

**Minutes of the meeting of the
Cross Party Group for Learning Disability
Committee Room 3, Scottish Parliament
Wednesday 15th January 2014**

1. People who were there

Jackie Baillie MSP (Convenor)
Joan McAlpine MSP



Kathleen Bessos (Scottish Government)

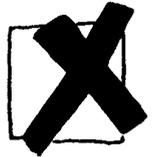
Helen Hunter (Quarriers)
Caroline Gray (Quarriers)
Rachel Le Noan (Down's Syndrome Scotland)
Colin Menabney (ENABLE Glasgow)
Sally Ann Elfverson (ENABLE Glasgow)
Jan Savage (ENABLE Scotland)
Margaret Wheatley (ENABLE Scotland)
Rachel Kennedy (ENABLE Scotland)
James Fletcher (ARC Scotland)
David Tawse (People First)
Gloria Greganti (ARK Housing Association)
Ewan Hamilton (Key Community Support)
Ian Hood (Learning Disability Alliance Scotland)
Muriel Mowat (SIAA)
Elizabeth Findlay (Central Advocacy Partners)
Matthew Quinn (C-Change)
Holly Millar (C-Change)
Marie Claire Clearie (C-Change)
Rebecca Middlemiss (Royal College of Psychiatrists, Scotland)
Douglas Freeland (Threshold Edinburgh)
Fabian Haut (Royal College of Psychiatrists)
Nerys Smith (Gowrie Care Ltd)
Edward Fairweather (Gowrie Care Ltd)
Diane Willis
Roger Robertson (Real Jobs – The Action Group)
Kate Mure (PAMIS)
Chris Creegan (SCLD)
Emma Vinnie (Sleep Scotland)



Idem Lewis
Sofi Taylor

Jackie welcomed everyone to the meeting.

2. People who were not there and sent apologies



Jackie told the Group that Annabel Goldie MSP had sent her apologies that morning due to illness. The following people were not able to come:

Annabel Goldie MSP
Alison McInnes MSP
Jim Eadie MSP
Liam McArthur MSP
Alison Johnstone MSP

Ian Cuthbertson (Quarriers)
Sam Cairns (Equal Say Advocacy)
Jane Ansell (Sleep Scotland)
Karen McKenzie
Loretto Lamb (PAMIS)
Andrew Strong (Alliance Scotland)

3. Minutes of last meeting on 25th September 2013

Everyone agreed the minutes were correct.

4. Matters arising

a) Welfare Reform Update

Jackie reminded the Group that the Welfare Reform Committee in the Scottish Parliament is looking for evidence from disabled people on their direct experiences of the welfare reforms.



Information can be emailed to: welfarereform-yoursay@scottish.parliament.uk

More information at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurentCommittees/68298.aspx>

Idem Lewis said that there had been a lot of changes recently to Discretionary Housing Payments and the ATOS contract.

Jackie agreed and thanked Idem for raising this. She said that the changes mean that people are being listened to.

b) Integration of Health and Social Care

Jackie noted that this was a big agenda item for today's meeting. Kathleen Bessos from the Scottish Government was at the meeting. Kathleen had been at the May 2013 meeting of the group, and had kindly agreed to come back and update us.

c) Keys to Life

Jackie told members that a letter has been sent from the Cross Party Group to the Minister for Public Health asking for information about the Keys to Life Advisory Group and Implementation Plan. We hope that the Minister will be able to attend our next meeting.



d) Adults with Incapacity Act

Jackie said that today's discussion will be led by Ian Hood from LDAS. Ian had prepared a paper in advance, which the Secretariat had circulated to members. Ian has made some changes to the paper, and had brought new copies along for the Group today.

e) Joint Meeting with CPG Disability on Hate Crime

Jackie invited Helen Hunter from Quarriers, who provides the Secretariat to the CPG on Disability, to give an update.

Helen said that the Cross Party Group on Disability would like to work with the Cross Party Group on Learning Disability and look at how people are reporting Hate Crime.



Jackie suggested that both Secretariats could meet to share information and report back to Autumn CPG.

The Group agreed, and this will be carried forward.

5. Integration of Health and Social Care

Jackie welcomed Kathleen Bessos back to the CPG to give us an update on the progress of the Bill which brings together health and social care services in Scotland. The Bill is called the Public Bodies (Joint Working) Scotland Bill.

Kathleen said that there has been a lot of discussion about the Bill since she last met with the CPG in May 2013. The Scottish Government had been sent lots of views.



Kathleen explained that the Bill has now reached Stage 2, and this means MSPs can lodge amendments (suggestions for changing parts of it). She said that the Health and Sport Committee would meet to vote on these amendments on 21st January 2014 and again on the 28th January 2014. She said that everyone could look at the progress of the Bill online:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/63845.aspx>

Kathleen said that the Bill is quite technical. She thought the Group would be interested in the changes to the Integration Planning Principles. The Scottish Government had listened to feedback,

including feedback from the CPG members. It has introduced amendments to put Principles in the Bill to ensure that services:

- Are integrated from the point of view of service users;
- Take account of the particular needs of different service users; and of service users in different parts of the local area;
- Take account of the dignity of service users;
- Take account of participation by service users in the community in which they live;
- Protect and improve the safety of service users;
- Improve the quality of the service;
- Are planned and led locally in a way which engages with the community;
- Best anticipates needs and prevents them happening;
- Makes the best use of the available facilities, people and other resources.

Kathleen said that these principles will work well with the principles of the Social Care (Self Directed Support) (Scotland) Act. She was hopeful that MSPs would support these amendments.

Finally, she reminded the Group that, once the Bill is passed, there will be more opportunity to influence good quality Guidance.

Jackie thanked Kathleen for her update, and asked for questions.

Charging

Ian Hood (LDAS) raised the issue of charging. He said that one consequence of the Bill is that health care elements of a support package may be charged for. He also said that there may be amendments to allow the Scottish Government to retain control over local charging policies.



Kathleen said that Ministers already have the power to regulate social care charges. They have had this for over ten years under the Community Care Scotland Act 2002. Jackie noted that this power had never been used. Kathleen said that the Scottish Government supports COSLA guidance to maintain consistency of charging levels throughout Scotland.

Being part of communities

Idem Lewis asked how the Bill relates to the Community Empowerment Bill. How will it support people to be part of their communities? He said that people with learning disabilities need safe, accessible places to keep people safe from bullying. Finally, he asked about the timetable for implementation.



Kathleen said that the Bill will be passed in February/March 2014. After that, regulations and guidance will be developed and consulted upon. The regulations and guidance will then go back to Parliament for approval. After this, the Bill will get a start date, which is currently due for April 2015.

At that stage, integration plans will be developed. It is crucial that local communities and people who use services are involved. The Scottish Government has identified these groups in the Bill and in regulations. Local councils and health boards will need to show how they are involving people in the planning process. Without this evidence, Ministers will not sign off (agree to) the Integration plans.

Reporting on progress

There was a question about reports from integration bodies to the Scottish Government. There are concerns that reports will be so high level and so vague that there will not be enough evidence of the real experiences of people. Another question was - How does this Bill fit with other legislation, in particular the Human Rights Act?



Kathleen explained that all the existing equalities and human rights laws will apply to the activities of the Integration Boards.

Kathleen said that the public reporting element of the Bill is crucial. There will be a regulation about this. It will be clear that Integration Boards will have to describe what progress has been made to achieve outcomes. These reports will be made public. As such, the Integration Boards are not reporting to the Scottish Government –

they are reporting to communities. But communities will have to be proactive in monitoring this.

She said that there are national indicators and outcomes which will have to be met - but there will definitely be local accountability in local communities.

People who are harder to reach

A few Group members asked about the 'harder to reach' communities, for example, people with learning disabilities or Black and Minority Ethnic (BME) communities.



Kathleen agreed that there was a need to think carefully about the standards of participation. This could perhaps be reflected in Guidance.

Definition of 'social care'

Jackie asked whether the Scottish Government intended to develop a definition of 'social care' to accompany the Bill.

Kathleen said that there has been a lot of discussion about this. There will be a statement to describe the functions of social care. She noted that there will be some things that cannot be delegated to an Integration Board, for example, specialist mental health services or national services such as neuroscience.

The impact of integration on charging for services

Jackie noted that the policy intention is the integration of health and social care functions. She asked whether there will be a specific exclusion in the Bill that services previously provided by the NHS for free will not be charged for? She said that she felt that this should be on the face of the Bill, because in 10 years time, the dividing lines between health care and social care will be blurred.



Kathleen advised that there is no intention from the Scottish Government to start charging for NHS care which was formerly free of charge at the point of delivery.

David Tawse (People First) asked about charging policies, and questioned the use of 15 minute blocks of time. He felt that people sometimes need support for blocks of more than 15 minutes.



Kathleen said that the 15 minute time block is a guide, but that if necessary, a care plan should reflect that a longer slot is required. The 15 minute block is an way of calculating time in blocks that you need. She said if someone is unable to cope, then the care plan must be reviewed.

Several members asked again about there being no charges for NHS services, and were concerned about what would happen in ten years time if the issue of NHS charging is not explicit in the Bill.

There were also concerns that we are moving to a very medical model of care.

Kathleen responded that the whole purpose of integration is about moving away from the medical model. She made it clear that the Scottish Government is not changing the principles of the NHS free at the point of delivery.

She reflected further on the difficulties with portability (being able to move or carry something away) and assessment. She noted that where people move to another local authority, it is unlikely that they can take their whole package with them. She also said that there is 2010 Guidance which contains guidelines to encourage early conversations about your needs being met in a different area if you intend to move.

She felt that making care charges the same in every area is not simple. It would inevitably mean that some people would end up paying more.

The Scottish Government will work with COSLA to strengthen the existing guidance on portability and introduce more flexibility.

Staff training and positive changes

Caroline Gray (Quarriers) asked what training will be available for staff in helping to involve people who use services.

James Fletcher (ARC Scotland) asked whether there are positive changes towards integration in any parts of Scotland already.

Kathleen said that the Scottish Government expect to see training reflected in local Strategic Plans. She said that the Scottish Social Services Council (SSSC) and NHS Education Scotland are working together to look at actions to help with training needs. She agreed that this legislation is going to ask people to change their thinking. This will take a lot of work over a long time.



In terms of early integration, Kathleen said that local areas should be starting to move on this now. There is some national resource available to support transition. Access to this resource will require an organisational development plan. Kathleen reminded the group that, in terms of accountability, local people in local communities have the most important role to play and must ask questions.

Jackie thanked Kathleen for her input into the meeting. She summed today's discussion and highlighted that the CPG is broadly supportive of the Bill, but has some outstanding concerns about how to have real consultation at local level, and on charging for NHS care and support.

6. Adults with Incapacity Act – Section 13ZA.

Jackie invited Ian Hood (LDAS) to introduce the discussion on this.

Ian explained that the Adults with Incapacity Act covers guardianship. Sometimes when older people leave hospital, guardianship is arranged. This takes time and while the guardianship is being arranged, it can delay a decision about an appropriate residential placement. Section 13ZA was introduced as an addition to the Adults with Incapacity Act mainly to improve the position with 'bed blocking' in the NHS and to allow social work and other professionals to intervene quickly and arrange a suitable placement.



Moving into care homes

LDAS has evidence that Section 13ZA is now being used to move people with learning disabilities from community care into cheaper care home tenancies. He noted that the Scottish Independent Advocacy Alliance have information which suggests that this is happening in at least 7 local authorities.



Safeguards

Ian referred the Group to his briefing paper. He said that there is a lack of safeguards around the use of Section 13ZA as no one monitors it, and that a lack of information and advocacy support means that people are not always aware that it is being used.

The Group thanked Ian for his paper, and discussed issues around:

The impact of getting older

Are people really being placed in inappropriate care, or is it just that people with learning disabilities are living longer, and therefore need care and support from older people's services for conditions such as dementia? Joan McAlpine MSP raised this and Dr Fabian Haut (Royal College of Psychiatrists) queried some of the figures in the briefing paper for accuracy. However, it was agreed that this is an issue which is worth pursuing further with the Scottish Government.

Commissioning services

Is section 13ZA the only problem, or is it the commissioning principles which dictate a local procurement plan? Margaret Wheatley (ENABLE Scotland) reminded the Group that the Keys to Life Implementation Group has a Commissioning Sub Group. There is an opportunity there to lobby strongly on commissioning strategies.



Where should older people with learning disabilities live

Colin Menabney (ENABLE Glasgow) noted that there seems to be an assumption that older people with learning disabilities should be placed in a mainstream care home if they have conditions such as

Alzheimer's or dementia, and that this is an issue which needs to be addressed.

It was agreed that the CPG will write to the Scottish Government suggesting that:

- The Mental Welfare Commission should have the power to receive reports from local authorities on their use of Section 13ZA;
- advocates are recognised as 'professional' for the purposes of Section 13ZA;
- people who are being considered for Section 13ZA should have a legal priority to receive the help of a local advocate;
- local commissioning strategies should reflect the changing needs of an older population of people who have learning disabilities



Jackie thanked Ian for his briefing paper and introducing the topic to the CPG.

7. Anything else?

a) Request from Trellis to look at learning disability and gardening.

The CPG had received a request from Jenny Simpson at Trellis to update the Group on the benefits of therapeutic gardening projects. Jenny was not in attendance, and so this will be carried forward.

b) Looking ahead to a work plan for the CPG in 2014-15

Jackie said that she thought it would be a good idea to map out the issues that the CPG would like to look at over the next year. On the basis of our previous discussions, we have:

- May 2014 – the Keys to Life (Minister in attendance) and AGM
- November/December 2014 – Hate Crime

Jackie said that other suggestions should be sent to Jan for our November and January 2015 meetings.

The Group felt that they would like to keep an eye on Health and Social Care Integration, and Jackie felt that she would like to get a Community Health and Social Care Partnership (CHSCP) representative along to the CPG to talk through progress to date. The Group agreed that this would be a good idea for the next meeting, and it was suggested that a representative from West Dunbartonshire and South Ayrshire should be invited to the May 2014 meeting.

Idem Lewis felt that Welfare Reform should be kept on the agenda for regular updates.

David Tawse (People First) suggested that the Group could look at the Independence Referendum. Joan McAlpine MSP said that an Easy Read version of the White Paper would be available soon. She said that MSPs would be happy to talk to anyone at any time about the Referendum. She said that both her and Jackie had been interviewed for a special film made by LDAS to help people make up their minds about how to vote.

You can see the film here:

<http://www.bing.com/videos/search?q=youtube+learning+disability+alliance+scotland&docid=608019781304323528&mid=ECAB972C00BBC3503AD8ECAB972C00BBC3503AD8&view=detail&FORM=VIRE2#view=detail&mid=ECAB972C00BBC3503AD8ECAB972C00BBC3503AD8>

8. Date of next meeting

Wednesday 28th May 2014 at 1pm - 2.30pm.



Actions

	Action	Who
1	Send information about the impact of the welfare reforms to Welfare Reform Committee of the Scottish Government	All CPG members
2	Work with CPG on Disability to share information on topic of hate crime and report back to the Autumn CPG.	Secretariat (Jan Savage)
3	Write to the Scottish Government regarding the use of Section 13ZA of the Adults with Incapacity Act	Secretariat (Jan Savage)
4	Carry forward request from Jenny Simpson at Trellis to raise topic of therapeutic gardening	Secretariat (Jan Savage)
5	Send suggestions for topics for future meetings to the CPG Secretariat (Jan Savage).	All CPG members
6	Invite representatives from West Dunbartonshire and South Ayrshire Community Health and Social Care Partnerships (CHSCP) to May 2014 meeting	Jackie Baillie and Jan Savage