



20 December 2007

- **High Court finds that Council acted unlawfully and ignored rights of disabled people**
- **Harrow Council forced to reconsider new policy withdrawing care services from 100s of residents**

In a key case about disability rights and the provision of care services for 100s of people, a judge found a local council had acted unlawfully when introducing its new policy because it had breached its duties under the Disability Discrimination Act.

The case, brought by the Public Law Project (PLP) on behalf of three service-users in Harrow, was a challenge to Harrow Council's decision in July this year to restrict the care services it currently provides to people with critical needs only, withdrawing care from those who had substantial needs. The latter category includes those whose independence is at substantial risk if their needs are not addressed, including those who have only partial choice and control over their immediate environment, an inability to carry out the majority of personal care or domestic routines or an inability to maintain the majority of social support systems and relationships.

Local groups supporting the action included Mencap, Harrow Rethink Support Group, Mind, Harrow Association of Disabled People and Age Concern. All have grave concerns that such a restriction in care services would leave 100s of vulnerable people without essential care. Harrow Mencap described the withdrawal of services to about 100 users as having a devastating affect on the individuals and their carers. Harrow Age Concern anticipated an increasing number of older people being at risk as a result and having a very poor quality of life if the policy was adopted.

In the High Court today, Judge David Mackie QC held that the decision to introduce the new policy was unlawful as the Council had failed to meet its duties under the Disability Discrimination Act. He described how the Council had failed to have due regard to the need to eliminate discrimination against disabled people and to promote equality of opportunity: "there is no evidence that this legal duty and its implications were drawn to the attention of decision-takers". The Council will now have to reconsider the issue ensuring that they meet this fundamental duty and protect the rights of disabled people when deciding whether to go ahead with the new policy or not.

For further information, please contact Conrad Haley or Ravi Low-Beer at the Public Law Project: (020) 7697 2190 or c.haley@publiclawproject.org.uk, r.lowbeer@publiclawproject.org.uk

Notes for editors

1. The Public Law Project currently provides free advice to voluntary sector organisations on public law disputes as part of a three-year project funded by the Big Lottery. Contact on 020 7697 2198 or email on evs@publiclawproject.org.uk.
2. The Public Law Project (www.publiclawproject.org.uk) is a national legal charity which aims to improve access to public law remedies for those whose access to justice is restricted by poverty or some other form of disadvantage.

Within this broad remit PLP has adopted three main objectives:

- increasing the accountability of public decision-makers;
- enhancing the quality of public decision-making;
- improving access to justice.

Public law remedies are those mechanisms by which citizens can challenge the fairness and/or legality of the decisions of public bodies and so hold central and local government and other public authorities to account. They include non-court-based remedies such as complaints procedures and ombudsman schemes and also litigation remedies, in particular judicial review.

To fulfill its objectives PLP undertakes research, policy initiatives, casework and training across the range of public law remedies.

3. A copy of the full judgment will be available on PLP's website once it is received from the Court.