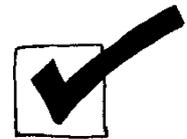


**Minutes of the meeting of the
Cross Party Group for Learning Disability
Committee Room 1, Scottish Parliament
Tuesday 21st April 2015**

People who were there



Jackie Baillie MSP
Annabel Goldie MSP
Joan McAlpine MSP

Jan Savage (ENABLE Scotland (Secretariat))
Kayleigh Thorpe (ENABLE Scotland)

Chris Creegan (SCLD)
Andrew Strong (Health and Social Care Alliance)
Laurelle Harvey (Quarriers)
Florence McQuilter (Quarriers)
Tom Wightman (Autism Rights)
Sue Kelly (Inclusion Scotland)
Tom Wightman (Autism Rights)
Ken MacMahon (British Psychological Society)
Drew McFarlane (Mental Health Bill Team)
Eleanor Stanley (Mental Health Bill Team)
Nicola Paterson (Mental Health Bill Team)
Muriel Mowat (Scottish Independent Advocacy Alliance (SIAA))
Karin Engstrom (SIAA)
James McNab (People First)
Dave Reid (People First)
Sonya Bewsher (Learning Disability Alliance Scotland (LDAS))

Diane Willis (Edinburgh Napier University/ FAIR/ ENABLE Glasgow)

Rebecca Middlemiss (RCPsych in Scotland)

Sarah Waterson (RNIB Scotland)

People who could not come and sent apologies

Alison McInnes MSP

Jim Eadie MSP

Colin Menabney (ENABLE Glasgow)

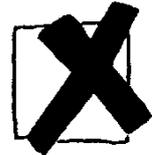
Sally Ann Elfverson (ENABLE Glasgow)

Alison McInnes MSP

Sofi Taylor (NHS GG&C Mental Health Services)

Fabian Haut (NHS Tayside)

Michael McEwan



1. Welcome

Jackie Baillie welcomed everyone to the meeting.



2. Minutes of the last meeting on 4th February 2015

The last meeting was a joint meeting with the Cross Party Group on Disability.

The meeting was about hate crime and bullying.

Jackie asked if the minutes of the last meeting were correct or if there were any mistakes.



James McNab from People First said there was a mistake. The minutes talked about the People First film on hate crime. In some places the minutes used the word “bullying” instead of “hate crime”. James said this should be changed to “hate crime”. Everyone said this change was OK. Everyone agreed the rest of the minutes were correct.

3. Matters arising – things that came out of the last meeting

Hate crime

Jackie said the main thing that came out of the meeting was that we need a joined-up plan to stop hate crime across Scotland.



At the meeting we agreed to ask the Government some questions about hate crime.

Jackie said she had asked the Government these questions:

- There are plans to set up a system so that people can report a hate crime that happened to organisations instead of the Police. How are these plans coming along?
- How does the Government record when someone reports a hate crime, but no one is sent to court?
- What support do people who report a hate crime get?
- Can the Government set up a plan for the whole of Scotland for how to stop hate crime?

When the Government answers these questions we will send the answers to the Cross Party Group.

Annabel Goldie said that at the meeting we also agreed to send a letter to the Convenors of other Cross Party Groups.



We will ask the Convenors to sign a letter to the Scottish Government.

The letter will tell the Scottish Government it needs to do more to stop hate crime.

Jan Savage of ENABLE Scotland said she will meet with the secretary of the Cross Party Group on Disability to write the letter.

People who have learning disabilities being moved into care homes

This is about local councils using a law called Section 13ZA.



Some people are worried that councils are using the law to move people who have learning disabilities into care homes for older people.

People think the councils are moving people into care homes to save money.

The Cross Party Group wrote a letter about this to the Minister for Public Health.

The group have now got a reply from the Cabinet Secretary for Health, Wellbeing and Sport, Shona Robinson.



Copies of this letter were at the meeting.

The letter is also attached to these minutes.

Jackie suggested the next step should be to find out where and when people have been moved into care homes using the Section 13ZA law.

We can then write back to the Government to tell them about where and when this has happened.

She asked members of the Cross Party Group to send in any evidence of where this has happened.

Please send any evidence in an email to: cpg@enable.org.uk

Letter about Winterbourne View report

The Cross Party Group wrote a letter to the Minister for Health Improvement, Mental Health and Sport.

The letter was about Winterbourne View. This was a care home in England where people with learning disabilities were abused.

The letter asked what we are doing in Scotland to make sure this doesn't happen to



anyone in Scotland.

The Minister replied to the Cross Party Group.

Copies of his letter were at the meeting.

The letter is also attached to these minutes.

Jackie said that we can talk about this with the Minister when he comes to a meeting of the Cross Party Group.

Letter about transport for disabled people

The Cross Party Group wrote a letter to the Transport Minister.

The letter asks if there any plans to do a report about transport.

The Transport Minister replied to the Cross Party Group.

This reply was sent to members of the Cross Party Group before this meeting.

The Transport Minister said there was a meeting about transport on 24th March.

Kayleigh Thorpe from ENABLE Scotland said that she had gone to the meeting with people from ENABLE's ACE groups.

There is a report about the meeting attached to these minutes.



Smith Commission

The Smith Commission was a group of people who decided what new powers the Scottish Government should get.

They said the Scottish Government should get control over benefits for people with disabilities and carers.

The UK Government is working on giving these powers to the Scottish Government.

The Cross Party Group agreed that we will keep an eye on progress with this.



4. Scottish Independent Advocacy Alliance (SIAA)

Muriel Mowat and Karin Engstrom from SIAA were at the meeting.

They told everyone about some research they had done.

The research was about advocacy for people who have learning disabilities.

You can read a report about the research here:

<http://www.siaa.org.uk/wp-content/uploads/2014/11/Karin-Report-V1.pdf>



Muriel and Karin said they had found out...

- Advocacy helps people feel listened to.
- Advocacy helps people be more confident to try new things and speak up for themselves.
- Advocacy helps people feel more part of their community.
- Independent advocacy is not always as available as it should be.
- There is not enough information about how people who have learning disabilities can get advocacy.
- Advocacy organisations don't have enough money or staff. So often they can only help people who are in crisis.



The Cross Party Group asked Muriel and Karin some questions.

Joan McAlpine asked: how can advocacy help people who are being moved from Disability Living Allowance (DLA) to Personal Independence Payment (PIP)?



Can an advocate fill in forms? Or can they tell someone where they can go for advice?

Muriel said that people who were being moved from DLA to PIP would probably need an advocate **and** help from a benefits advisor.

Muriel said 4 organisations are giving advocacy to people who are being moved from DLA to PIP.

They got funding to do this from the Health and Social Care Alliance.

Andrew Strong from Health and Social Care Alliance said that the advocates would not help with the application or fill in forms. He said the advocates would support people when they go for the medical assessment.

Jan Savage from ENABLE Scotland said that ENABLE Scotland had a benefits advisor.

She said the advisor had helped people when they were moved from DLA to PIP.



The advisor helps people with applications and forms.

Jan said anyone who needs help with this can contact ENABLE Scotland.

Ken McMahon said health and social work staff should know that moving from DLA to PIP is a big issue for people.

He said they need to know where people can go for help.

Someone asked Muriel and Karin about different types of advocacy.

They asked if they had looked at...

- citizen advocacy
(where advocates are not paid)
- professional advocacy
(where advocates are paid)
- collective advocacy
(where a group of people speak up together).



Karin said they had looked at citizen advocacy and professional advocacy.

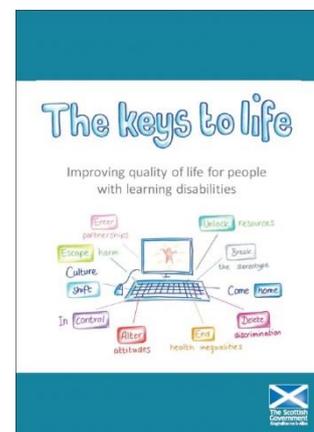
But they had not looked at collective advocacy.

Karin said that both types of advocacy had helped people.

Chris Creegan from SCLD said that they were working with SIAA on part of the Keys to Life that talks about advocacy.

They were working on a plan to help more people get access to advocacy.

Jan Savage said that professionals should learn that people who have learning disabilities have the right to advocacy.



Jackie Baillie said there should be a map of benefits advice and advocacy services in Scotland.

Jackie thanked Muriel and Karin for talking about the research.

5. Changing the law about mental health

Penny Curtis, Drew McFarlane and Eleanor Stanley from the Scottish Government were at the meeting.



They are working on changing the current law about mental health.

Penny Curtis said the Government want to make some small changes to the law to make it work better.

At the moment people who have learning disabilities are covered by the law.

Lots of people think that people who have learning disabilities should not be covered by the law any more.



Penny said this would be a big change to the law.

She said the Government are not looking at changing this part of the law just now.

She said the Government know that lots of people think this should change.

She said they are planning to look at making bigger changes like this in future.

She said they would look at this carefully and make sure people are included in the process.

Jackie Baillie asked when are the Government planning to look at making this bigger change to the law.



She said there is lots of other work happening next year which means it would probably take a long time.

Penny Curtis said they have not planned when they are going to do it.

She said the Government are concentrating on making the small changes first.

Then they will look at this change. But it will probably not be straight away.

Eleanor said the current law says people who are being treated under the mental health law need to have a Named Person to look out for them.



At the moment if you don't choose a Named Person, a family member automatically becomes your Named Person.

She said the government wants to change the law so that you don't **have** to have a Named Person any more.

They want to change the law so that if you don't choose a Named Person you won't have a Named Person at all.

She said this is because sometimes people don't want someone else to know about their health and private information.

Annabel Goldie said she was worried that some people would not have a Named Person at all because they didn't know about it.

She said if this change is made people need to be told about their right to choose a Named Person.

Jan Savage says a Named Person can be important.

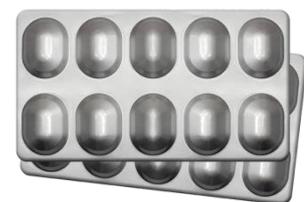
She said if people who have learning disabilities don't have the information about choosing a Named Person they might not have one even if they would have wanted one.

Eleanor said the Government knows about this problem.

She said they need to make sure this doesn't happen.

Tom Wightman from Autism Rights said at the moment people who have Autism are covered by the law.

He said the law means that people who have Autism are at risk of being given drugs that change how their brain works.



He said that people who have Autism should get different types of treatment.

He said when people are treated under the current law they do not get the right treatment.

He said the right treatment might be given by a psychologist instead of a psychiatrist.

Penny Curtis said the Government need to work on this part of the law.

And they also need to look at how they can make care and treatment better.

She said that advocacy is important in helping people get the right treatment.

Tom said that once you are treated under the Mental Health law it is hard to get a different type of treatment.

Sonya from LDAS talked about issues with guardianship.

Sonya said that more and more people are applying for guardianship.

She said there are not enough checks to see if it is the best thing to do in every case.

She asked why the Government are not changing this part of the law.

Penny Curtis said her team were not looking at this part of the law.



She said the Justice team at the Government are looking at it.

Ken McMahon said the current law talks about which professional are allowed to be responsible for the treatment of people.

He said in England and Wales psychologists are allowed to treat people.

He asked if there are plans to change the law in Scotland so psychologists can treat people?



Penny Curtis said the Government would like to change this part of the law.

But they are not making this change just now.

She said they would look at this at a later date.

Andrew Strong talked about another part of the law.

This part says you can write down a statement about what you want to happen if you become ill.

The law says where your statement should be saved.

He asked if the Government were going to change this part of the law.



Eleanor Stanley said the Government know some people are worried about this.

She said they are thinking about changing it.

Muriel Mowat asked how do we make it easier for people to get advocacy?

Eleanor Stanley we do need to make it easier for people to get advocacy.



But changing the law would not do this.

She said other things need to change instead.

James McNab from People First said people who have a learning disability should not be covered by a law about mental health.

He said a mental health problem can be treated but a learning disability cannot.

Eleanor Stanley said the Government know that people are worried about this.

She said the Government has agreed to look at this part of the law in the future.

Jackie thanked Penny, Drew and Eleanor for coming to the meeting.

Jackie said the Government had agreed to look at whether the law should cover people who have learning disabilities.

But she said it was clear that this would not be happening for a long time.

Jackie said the Cross Party Group can keep pressure on the Government to make big changes like this to the law.

Jackie asked if everyone agreed that we should write a change to the law at the next stage of making changes to the law

Everyone agreed.

Jackie said we had 2 options.

Option 1 – we write a change to the law that says the law should cover people who have learning disabilities.



Option 2 – we write a promise in the law that says the Government will look at changing the law covering people who have learning disabilities by a certain date.

She said we would need to look at what change was possible. She said she thought option 2 would be better.

Everyone agreed that Jackie should write the change to the law that would make the Government look at whether the law should cover people who have learning disabilities.

Jackie said usually new laws are written by ministers.

But any MSP can suggest a new law too.

This is called a Private Member's Bill.

She said this would be another option for making bigger changes to the mental health law.

But she said we could not do this before the Scottish Government elections in 2016.

Jan Savage said it would be a good idea to suggest a new law about the rights of people who have learning disabilities.

Jackie said we should try to do what we agreed first.

If that does not work we can think about writing a Private Member's Bill.

6. Anything else?

The Cross Party Group agreed the next meeting should be in Learning Disability Week. This is 15-21st June.

The Cross Party Group agreed to invite the Minister for Sport, Health Improvement and Mental Health to the next meeting.

The Minister is Jamie Hepburn MSP.

We will ask him and his team to tell the Cross Party Group what is happening with the Keys to Life.



Jackie said members of the Cross Party Group should write to Jan Savage about anything else they want to talk about at the next meeting.

6. Date of next meeting

The next meeting will be on
Tuesday 16th June 2015.

- 1 pm – 2.30 pm
- Committee room 1, Scottish Parliament



7. Actions – things to do before the next meeting

Who	What to do	When to do it by	Where we are with this
Members of the Cross Party Group	Send any evidence about people with learning disabilities being moved into care homes (use of Section 13ZA) to: cpg@enable.org.uk	Ongoing	
Jackie Baillie and Jan Savage	Table an amendment to the Mental Health Bill	16 th May	<p>Done.</p> <p>An amendment was tabled in Jackie's name which sought to secure commitment to review in legislation.</p> <p>An update will be given at the next meeting of the Cross Party Group</p>

Who	What to do	When to do it by	Where we are with this
Jan Savage	Invite Jamie Hepburn MSP to the next meeting		Done. The minister cannot come but he has asked people from his team to come to the meeting instead.
Jan Savage	Meet with the secretariat of the Disability CPG to follow up outstanding action from joint hate crime meeting. Draft joint letter from convenors to convenors to other Cross Party Groups.		Done. In Progress. A draft letter will be circulated to members of the Cross Party Group for approval.
Jan Savage	To circulate the answers to the parliamentary questions on hate crime to the Cross Party Group.		Done. These are included with these minutes.

Who	What to do	When to do it by	Where we are with this
Jan Savage	Send report from Accessible Transport meeting		Done. The report is included with these minutes.