

It's simply not right. A new law could mean people are forced to live in care homes even though it's not what they want or need.

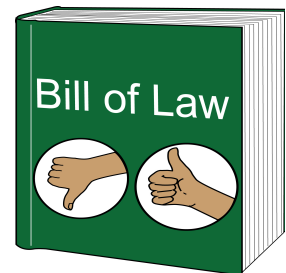


This may happen just because it's cheaper and easier for local councils. [1] People living with dementia, learning difficulties or brain injuries could be wrongly **deprived of their liberty** and left with little say over the support that they get. [2]



**Deprived of liberty:** this means taking someone's freedom away. It could mean that someone is always under supervision or control by others, someone is not free to leave, or someone is forced to live in a certain place

But there's time to stop this. The **bill** isn't law yet. It will soon be coming to the House of Commons where MPs will have the final say. [3]



**Bill:** this is a copy of a planned new law to be talked about in parliament.

Disability activists and a group of Lords are speaking out about big problems with the bill.



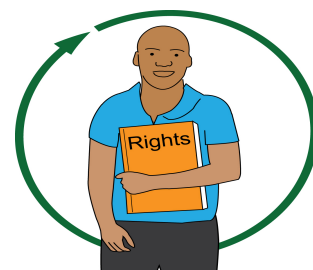
The Law Society have said that it is “not fit for purpose”.<sup>[4]</sup> But right now MPs aren’t hearing from the public.

Reclaiming Our Futures Alliance, a group of organisations that promote Disabled people’s equality, have set up a 38 Degrees **petition**.



**Petition:** this is when a lot of people sign something to let decision makers know what they think.

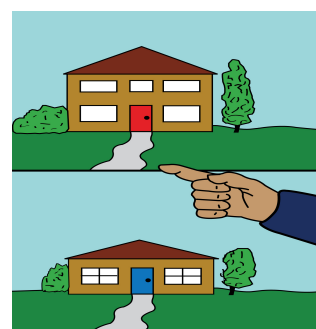
This is to make sure that people getting support have more protections and that this new law does not make them weaker.<sup>[5]</sup>



MP’s will soon vote on the new law - if we can show them that we expect them to protect our rights, they will have to listen.

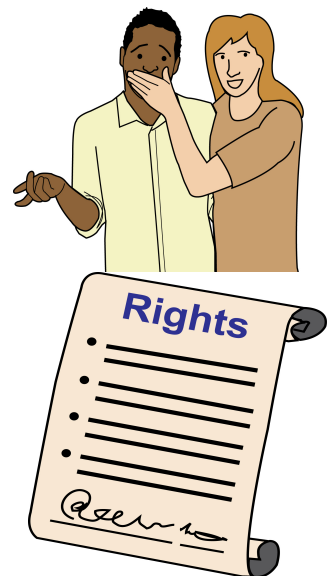


**So if you believe we all have a right to choose how and where we live, will you sign the petition today?** It only takes a minute:



**Sign the Petition**

“We are not a problem that needs solving, we are people who have rights and those rights are taken away from us” – Self advocate with learning difficulties



We all have a right to choose how we live - living with dementia, learning difficulties or brain injuries doesn't change this.

Right now, if it is decided that someone cannot make decisions about their own care, they have an **independent assessment**. This makes sure their wishes are listened to and the care that is given is what they need.

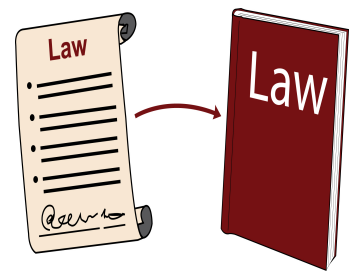


**Independent assessment:** this is where someone looks at a person's care and support needs to see what support they need or to see whether anything has changed. It is independent when it is done by someone that is not linked to a person's care or support.

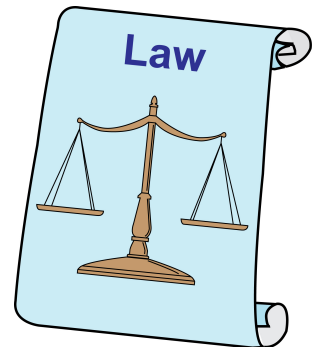
But the new law, in most cases will get rid of people's right to have an independent assessment and therefore their right to have a say in their care.[6]



No matter what, everyone deserves to have their human rights protected and their wishes respected. The only way to make sure that this happens, is to change this new planned law.



At 38 Degrees we all care about equality and our human rights, and with millions of us across the country, together we can make sure the new law protects our rights.



**MPs will only listen if they know that thousands of us believe the law must give people better protections and not make them weaker. Will you sign the petition today?**



**Sign the Petition**

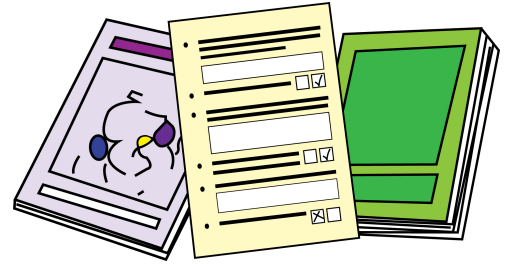
Thanks for everything you do,

Beth, Cathy, Robin and the 38 Degrees team





## Where we got our information from:



[1] Disability News Service: Bill on mental capacity and liberty deprivation 'will take disability rights backwards':

<https://www.disabilitynewsservice.com/bill-on-mental-capacity-and-liberty-deprivation-will-take-disability-rights-backwards/>

Inclusion London: Inclusion London's Briefing on the Mental Capacity Amendment Bill:

<https://www.inclusionlondon.org.uk/wp-content/uploads/2018/09/Briefing-on-the-Mental-Capacity-Amendment-Bill-for-DDPOs.pdf>

The Small Places blog: Some thoughts from the Lakes:

<https://thesmallplaces.wordpress.com/2018/09/03/some-thoughts-from-the-lakes/>

[2] See note 1

[3] This bill was proposed and backed by the government but started in the House of Lords. It will come to the House of Commons after the Lords have voted on the bill:

UK Parliament: Mental Capacity (Amendment) Bill [HL] 2017-19: <https://services.parliament.uk/bills/2017-19/mentalcapacityamendment.html>

[4] Disability News Service: Bill on mental capacity and liberty deprivation 'will take disability rights backwards':

<https://www.disabilitynewsservice.com/bill-on-mental-capacity-and-liberty-deprivation-will-take-disability-rights-backwards/>

The Law Society: Parliamentary briefing: Mental Capacity (Amendment) Bill - House of Lords committee stage:

<https://www.lawsociety.org.uk/policy-campaigns/public-affairs/parliamentary-briefing/parliamentary-briefing-mental-capacity-amendment-bill-hol-committee-stage/>

VODG (Voluntary Organisations Disability Group):

Leading social care interest groups warn government that its mental capacity reforms are not fit for purpose:

<https://www.vodg.org.uk/news/leading-social-care-interest-groups-warn-government-that-its-mental-capacity-reforms-are-not-fit-for-purpose/>

Inclusion London: Inclusion London's Briefing on the Mental Capacity Amendment Bill:

<https://www.inclusionlondon.org.uk/wp-content/uploads/2018/09/Briefing-on-the-Mental-Capacity-Amendment-Bill-for-DDPOs.pdf>

Charity Today: Government must rethink "flawed" mental capacity reforms:

<https://www.charitytoday.co.uk/government-must-rethink-flawed-mental-capacity-reforms/>

[5] You can read more about what Inclusion London do here:

<https://www.inclusionlondon.org.uk/>

[6] The Small Places blog: Some thoughts from the Lakes:

<https://thesmallplaces.wordpress.com/2018/09/03/some-thoughts-from-the-lakes/>

Disability News Service: Bill on mental capacity and liberty deprivation 'will take disability rights backwards':

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