

Dear Mr Kidney

As the research assistant for Michael Fabricant and the MP himself have been corresponding with me I thought it may be helpful for us to correspond. Please feel free to forward this email to your colleagues.

For the avoidance of doubt I am not Party political, not a member of any Party, and have not voted for some years. In 2005 I set up The Short Fat Solicitor Party to stand for election on the issue of care to disabled people. I had 100% support of my Party (all two members) and disbanded it this year. The given reason for dissolution being massive weight loss of its founder.

I have Judicially Reviewed care decisions against Administrations of all hues. I also see the Opposition in all of these cases cry "foul" but then do likewise themselves where they hold an Administration.

I offered a meeting, on more than one occasion, with Staffs County Council to discuss how they could move from one kind of provision to another without statistical increase in mortality or unmanageable suffering. They failed or refused to accept. The offer remains open and perhaps you could broker it?

I enclose a research document on the political background to Care Home closures which should be read in full.

Briefly the regulations were changed when TB came into power so that half the proceeds of sale of capital assets could be used for revenue purposes. That kept Council Tax artificially low for a few years. Then Day Centres were closed "because people want modern person centred care not Institutions". For the last 18 months under Department of Health guidance the threshold of eligibility to receive care at home has been raised cross country.

So we are not moving towards a nirvana where oldies/learning disabled people are cared for at home with full support. We are moving to where the majority are not cared for at all and those who receive care have it at far less than their risk and need demands. Proposals for volunteers to provide care are unrealistic and often dangerous. Those of us who work, or have worked, in these sectors are used to the occasional smack. Brain damaged people are not "sweet and rather simple". Often they are strong and can be violent.

If we take as a basic hypothesis that there has to be change then Local Authorities can move from public residential provision to private, care in the community, or very sheltered accommodation in ways that will not cause a statistical increase in mortality nor unmanageable suffering. I have already given these to Staffs Council. This is a complex subject where deaths result from ignorance.

These are:

1. Plan, together with a relevant Consultant in Psychiatry, the merging of Homes as phase 1
2. move all residents and staff together from Home A to Home B
3. in the "open" Homes use empty beds as they arise for respite care
4. ring fence the monies from sales of land on which the closed Homes stood and plan and manage an increase in community based services so that there is no gap in provision
5. people do not live for many years in residential care. Within a few years all will have been able to die a natural death peaceably in what is their home surrounded by familiar people that know and love them

Remember:

1. you cannot assess the risk of moving people on a "dispose and disperse" method without expert psychiatric advice from someone at Consultant level. I gained agreement in Thurrock for this, the LA reneged, and did it on the cheap with a psychiatric nurse. My client died.
2. you cannot underestimate the cost of individual provision for those with learning difficulties. One of my clients has specialist care costing £235,000 per annum. A few of those and a LA becomes bankrupt. Removing public care homes and Day Centres for this group is economically unviable.
3. under New Labour the blind cannot see, the lame cannot walk, the brain damaged do not have the miracle of restored function.
4. employers will not take on a person who will be a risk to themselves or others. Their insurers would be extraordinarily alarmed should they do so. One of my colleagues, a volunteer for my firm, is an employer and takes on learning disabled adults. He has to provide a "buddy" system whereby another paid employee is with them full-time so he is paying 2 wages for half the work his able-bodied employee previously produced. One of those he took on had a personality disorder, made a complaint under the DDA, and he and I were much engaged without payment for our time in resisting this

5. I expect, but you would need to check, that the figures for employment of learning disabled people given for other Counties include specialist work providers. I have fought for 14 months to keep those services in another County when the eligibility threshold for services was being raised. Very few of my clients in that case (I acted for 300 of them) would have been able to work for a commercial employer

A Conservative Councillor came to the meeting in Stafford on Thursday. He said that the Conservatives would deal with the "problem" (cost) of elderly care by Extra Care housing. This displayed breathtaking ignorance of risk and need. Extra Care (or Very Sheltered Housing as it is also known) works well for those of lesser need currently living in the community and mentally able. Most in Residential Care are far beyond that point and need 24 hour oversight and supervision. In Norfolk I had independent assessments carried out on my elderly clients in 3 homes facing closure. None were assessed as being safe in VSH.

If you would like to meet I would be glad to give you my expert and specialist help. As I have said I also offered this to the Authority but bizarrely they failed or refused to take it up. The offer is still open to them. Perhaps you will be able to persuade them that it is a good idea to meet and exchange views.

The cost for the Authority and the State will otherwise not stop at the first 2 JR's nor the Appeal. Each care home decision – and decisions will have now to be made on each – can be JR'd. Each individual affected by that adverse decision can then still challenge an assessment and a move.

Regards

Yvonne Hossack