

**Minutes of the meeting of the
Cross Party Group for Learning Disability
Committee Room 1, Scottish Parliament
Wednesday 15 May 2013**

1. People who were there

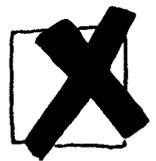
Jackie Baillie MSP (Convenor)
Annabel Goldie MSP
Elizabeth Thomson (representing Joan McAlpine MSP)
Linda Kerr (ENABLE Scotland)
Jan Savage (ENABLE Scotland)
Alex Davidson (Trellis Scotland & Include me)
Jenny Simpson (Trellis Scotland)
James Fletcher (ARC Scotland)
Sonya Bewsher (LDAS)
Sheila Finlayson (LDAS)
Sam Cairns (Equal Say)
Roddy Wallace (Equal Say)
Sandy Carnegie (Speak Out Advocacy Project)
Alison Moir (Lanarkshire ACE)
Stephen Carlin (Lanarkshire ACE)
Jim Walsh (Lanarkshire ACE)
Caroline Gray (Quarriers)
Sofi Taylor
Ewan Hamilton (Key Community Support)
Ian Hood (Learning Disability Alliance Scotland)
Idem Lewis
Kate Mure (PAMIS)
Loretto Lambe (PAMIS)
Colin Menabney (ENABLE Glasgow)
Sally Ann Elfverson (ENABLE Glasgow)
Nerys Smith (Gowrie Care Ltd)
Edward Fairweather (Gowrie Care Ltd)
Chris Creggan (SCLD)
James Toal (Powerful Partnerships)
Andy Miller (SCLD)
Ahmed Yousaf (Remploy)
Kenneth MacMahon (Division of Clinical Psychology)
Andrew Strong (Alliance Scotland)



Karen McKenzie (Division of Clinical Psychology)
Rebecca Middlemiss (Royal College of Psychiatrists)
Margaret Hay (Community Integrated Care)
Linda McCaig

Gary Burns (Govan Law Centre)
Alistair Sharp (Govan Law Centre)
Fiona Collie (Carers Scotland)
Kathleen Bessos (Scottish Government)
Beth Hall (COSLA)

2. People who were not there and sent apologies



Jackie welcomed everyone to the meeting and introduced Annabel Goldie MSP and Elizabeth Thomson from the office of Joan McAlpine MSP.

The following people were not able to come:

Alison McInnes MSP
Prof Nancy Loucks (Families Outside)
Rachel Webb (Scottish Autism)
Sarah Randell (Scottish Council of Independent Schools)
Sarah Van Putten (Down Syndrome Scotland)
Karen Martin (Princess Royal Trust for Carers)
Heather Muldoon (RNIB Scotland)
Dr Fabian Haut (Royal College of Psychiatrists)
Keith Lynch (People First)
Kenny McKay (People First)
Helen Wright (Edinburgh Development Group)
Faye Keogh (Turning Point)

3. Minutes of last meeting

James Fletcher (ARC Scotland) asked for a correction to page 5 of the minutes of 21 March 2013. It should say there were “71 professionals in the network of staff from care agencies who supported people in the criminal justice system” instead of “78 people with learning disabilities in the criminal justice system”. This was agreed. Apart from this, everyone agreed the minutes were correct.

4. Matters arising

- **Prisoners with learning disabilities**

James Fletcher said there was a seminar about this on 26th April at the Scottish Government Community Justice Department, organised by ARC Scotland.



- **Hate crime and media reporting**

There has been no reply yet by the Chairperson of the Society of Editors in Scotland about the report from Glasgow University into the way that the media talks about disability and disabled people. Jackie suggested that we write to the National Union of Journalists instead. This was agreed.



- **Forced marriage**

We will invite someone from the Scottish Government's Equality Unit to come and talk to us about forced marriage at a future meeting.

- **Day services**

Ian Hood (Learning Disability Alliance Scotland) had suggested at that the Group talk about this at a future meeting and share information and views. Jackie asked if there was any new information meantime. Ian said that he hoped there will be something about day services in the new Learning Disability Strategy which was being launched soon. It was agreed to wait for the Strategy and talk about this at the next meeting.

5. Welfare reform

The welfare reform changes continue to cause a lot of worry. The latest change is the unoccupancy charge or bedroom tax that started in April. To find out what people can do, Jackie welcomed Gary Burns and Alistair Sharp



of Govan Law Centre and asked them to tell the Group about their campaign and toolkit.

Alistair explained that he and Gary worked with homeless people and that Govan Law Centre had developed a NO evictions bedroom tax policy. They had sent a petition to the Scottish Parliament with over 5000 signatures. It will be talked about at the parliament on 25 June.

Bedroom tax toolkit

They had also developed a toolkit that people can use to challenge decisions. It can be downloaded from their website. So far more than 7000 people had done this. The toolkit contains a list of reasons that people can use when they make an appeal.

Govan Law Centre can adapt their service to meet anyone's needs and Gary talked about a case study of someone called 'Joan'. She has mental health problems, learning disabilities and can appear aggressive. She was very distressed about needing to move because of the bedroom tax as she had been bullied in the community before. Govan Law Centre worked with her psychiatrist, housing association and the local social work department to support her.



They had not used the toolkit yet to support Joan because Joan did not have a decision yet about her housing benefit from the local council. You can only appeal after you have a decision.

Many landlords started asking people to pay part of their rent from April 2013 as they assumed the person's housing benefit was going to be reduced. Often, this request for part of the rent happened before the person got the housing benefit decision from the council and had a chance to appeal it.

Jackie asked if anyone had any questions:

Idem Lewis asked if all the changes to welfare reform were based on evidence and what would happen if carers became ill. Housing

associations have lists and allocate people to the houses that are available. There are not enough smaller houses.

Alistair said that Govan Law Centre was trying to gather evidence to show the impact and any problems with the changes.

Ahmed Yousaf (Remploy) asked about Govan Law Centre's links with other organisations. Gary said that it had very good networks and local partnerships. Govan Law Centre tried to provide a single point of contact for people.

Loretto Lambe (PAMIS) mentioned people with complex disabilities. The Government has said that they will be exempt but local authorities need to assess people first. A young person or an adult with complex disabilities needs more space for their care needs. They may need night-time care. They may need lots of equipment but are not allowed another room for it.



Ian Hood said that LDAS had produced an easy-read guide to the bedroom tax. He gave out some copies. [Copies also sent out with these minutes.]

Other questions and comments were:

Q: What is the time-limit for appeals?

A: 28 days. Use the toolkit and wait for a response. You can also ask for an "any-time review". If anyone received a housing benefit letter or decision in February (before the changes were due to start) they can also ask for a proper decision.

Lots of people in supported accommodation having to pay part of their rent if their landlord and support provider are different.

Q: Is there any evidence that social landlords are being flexible?

A: It depends on the landlord. It is likely that landlords will not push for eviction but that the person's rent arrears will mount up.

Q: Some families and carers are able to get discretionary housing payments but others are not. Why is this?

A: Depends on the circumstances. Put in an appeal.

Q: One local authority sent out letters just before the cut-off date.

A: Decisions are being made too soon in some areas. Some housing associations are sending letters asking for part of the rent before people have got their official decision letter from the council.

Q: Night-time care- there is some evidence that different local authorities are interpreting this differently or as 7-nights-per-week. What can people do?

A: There is not enough Guidance at the moment and this is a problem.

There was general agreement that clearer Guidance would be helpful.

Q: Can anyone contact Govan Law Centre?

A: Yes. It cannot take on lots of cases but it can respond to emails. Shelter Scotland also has a postcode locator on its website that directs people to local advice centres.

Jackie thanked Alistair and Gary for answering everyone's questions and for their helpful information. She noted that different local authorities are doing things differently. Some have topped up their Discretionary Housing Fund; some have visited everyone and looked at alternative housing; some have assessed people at home to see if rooms can be re-designated; some have a no eviction policy. The Public Petitions Committee is going to look at the Govan Law Centre petition.

Jackie stressed that the Group should not underestimate the Government's ability to change its mind. It was always worth putting forward real life examples and getting both the UK Government and the Scottish Parliament to reflect. The Scottish Government could issue guidance if this is needed.

Jackie suggested that the Secretary should draft 2 letters reflecting the discussions for :

1. The UK Government
2. Margaret Burgess, Minister for Housing and Welfare.



The Group agreed. It was also agreed that links to the toolkit and organisations mentioned should be sent out with the minutes. (see below)

Annabel Goldie MSP thanked Gary and Alistair for the toolkit which she thought would be very helpful.

Useful Links:

- Bedroom tax toolkit: <http://bit.ly/YCBYM8>
- Govan Law Centre: <http://govanlc.blogspot.co.uk/>
- Shelter Scotland advicefinder: <http://scotland.shelter.org.uk/> (Choose Contact an Adviser option.)

6. Integration of health and social care

Jackie welcomed Kathleen Bessos, from the Scottish Government's Integration and Reshaping Care Division, Beth Hall from COSLA (the Convention of Scottish Local Authorities) and Fiona Collie from Carers Scotland.

Kathleen, Beth and Fiona were part of the Scottish Government's Advisory Group working on the new Bill for bringing health and social care together. The Bill would soon be launched in the Scottish Parliament and Jackie invited Kathleen, Beth and Fiona to tell us more.



Kathleen Bessos, Scottish Government: The Bill

The Bill is about improving outcomes for people. More people live longer which is a good thing but it means the Government needs to look at what support everyone will need in future. The Bill will not focus on older people but on the complexity of people's needs.

There will be new national outcomes for Independent Living and Support for Carers.

There are 4 key areas:

1. Outcomes

The local council and the local health board will share responsibility for making sure things get done and outcomes are achieved.

There are 2 different models for ways that councils and health boards can provide integrated services.

a) The Lead Agency

In this model the local council and health board decide which agency (council or health board) will take the lead in delivering the service. This is already happening in Highland.

b) The Body Corporate

In this model the council and health board will have an integrated joint board.

2. Integrated budget

The council and health board must have an integrated budget for health and social care services and the needs of individuals must be higher than the needs of organisations.



3. Localities

Localities are the key to making it work. The council and health board must work with other local stakeholders to look at the needs of the locality.

4. Changing the culture

Changing attitudes and practice, and good leadership are vital. It's hard to put this in a law so need to look at other ways to do this including strategic workforce development (how staff are recruited, trained and supported).

The Scottish Government has done a high-level Equality Impact Assessment (EQIA) but the partners in each local area will need to do a local EQIA.

The Bill will be introduced in the Scottish Parliament before the summer recess and will go to Stage 1 after the summer break.

[The Bill was introduced on 28 May. – see:
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/63845.aspx>]

Beth Hall, COSLA: Locality planning

Locality planning is about bringing together people who use care services, voluntary organisations and local people to plan types of services in local areas.



It will focus on smaller local areas and look at local needs. It will look at the difference that health and social care can make at a local level and it will ask people what they want to see happening. Examples are more people taking exercise, better home care or better day care services.

There will need to be decisions about priorities. Locality planning is about taking those decisions together.

There is no standard size or shape for a local area or a local plan. It can be grouped around populations of certain size, or local communities, or a local structure in an area.

Beth gave out a paper with the draft principles for locality planning. (Copy sent out with these minutes.)

Fiona Collie, Carers Scotland: Involving people and families

The aim of integration is to make people's lives easier and it is about you and your family. Carers Scotland wants carers to be more supported in their caring role but also to have their own lives. When things go wrong it can be disastrous for families so it is vital that the voices of individuals, carers and organisations are heard.



Locality Planning Partnerships are where individuals and carers can get involved. It's important that they get support to do this. It will also be very important for

everyone to give their views once the Bill is published and as it is going through parliament.

Questions and comments were invited. Members of the Group asked:

Idem Lewis: How will it work in Glasgow and will it affect people with mild disabilities?

- Kathleen: Before now councils and health boards were encouraged to work together but it was not required. Now they must work together. The new Learning Disability Strategy will be published soon and will also affect how organisations work together.
- Beth: Locality planning will look at different ways to engage with people – for example face-to-face, in smaller groups or using technology

Colin Menabney: There used to be a Glasgow Learning Disability Partnership. It took a long time to start but worked well. Will part of the new law provide for the statutory involvement of voluntary organisations and others?

- Kathleen: There will be a number of strands for decision-making. The Scottish Government does expect other people to be on the joint partnership board including from voluntary organisations, users and carers, and sources of professional advice such as the Chief Social Worker.
- Fiona: it's very important that the third sector (voluntary agencies) are involved and around the table.

Ken McMahon: Will part of the health budget be used for social care services?

- Kathleen: This is a issue that is being talked about, especially around the budget for acute services. There is current work looking at the acute budget and spending categories to see if any of this can be spent in a different way. Any detail will be in the Bill.
- Beth: Resources will need to move across from health services to social care. COSLA thinks this will need to be significant to achieve its aim.



Andy Miller: It is often difficult for people with learning disabilities to be involved in meetings and there is already a lot of consultation. How accessible will the meetings and new structures be?

- Beth: Engagement will not be focused on consultation but on involvement in decision-making. It cannot be just about a regular set of meetings.
- Fiona: Agreed. Carers Scotland has been trying out different techniques like webinars and social media to reach people.

Andrew Strong: Healthcare and social care need to change at the frontline. People need to know the expected standards and how to challenge poor practice.

- Kathleen: The Cabinet Secretary gave a commitment to review the care standards and these are out for consultation now. The outcomes from this will be tied into the work on outcomes for health and social care.

Jim Walsh: Lanarkshire ACE: People contribute to the cost of their social care but healthcare is free. Health professionals can be great allies when people are negotiating with social work department but once health and social care are joint partners, is there a danger that individuals and carers will be on their own?

- Fiona: Charging is complicated and COSLA is working on guidance. People need consistency across Scotland and transparency. Often people are assessed but do not know how the charge or contribution has been worked out.
- Beth: One ambition is that the resource stops being regarded as belonging to health or social work but is a joint resource. This may end these arguments. COSLA is looking at self-directed support and how people can direct their support across both health and social care. This will need to be unpicked carefully so people are not charged for services that are free at point of use.

Loretto Lambe, PAMIS: People with low incidence conditions are often missed out during local planning, as there isn't a local group, but their needs are often complex.

Jackie thanked everyone for their questions and comments and Kathleen, Beth and Fiona for their valuable input. The Health and Sports Committee will be taking evidence after the summer. She asked if

Kathleen would come back and talk to the Group in the autumn once the Bill is going through parliament. Kathleen was happy to do this.

7. Anything Else?

a) Migrants and healthcare

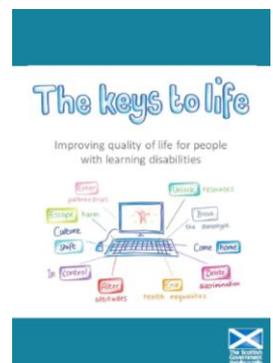
A question was raised about migrants accessing healthcare. The UK Government is proposing to add an additional test for immigrants. There is a worry that this will become a racial issue. Local minority ethnic communities are anxious that it will mean that they will need to carry identification.



b) Learning Disability Strategy

The new Learning Disability Strategy, The keys to life, was due to be launched at Murrayfield Stadium in the next few weeks.

[Now out: see: <http://www.scotland.gov.uk/Publications/2013/06/1123>]



c) Help Us Be Spontaneous (HUBS)

Jackie read out a letter from Kenneth McLeod, from the ENABLE Scotland Speak4Yourself young person's group in West Dunbartonshire. They have planned a campaign about local transport issues as it is difficult to use public transport without a lot of advance planning. Kenneth's group want to come and talk to the Cross Party Group about their campaign. The Group agreed.

8. Date of next meeting

Wednesday 25 September 2013 at 1pm.

