sea green. Cost £1312, will sell for £550.**

**2. Quickie GPV seat - width 14". The chair is 3 years old but only used for 2 and is in good condition. Colour, metallic deep red. Cost £1446, will sell for £500.**

## Who's On The Web?



**National Society for Epilepsy** is at [www.epilepsynse.org.uk](http://www.epilepsynse.org.uk)

**TheBulletin Online** is a definitive job site on the internet dedicated to charities and the Voluntary Sector - [www.thebulletin.co.uk](http://www.thebulletin.co.uk)

**ICYBERDEAF Search Engine** is a new website for people who are deaf, hard of hearing and deafblind - [www.icyberdeaf.co.uk](http://www.icyberdeaf.co.uk)

**The Spinal Injuries Association** site features a Chat Room for spinal cord injured people with national & international links - [www.spinal.co.uk](http://www.spinal.co.uk)

**Disability Rights Commission** at [www.drc-gb.org](http://www.drc-gb.org)

**Joseph Rowntree Fellowship** at [www.jrf.org.uk](http://www.jrf.org.uk)

**DISS - Disability Information Services** has launched a 'first stop reference' site. Type in the county you are interested in and you will get a list of disability information services in that region, plus other links - [www.diss.org.uk](http://www.diss.org.uk)

**MIND** - has a new website which includes the text of its booklets and factsheets, press releases and campaign news - [www.mind.org.uk](http://www.mind.org.uk)

**Dotdayout.com** - is a new tourism & leisure venture which has, amongst its objectives the aim to increase access to tourism and leisure activities by disabled and elderly people throughout the UK & Ireland - [www.dotdayout.com](http://www.dotdayout.com)

**RNIB** has launched [www.sortit.org.uk](http://www.sortit.org.uk) for blind & partially sighted 11-16 year olds.

**Alzheimer Scotland** - Action on Dementia has launched its new website, which holds over 250 pages of information and a database of local dementia services throughout Scotland - [www.alzscot.org](http://www.alzscot.org)



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Recently it was my birthday and a good friend of mine bought me as a present 'New Women Bloke Jokes', edited by Louise Johnson. After leafing through several exceptional jokes which attempt to answer some of life's eternal mysteries about men, like their peculiar inability to shop, why they always refuse to ask for directions or their need to declare undying love after ten pints and a vindaloo, I came across this one:

Q: Why are blokes like parking places?

A: Because the good ones are already gone and the only ones left are disabled.

Ouch! – well actually Louise, everybody knows that disabled people make great lovers, just ask my boyfriend! As for the parking bays, again everybody knows that it is the disabled ones that are the good parking places because no matter where you visit in Inverclyde and beyond 90% of the time it's always these ones that are full with more often than not, cars that have no Orange/Blue Badges!!! Under Part III of the DDA, (Access to Goods & Services) shopping stores and hospitals are obliged to ensure that disabled parking bays are occupied by Orange/Blue Badge holders – something which ICOD are and will continually campaign for – so take note IRH, Tesco's etc – and of course Louise...



A letter appeared in a recent edition of Disability Now, where a lady from London reflected upon a recent experience she had on a train journey. I thought this might interest you. She writes...

“Ten year ago when I took part in disability demonstrations to raise awareness issues concerning disabled people, we disability politicians had a t-shirt which said “piss on pity”.

I travelled recently on a Virgin train and, as a wheelchair user, reserved the accessible seat provided on intercity trains. Imagine my horror when I found there was no accessible toilet adjacent to the seat – which they used to have when it was a British Rail train. Now we have the Disability Discrimination Act which legislates that goods and services should not discriminate against disabled people.

So now no ‘pissing’ at all on Virgin trains if you are a wheelchair user - look at the law Richard Branson.”

Quite right too! Have you had any experiences like this or even come across scenarios like the ‘joke’ above? *Link-Ability* would like to hear about them, contact details on the left hand side of this page.

Although the Inverclyde Council on Disability makes every effort to ensure that all details within this publication are correct, we can accept no liability for any errors or omissions which may be contained within these pages. If you spot any errors please let us know.

Similarly if you would like to find out more about the Council on Disability, would like to join us as a member or would like to receive *Link-Ability* on a regular basis then please let us know.

You can contact us at the above address/telephone number. An answerphone is available outwith normal office hours.