

# Law and the Ethics of Everyday Care for Persons With Intellectual Disability: Time for a **Rethink**

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# Introduction

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- Recent examples of collapse in the provision of care for persons with intellectual disability (pwid)
- Huge discrepancy with policy and law
- We need to change how we approach the provision of care for pwid:
  - Implement the (moral) principles embedded in the law relevant to everyday care
- We need to find a framework of ethics which coheres with legal safeguards:
  - Disability/human rights as an account of the good life
  - Experiential and critical interests and human rights

# Crisis in care

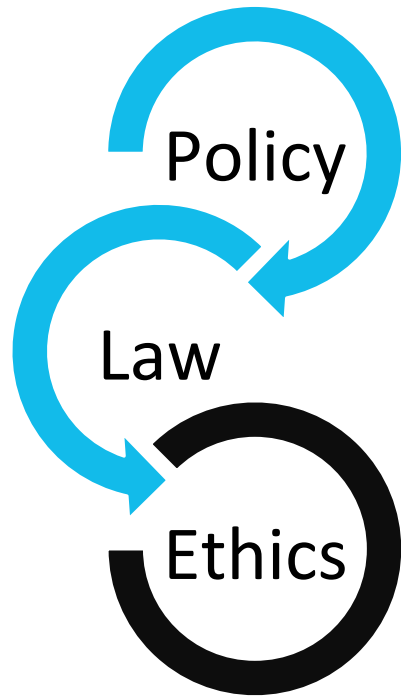
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- Winterbourne View
- LB's death
- Austerity and funding cuts



# Conceptualising the provision of care

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- Policy: Valuing People
- Law: Mental Capacity Act, Human Rights Act, United Nations Convention on the Rights of Persons with Disabilities
- Ethics: Best interests but no direct connection with law of human rights

# Cohering law and the ethics of care

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- Human rights as benchmarks for the adequate provision of care
- Social model of disability as an enabling approach to care based on the CRPD
- Experiential and critical interests
- Treating persons with intellectual disability with dignity: foster their experiential and critical interests
- Human rights as an account of the good life: one way of protecting the critical interests of persons with intellectual disability, together with those critical interests which they set for themselves

# Thank you

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- This presentation is dedicated to the memory of LB
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- <https://lbbill.wordpress.com/>