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Edinburgh may be sued by disabled people over contracts saga

by **Vern Pitt** on February 2, 2010 in **Adults, Disability, Workforce**

Disabled people may sue Edinburgh Council for human rights breaches or disability discrimination because of its handling of a retendering process for care and support services, [which is likely to be halted on Thursday](#).

Ian Hood, co-ordinator of Learning Disability Alliance Scotland (LDAS), believed there was a case to answer under either the Human Rights Act 1998 or Disability Discrimination Act 2005.

He said: "There's a possibility of legal action from individuals because of the distress they have been put through for a flawed process."

The alliance of providers campaigns on behalf of people with learning disabilities. Its members include four charities which had been at risk of losing contracts on the back of the tendering process.

"We believe that people who have been improperly treated have a right to sue," Hood said.

On Thursday Edinburgh Council's finance and resources committee will be asked by chief executive Tom Aitchison to halt the retendering process, after it was criticised by consultancy Deloitte in a report commissioned by the authority.

The council angered people by [freezing the processing of direct payments](#) during the retendering process last year.

LDAS claimed the surge in direct payment applications reflected people's desire to remain with their existing providers.

The council suspended the retendering and ordered the Deloitte inquiry in December 2009 after opposition councillors forced through a motion calling for the backlog of direct payments to be cleared.

In his report, Aitchison said a ceiling of £15.04 an hour should be set on direct payments to deliver on agreed budget savings, which would require negotiating down the price of care with some existing providers.

However, Hood warned that this may reduce services for some people and the council would need to ensure that proper assessments accompanied the process.

He said: "We have been getting advice from a local company which told us there may be good cause for taking up a legal challenge if the council cuts anyone's direct payments without a proper assessment of their need."

There are also concerns that the council may face legal action from successful bidders which would have been awarded the contracts in the event of the tendering process being called off.

None of the successful bidders was available to comment on the possibility of taking legal action at this time.

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