

**P-05-892 Appoint a Learning Disability Commissioner for Wales,
Correspondence - Petitioner to Committee, 28.06.19**

Fifty years since abuse was highlighted in the Ely Hospital report we are still facing abuse by carers, inadequate healthcare leading to early and unnecessary deaths, discrimination, a 94% unemployment rate, segregated services, loneliness and isolation.

We believe that self advocacy, supported by self advocacy groups which are controlled by people who have a learning disability, is the most important right we can have. It gives control, choice and empowerment. It is the only genuine voice that people have, to have their own say in the services they receive. It is the only genuine agency for co-production.

We know that the Welsh Government has supported the rights of people with a learning disability. We welcome the Improving Lives Programme. We know that there are people with a learning disability on the Learning Disability Ministerial Advisory Group (LDMAG).

But our representatives on the LDMAG have no influence on the things that affect people with a learning disability in their everyday lives, and no way of challenging things that directly affect the aims of the Social Services and Well Being (SSWB) Wales Act. The issues they find it most important to bring up are not able to be brought to the LDMAG as they are not in Welsh Government's jurisdiction. They feel that their voice is not getting through where it matters.

For example these issues they have no voice on at the LDMAG include the Independent Professional Advocacy Contract. This places a duty on local authorities to provide statutory advocacy only. This means that in a situation where local authorities must fund statutory advocacy, funding for self advocacy is in danger. People with a learning disability across Wales are losing their chance to have a real say in the services that empower them to fulfil their own wellbeing outcomes. If this is not addressed then it could be said that the legacies of the SSWB Wales Act and the Improving Lives Strategy were instrumental in taking the voices of people with a learning disability away, leaving things in a worse state than before.

Issues with commissioning strategies in particular areas of Wales mean that currently, services that people have had no say in or wish to receive are being put in place. Our representatives on LDMAG cannot bring this up as it is under local authorities, and some local authorities have refused to consider the voices of self advocates. There is no mechanism to make sure that local authorities have to consider us in future.

In the All Wales People First National Conference 2017 our members asked us to call for a Learning Disability Commissioner in order to secure self advocacy, which in turn provides people with learning disabilities the freedom

to navigate the SSWB Wales Act, and to choose the services they need to deliver their own well being outcomes.

Like people with a learning disability, there is a strategy with priorities for older people, and for children. Older people and children, their families and carers also have a strong voice to improve services like people with a learning disability.

But there is also seen to be a need for an Older People's Commissioner for Wales, and for a Children's Commissioner for Wales. They have powers that we believe are also needed to protect the rights of people who have a learning disability.

The Older People's Commissioner:

'protects and promotes the rights of older people throughout Wales, scrutinising and influencing a wide range of policy and practice to improve their lives.'

Being able to comment on a range of policies, not just those that are considered to be 'about' people with a learning disability is important to make sure that we are able to take a full part in society.

'She provides help and support directly to older people through her casework team and works to empower older people and ensure that their voices are heard and acted upon.'

Direct support to people with a learning disability would give everyone the chance to improve their services across Wales.

The Commissioner's role is underpinned by a set of unique legal powers to support her in reviewing the work of public bodies and holding them to account when necessary.' The Commissioner has: 'legal authority to enter premises other than private homes to interview older people (with their consent)'. And can report: 'whether, and to what extent, the arrangements of certain bodies' advocacy, whistle-blowing and complaints arrangements are effective in safeguarding and promoting the interests of relevant older people in Wales'

We believe that a Commissioner who has a learning disability, with those powers to inspect supported living providers, private hospitals and private colleges, would be able to effectively identify and stop abuse and bad practice.

The Children's Commissioner for Wales:

‘supports children and young people to find out about their rights’

‘Advises children, young people and those who care for them if they think they’ve been treated unfairly’

‘Speaks up for children and young people in Wales on important issues’

‘The principal aim of the Commissioner is to safeguard and promote the rights and welfare of children.’

A Learning Disability Commissioner would help people with a learning disability to find out about their rights, and if the Commissioner was a person with a learning disability they could be confident to speak up for them without taking their rights away.

Older People and Children are seen as needing more than a strategy. They have Commissioners to make sure that they are heard and have the right not to be abused.

Strategies and reports and best practice have made people’s lives better. But people still aren’t getting their rights. We think a Commissioner would make sure this happened. We think a Commissioner would be able to act quickly if people are being abused or having their rights taken away.

The LDMAG has rightly recognised that people with a learning disability are very well able to sit on such a committee and to take part effectively. It would be vital for a Learning Disability Commissioner to be a person with a learning disability, as they alone would be able to gain the trust of their peers and to represent them in the best way.