

**Minutes of Meeting of the Cross-Party Group for Learning  
Disability held in the Scottish Parliament on  
Wednesday 7<sup>th</sup> November 2012**

**1. People who were there**



Jackie Baillie MSP (Convenor)  
Jim Eadie MSP (Vice-Convenor)  
Graham Dey MSP  
Aileen McLeod MSP  
Margaret Wheatley (ENABLE Scotland)  
Linda Kerr (ENABLE Scotland)  
Colin Menabney (ENABLE Glasgow)  
Sally Anne Elfverson (ENABLE Glasgow)  
Dr Fabian Haut (Royal College of Psychiatrists)  
Idem Lewis  
Caroline Gray (Quarriers)  
Aafko Kamminga (Quarriers)  
Duncan Jenkins (Powerful Partnerships)  
Sonya Bewsher (Powerful Partnerships)  
James McNab (People First (Scotland))  
Kenny McKay (People First (Scotland))  
Karen McCormack (People First)  
Peter Scott (ENABLE Scotland)  
Heather Muldoon (RNIB)  
Sofi Taylor (NHS Greater Glasgow & Clyde Mental Health Services)  
Sam Cairns (Equal Say)  
Dee Fraser (Coalition of Care Providers Scotland)  
Liz Platt (PAMIS)  
Ian Hood (LDAS)  
David Tawse (Ark Housing)  
Sheila Finlayson (Thistle Foundation)  
Jeannie Robb (Thistle Foundation)  
Sue Tait (Ark Housing)  
Anne Timmons (Gowrie Care)  
Edward Fairweather (Gowrie Care)  
Alison Roy (Equal Futures)  
Lisa Ross (Mindroom)  
Tom Wightman (PASDA)  
Janette Robb (Autism Rights)  
Jan Murdoch (SCLD)  
Sue Healy (Edinburgh ACE)  
Muriel Mowat (Scottish Independent Advocacy Alliance)  
Fiona Sinclair (Autism Rights)

Gregor Sinclair (Autism Rights)  
Dr Catherine Jenkins (NHS Lothian)  
Ruth Callendar (asst to Joan McAlpine MSP)  
Moira Dunworth (asst to Annabel Goldie MSP)  
Lewis Ritchie (asst to Jim Eadie MSP)



## 2. People who were not there

Annabel Goldie MSP  
Alison Johnstone MSP  
Loretto Lambe (PAMIS)  
Lisa Curtice (SCLD)  
Nancy Loucks (Families Outside)  
Denis Rowley (Equal Futures)  
James Fletcher (ARC Scotland)  
Karen Martin (Carers Scotland)  
Rachel Webb (Scottish Autism)  
Pandora Summerfield (Down's Syndrome Scotland)  
James Toal (Powerful Partnerships)  
Mary Hamilton (Scottish Autism)

Jackie noted that Mike Holmes has left ENABLE Scotland to become Deputy Convenor of Renfrewshire Council and Andrew Strong has a new job as Policy Officer for the Health & Care Alliance. Linda Kerr, from ENABLE Scotland, will be the secretary in future.

The group agreed to write to Mike and Andrew to thank them for their service and wish them well in their new roles.

## 3. Matters Arising

### 3 (a) People who have learning disability in prison

The group wrote to John Ewing, of the Scottish Prison Service and asked him to meet with the Cross Party Group. As he was retiring, he said that the best person to talk to was Dr Andrew Fraser, Director of Health and Care in the SPS. He had passed on information to Dr Fraser.



The Group agreed to write to Dr Fraser and invite him to a future meeting.

### 3 (b) Welfare Reform

The group wrote to the Welfare Reform Committee about the benefit changes. Since then, the Committee has gathered information about passported benefits and talked about how the Scottish Parliament can make sure people do not lose out. The Scottish Government has set up the Scottish Welfare Fund and put an extra £9 million towards this.



Idem Lewis mentioned the changes to Housing benefit and worries about how people will pay their rent in future.

Ian Hood of LDAS said that he, Idem and David Tawse met the new Minister for Housing and Welfare, Margaret Burgess. They had talked to her about the new online forms and that people will need help with this. Being paid monthly instead of each week will also cause problems for some people.



The Scottish Government has some money to fund advice services. The group agreed to write to the Minister and ask her to make sure that enough advice services are available.

Sheila Finlayson from the Thistle Foundation said that lots of people who live in Thistle Foundations have an extra bedroom. Now they will not get all their rent paid. The group agreed that it would like to look at the issue of housing and benefits at a future meeting.

### 3 (c) Further Education

A group of CPG members met with the Cabinet Secretary for Education and Lifelong Learning, Mike Russell MSP earlier in the year. This group included Jackie Baillie MSP, Joan McAlpine MSP, Jim Eadie MSP, Peter Scott of ENABLE Scotland, Lisa Curtice of SCLD, and Ian Hood of LDAS. The Minister talked about building the support needs of students with additional needs into the colleges' regional outcome agreements.



He agreed to come to a future meeting of the Cross Party Group to discuss this. Unfortunately, this was not possible

today. The Group agreed that we will invite him to our next meeting in the new year.

### 3 (d) Visual Impairment and Learning Disability

The group wrote to both the Scottish Government and Optometry Scotland about the findings of the RNIB research. We had received responses and copies were handed out during the meeting. These will also be sent out with the minutes.



### 3 (e) Forced marriage

Sofi Taylor reminded everyone about the new law in Scotland about Forced Marriage. It included people with learning disabilities. It was also having an impact on other laws and practice.



The group agreed that we will ask someone from the Scottish Government's Equalities Unit to come and talk to us about how the law on Forced Marriage has been included in other laws and policies and 'mainstreamed'.

## **4. Self-directed support**

The Social Care (Self-directed Support) Bill is going through the Scottish Parliament and will be passed by Christmas. It includes support for carers and different options for the way social care services are provided.

Dee Fraser from Coalition of Care and Support Providers Scotland is on a Scottish Government group looking at the regulations and guidance that will follow on from the Bill.

Dee gave a short presentation about the Bill and the plans for how self-directed support will work in future.

She said that self-directed support is about more choice and control. The Bill has some general principles about making sure people are involved and they have informed choice. Two extra principles were added at Stage 2 of the Bill – these were about respecting a person's dignity and respecting someone's right to take part.

Self-directed support is for adults, children and carers. In future people must be offered choices, information and support.

There will be 4 options

1. Getting a Direct payment
2. Taking control of your own support – through an individual budget or service fund
3. The Local authority can choose and arrange your support
4. You can have a mixture of 1, 2, and 3.



Although the Bill will be law soon, there are still some things that the Cross Party Group and others can influence. This includes

- a) Stage 3 of the Bill
- b) The regulations and guidance that comes after the Bill (about how the law is carried out)
- c) Best practice guides.

Idem Lewis asked if care charging was included in the Bill and James McNab asked how care charges will affect people?

Dee said that care charging was an important question. It was not included in the Bill but Pam Duncan of Independent Living in Scotland is doing work on this as part of a project with IRISS (Institute of Research in Social Sciences).



Sofi Taylor asked how people from ethnic communities will be reached and get information? Dee said other groups like people with hearing impairments or mental health problems often did not use self-directed support. She thought the Scottish Government had funded some information aimed at specific groups.

Colin Menabney asked how long it will take to draw up the guidance. Dee thought the Guidance will be ready by the time the Self-directed Support Act starts but there is not a date for this yet.

Linda Kerr asked how people can influence the Guidance? Dee said individuals, or groups, can -

- Email Dee who is on the Regulations and Guidance group and represents care providers. If she can't deal with it she will pass it to someone else on the group.
- Email or talk to Idem who sits on the Implementation group

Ian Hood talked about charges for carers and different charging schemes. North Lanarkshire Council has said it will not charge anyone who takes up self-directed support. LDAS is doing a Freedom of Information request around all the 32 local councils.

Lewis Ritchie said the principles of respect for dignity, and respect for control, were crucial. Jackie agreed with this.

Sally Ann Elfverson asked about older carers and how they will get information and help. Sam Cairns said that self-directed support had been happening in Glasgow for 2 years. People need independent advice and brokerage - a service that knows about incapacity, employment law, and personalisation. Everyone agreed that there was a big gap in brokerage and advice services.



Jackie said that carers may be able to get self-directed support in future. She is putting forward an amendment to delete the section in the Bill that will allow councils to charge carers.

Jackie thanked Dee for her presentation and for answering everyone's questions.

Dee's presentation and a briefing paper will be sent out with the minutes.

## **5. Hate crime and media reporting**

Sofi Taylor told us about research carried out by Nick Watson, a professor at the University of Glasgow called "Bad news for disabled people". It was about the way that newspapers and the media talked about disabled people.



A few years ago the media was positive about people with disabilities. Now the papers are full of stories that use words like 'scrounger' and 'fraud'.

Jan Murdoch said that Nick Watson had given a talk about the research at the SCLD AGM the day before. His slides were on their website at: <http://www.sclد.org.uk/about-sclد/annual-report/agm/agm> )

The group agreed that we will write to the Society of Editors in Scotland and ask how they are taking note of the report and how they are challenging poor reporting about disabled people.

## **6. Autism and mental health**

The Mental Health (Care and Treatment) Act covers people with mental disorder. This includes people with mental illness, people with personality disorders, and people with learning disabilities.



Fiona Sinclair of Autism Rights told the group about their concerns that people with autistic spectrum disorders (ASD) are treated under the Mental Health Act. Many people with ASD are directed towards psychiatric services and are treated with psychotropic drugs.

Autism Rights is worried that people are in hospital for too long and treated with drugs for too long. But, it is difficult to find out how many people this affects as people with ASD are not counted separately.



Some members of the group said that the Mental Health Act protected people and that it had safeguards to make sure people were not kept in hospital for longer than necessary. The safeguards included a Tribunal system, the right to advocacy, and the Mental Welfare Commission. But they agreed that many families and people with ASD do not get all the community support that they need.

Idem Lewis said that there is an Autism Reference Group and Autism Rights could ask them about this.

There was a question about the evidence and the numbers of people affected. Fiona said that it was difficult to get this as people with autism are not a client group and not counted separately. An MSP had asked a PQ but the answer was that figures are not held centrally for all of Scotland.



Jackie suggested that Autism Rights could put an FOI (Freedom of Information) request into every health board and see if they can get the figures that way.

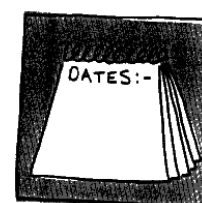
The group agreed that it would write to the Minister for Health saying that we had a presentation from Autism Rights and ask how the regulatory framework protects people with autism. Linda will also send the paper from Autism Rights out with the minutes.

## **7. AOCB**

David Tawse said that he was hoping to meet First Minister Alex Salmond on 25 November.

## **8. Date of next meeting**

The next meeting will be in 2013. Members will be informed of the date as soon as it is confirmed.



### **Actions:**

- write to Mike Holmes and Andrew Strong to thank them for their service to the group
- write to Dr Fraser and invite him to a future meeting
- write to the Minister Margaret Burgess MSP and ask her to make sure that enough advice services are available
- invite the Minister for Education and Lifelong Learning Mike Russell MSP to our next meeting
- send the responses from the Scottish Government and Optometry Scotland about the findings of the RNIB research to members of the group
- ask someone from the Scottish Government's Equalities Unit to come and talk to us about how the law on Forced Marriage
- send out Dee Fraser's presentation and briefing paper with the minutes
- write to the Society of Editors in Scotland about the 'Bad news for disabled people' report
- write to the Minister for Health and ask how the regulatory framework protects people with autism
- send out the paper from Autism Rights with the minutes.