

RCN Scotland
42 South Oswald Road
Edinburgh
EH9 2HH

1 November 2019

Dear Mr Rome

Final consultation on the independent review of learning disability and autism in the Mental Health Act.

Thank you for the opportunity to comment on the final consultation from the Independent Review of Learning Disability and Autism in the Mental Health Act. Clearly, this is a significant document in both scope and potential implications. We understand that the Review has been charged with addressing concerns from those with experience of existing provisions around the potential for excessive and prolonged detention by virtue of a person's learning disability/intellectual impairment. The RCN supports work to explore both the issues faced by those who may be, or feel they have been, adversely affected by current provisions, and to find effective solutions where improvements can be made.

However, we have also listened to concerns from nursing staff, and medical colleagues, regarding the conclusions of the Review as presented in this consultation document. These include the accuracy of the portrayal of the existing clinical and legal contexts in Scotland; the unintended consequences of the proposed legislative reforms for people with a learning disability at times of extreme vulnerability, and the implication that clinical professions are not, already, working to support the human rights of individuals.

We would note that Learning Disability nursing should be a highly valued profession, which provides crucial, specialist care, support and treatment in collaboration with people who have a learning disability, their carers and their families. Despite this, there has been a 10% reduction in LD nursing staff in NHS Scotland over the past 2 years. Learning Disability nursing also currently carries a 3% vacancy rate. The context in which essential person-centred care can be provided is under pressure and it would be helpful to acknowledge this and consider more fully the workforce implications of potential reforms to support effective workforce planning, which will be to the benefit of those requiring services.

Given the radical changes proposed by the Review, the disquiet from key clinical stakeholders at the proposed solutions, and the absolute necessity to ensure proposed provisions uphold the human rights of people with an intellectual impairment - including the rights to an appropriate service - the RCN would propose the following:

1. That further discussion is had across all those receiving and delivering services to ensure that recommendations are workable and both legally- and contextually-sound, and
2. That this further work is now incorporated into the Scott Review, which has been tasked with considering all relevant legislation within a human rights context

We have already engaged with the development of the Scott Review and the RCN would hope to continue to provide input through that forum to support improvements.

We remain committed to ensuring that people with an intellectual impairment / learning disability are treated with parity of esteem at all times.

Yours sincerely,



Theresa Fyffe
Director