

PE1741/C

Scottish Learning Disabilities Observatory submission of 28 October 2019

People First Scotland has been at the forefront of advocating for the rights of people with learning disabilities. We are proud to work in partnership with the members of People First. We fully support the underlying aim of the petition; to improve the ways in which the needs and rights of people with lifelong learning disabilities in Scotland are realised.

The Scottish Learning Disabilities Observatory, based at the University of Glasgow, was set up in 2015. Our aims are to:

- contribute to health improvement by providing information, data, and intelligence on the health and healthcare of people with learning disabilities
- support policy makers to take evidence informed action to address the inequalities experience by people with learning disabilities.

As a strategic partner of the learning disabilities policy team the Observatory has developed a programme of work aligned to current learning disabilities strategic priorities including how to progress the needs and rights of people with learning disabilities across multiple domains of life. The Observatory's key focus is on providing evidence to inform action to address health inequalities and to build a better understanding of the multiple factors that can influence health.

People with learning disabilities experience significant inequalities in all areas of life and die prematurely from causes that could be avoided with preventative action or good quality health and care. People with learning disabilities experience:

- higher rates of multi-morbidity, at a younger age than others
- barriers to accessing good quality health, care, education, housing and employment
- mental ill health at rates higher than others
- bullying and hate crime, and women with learning disabilities disproportionately experience intimate partner violence and reproductive inequalities.

In public policy terms it is recognised that achieving change for people with learning disabilities demands cross-government policy action that is underpinned by high quality evidence.

Rights that have the potential to positively impact on the health and care needs of people with learning disabilities in Scotland are articulated across multiple policy areas and through human rights and equality legislation. The keys to life, Scotland's national learning disabilities strategy, prioritised the need to address the poor health

experienced by people with learning disabilities and asserted the centrality of a human rights based approach to achieving health improvement. The Scotland Act 1998 states that all legislation in Scotland must be compliant with the European Convention on Human Rights (ECHR). The Convention on the Rights of Persons with Disabilities (CRPD), which also applies in UK and devolved law, demands that all people are equal before the law and that disabled people have legal capacity on an equal basis with others, in all areas of life. Furthermore, appropriate measures must be taken to enable disabled people to access the support they need in order to exercise their legal capacity under Article 12(2) of the CRPD. The Equality Act 2010 places duties on public authorities to eliminate discrimination, advance equal opportunity between those who have one of the protected characteristics and those who do not. All new or revised legislation and policy must be assessed and published to ensure compliance with the legislation described above.

People with lifelong learning disabilities have the same rights and protections in law as all citizens. However, it is widely accepted that there are significant conflicts across some areas of existing Scottish incapacity, mental health and adult support and protection legislation. As a result, legislative realignment that aims to improve the rights and protections of people with learning disabilities by reshaping current incapacity, mental health and adult support and protection legislative frameworks is now in progress. This process has raised important questions about how we, as a society ensure that the rights of people with learning disabilities and other marginalised groups are realised. At the heart of this is how we can ensure that we address the barriers that people with learning disabilities experience when accessing public services.

The right to health is central to international human rights principles enshrined within the CPRD. The best research evidence available demonstrates that the fundamental human right to health is not being fully met for people with learning disabilities. There is strong evidence from research that people with learning disabilities experience significant inequalities in health that can be reduced through improvements in health and care provision. However, current policy and legislation in Scotland is clearly focussed on addressing these rights and needs. Therefore, rather than the introduction of new legislation, at this stage we advocate for a systematic evaluation of whether these inequalities are reducing over time in order to direct future policy action and legislative priorities.