

Submitted to **2. How we understand autism, learning disability and mental health**

Submitted on **2019-11-01 13:40:18**

**How to complete the survey**

**2.1 Disability page 1**

**Please select the headings below for more information:**

**2.1 Disability - questions**

**1 What do you think about the ideas in this section?**

I like the ideas

**Why do you think that?:**

We acknowledge that the distinction between impairment and disability allows for an improved understanding of autism and learning disabilities.

We support approaches that aim to align approaches to disability with the Convention (the Convention) on the Rights of Persons with Disabilities. We welcome the attempt to apply the social model of disability to the experience of people with learning disabilities and autism. It is right to define disability as the experience of the interaction between an uncompromising environment and the support needs being unmet.

**2 Could these ideas be made better?**

Yes

**How could these ideas be made better?:**

The Convention states that 'Disability results from the interactions between people with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others'. Whilst we agree with this statement, we suggest that the factors which cause stress and distress should be reviewed to provide a more holistic understanding of the circumstances that can impede effective participation.

**2.2 Human rights page 1**

**Please select the headings below for more information:**

**2.2 Human rights - questions**

**1 What do you think about the ideas in this section?**

I like the ideas

**Why do you think that?:**

We note that the focus of this section suggests legislation that will incorporate human rights principles that presently underpin health and care standards and the social service worker codes of practice. These principles also underpin current policy moving from deficit-based approaches to working consistently with individuals, families and communities on a strengths-based approach.

The practices we advocate and the resources we publish are based on a human rights approach and this includes the Codes of Practice registered workers are required to adhere to. Additionally, the training materials we create guide registered workers to make proportionate decisions with full consideration of all relevant material factors, inclusive of human rights.

## **2 Could these ideas be made better?**

Yes

### **How could these ideas be made better?:**

One of our key statutory roles is to ensure that social worker programmes offered by higher education institutes are fit for purpose. We achieve this via a quality assurance process.

We endorse the proposals to further embed human rights in practice. We ask the review to note, however, that if put into practice there may be short term, adverse resource implications as staff will be required to simultaneously quality assure all programmes to ensure that they meet the required standards in respect of human rights.

## **2.3 Legal capacity page 1**

**Please select the headings below for more information:**

### **2.3 Legal capacity - questions**

#### **1 What do you think about the ideas in this section?**

Not Answered

#### **Why do you think that?:**

#### **2 Could these ideas be made better?**

Not Answered

#### **How could these ideas be made better?:**

#### **About you**

#### **1 What is your name?**

**Name:**

**3 Are you taking part in this survey as an individual, a professional or a group?**

A group

**4 Do any of these apply to you?**

**5 If you are taking part as a professional, what is your profession?**

**Profession:**

**6 If you are taking part as a group, what is the name of your group?**

**Group name:**

Scottish Social Services Council

**7 Do you live in Scotland?**

Not Answered

**8 Do you want us to publish your response?**

No please do not publish my response

**If you want to say anything else at all please say it here:**

Submitted to **3. Support for decision making**

Submitted on **2019-11-01 16:07:25**

### **How to complete the survey**

#### **3.1 Statement of rights, will and preferences**

**Please select the headings below for more information:**

##### **3.1 Questions**

###### **1 What do you think about the ideas in this section?**

I like the ideas

###### **Why do you think that?:**

The review recommends that the law should require that all decisions made about individuals with autism or learning disabilities should respect that person's

rights, will and preferences. As previously referred to in 2.2 above, this will bring into legislation the human rights principles underpinning health and care

standards and codes of practice which we support.

This initiative has particular implications for our registrants, and should legislation be implemented, work will be required to update our resources to ensure that

they are reflective the legal changes.

###### **2 Could these ideas be made better?**

Not Answered

###### **How could these ideas be made better?:**

#### **3.2 Independent advocacy**

**Please select the headings below for more information:**

##### **3.2 Questions**

###### **1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

###### **Why do you think that?:**

The Review proposes specialist support be provided to all people who require it for decision making, irrespective of disability or mental disorder, on an opt-out

basis. In principle, we welcome this comprehensive form of support, however, we note that there would be cost and resource implications of such a scheme that

would place further demands on a health and social care system that is already under significant strain.

## **2 Could these ideas be made better?**

Yes

### **How could these ideas be made better?:**

Whilst we have highlighted the potential resource issues, it is also important to ensure that the proposals do not conflict with existing guidance for Independent Advocates, such as their Code of Practice.

## **3.3 Decision supporters**

**Please select the headings below for more information**

### **3.4 Unpaid carers**

**Please select the headings below for more information**

#### **3.4 Questions**

##### **1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

##### **Why do you think that?:**

Whilst the ideas in this section have the potential to offer unpaid carers an additional duty that is in the interests of the person being cared for, such a requirement could represent a further responsibility that conflicts with the Carers (Scotland) Act 2016 in terms of acknowledging and furthering a carer's right to life beyond caring.

In relation to the above, we suggest that any changes which may allow carers greater input with decision making should be balanced against the Carers (Scotland) Act 2016 to avoid any unintended consequences.

## **2 Could these ideas be made better?**

Not Answered

### **How could these ideas be made better?:**

## **3.5 Information from professionals to support decision making**

**Please select the headings below for more information**

### **3.5 Questions**

##### **1 What do you think about the ideas in this section?**

I like the ideas

##### **Why do you think that?:**

We welcome the ideas as they ensure that people are supported to make their own decisions. They are in-keeping with the theme of bringing legislation in line with Health and Care standards. Specifically, Principle 1 'I am fully involved in all decisions about my care and support'. This approach also allows the standards and the law to complement each other to the benefit of those with a disability.

We note that the Review talks about the Mental Welfare Commission developing standards for accessible communication which would facilitate this initiative around decision making. We would be willing to work with the Commission in creating standards that would apply to the social services workforce.

## **2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

### **3.6 Decisions about psychological interventions**

**Please select the headings below for more information:**

#### **3.6 Questions**

##### **1 What do you think about the ideas in this section?**

I like the ideas

**Why do you think that?:**

Social services staff are required to have a person-centred approach to care and support that would of necessity require them to have explained the possible

benefits and harms of any support, care or treatment. Whilst we appreciate that this section may impact our colleagues in healthcare more directly, social services

staff will deal with challenging behaviour and currently ensure that the health and care standards relevant to this, specifically standards 3.21 – 3.24.

## **2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

### **3.7 Decisions about prescribing psychotropic medication**

**Please select the headings below for more information:**

#### **3.7 Questions**

##### **1 What do you think about the ideas in this section?**

Not Answered

**Why do you think that?:**

## **2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

### **3.8 Decisions in crises**

**Please select the headings below for more information:**

#### **3.8 Questions**

##### **1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

**Why do you think that?:**

We note that the ideas in this question overlap with those at sections 4, 5 and 6. The Review states that the introduction of safe places and secure support

centres are required to ensure that a person's human rights are respected in a time of crisis.

We consider that clarity is required to determine if any of the current services available either through the NHS or regulated by the CI meet the definition of a 'safe place' or a 'secure support centre.'

Within the social services context, we would like to draw the Review Panel's attention to the work that Mental Health Officers (MHO) undertake. MHOs are regularly involved in crisis situations and resulting decisions. The training that they undertake would have to be developed to support the findings of the review in this regard. More generally, it would also be necessary to raise awareness with the wider social services workforce to promote understanding of human rights and strengths-based approaches in decision making at times of crisis.

## **2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

### **3.9 About you**

#### **1 What is your name?**

**Name:**

#### **3 Are you taking part in this survey as...?**

A group

#### **4 Do any of these apply to you...?**

None of the above

**5 If you are taking part as a professional, what is your profession?**

**Put your profession below::**

**6 If you are taking part as a group, what is the name of your group?**

**Put your group name below::**

Scottish Social Services Council

**7 Do you live in Scotland?**

No

**8 Do you want us to publish your response?**

No please do not publish my response

**If you want to say anything else at all please say it here:**

Submitted to **4. Support, care and treatment**

Submitted on **2019-11-01 16:11:51**

**How to complete the survey**

**4.1 Rights to support, care and treatment**

**Further information**

**4.1 Rights to support, care and treatment**

**1 What do you think about the ideas in this section?**

Not Answered

**Why do you think that?:**

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**4.2 Learning disability**

**Further information**

**4.2 Learning disability**

**1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

**Why do you think that?:**

This section focuses on providing all necessary support and services that people with learning disability need. We support the aims of the Review in securing

such an arrangement and request clarity in relation to whether the term 'public authorities' would include a body such as the SSSC and if so, how the duties

would impact public authorities as employers. Specifically, the Review states that there should be duties on public authorities to give access to specialist health

and social care services and environments for people with learning disabilities but it is unclear whether this is restricted to local authorities and their communities

or if it is a more broad application of the term to organisations such as ourselves.

In relation to the primary point of providing all necessary support and services, there is limited information about the funding model or necessary resources that

would be required to achieve this. If there was no additional capacity built in to deliver this recommendation, then it would stretch the existing capacity of social

services and workforce. It would also have the potential to impact on the parameters of needs assessments, and delivery and funding of care packages or SDS

budgets.

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**4.3 Autism**

**Further information**

**4.3 Autism**

**1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

**Why do you think that?:**

Please refer to our previous comments at 4.2.

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**4.4 Women**

**More information**

**4.4 Women**

**1 What do you think about the ideas in this section?**

I like the ideas

**Why do you think that?:**

We consider that our comments in relation to 2.1 and 2.2 are also relevant to this question insofar as welcoming a human rights approach to matters concerning women.

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**4.5 Children**

**More information**

**4.5 Children**

**1 What do you think about the ideas in this section?**

I like the ideas

### **Why do you think that?:**

The Review mentions Health and Social Care Partnerships and the use of a 'Co-ordinated Support Plan' for autistic children and children with learning disability.

The review then states that statutory duties towards children who have a Co-ordinated Support Plan should extend to all agencies including Health and Social

Care Partnerships. We welcome the proposals about availability of coordinated support plans for all children with autism or with learning disability who need

services for their mental health and the proposals that there should be development of approaches to reduce the use of restraint and seclusion

We consider that existing initiatives such as GIRFEC and the Childs Plan go some way towards creating interconnected support and we suggest that

consideration is given to how the co-ordinated support plan will interact with these approaches. The co-ordinated support plan could also make reference to

restraint and seclusion mirroring the response re psychosocial interventions and promote a rights-based approach to assessment of risk. We highlight the need

for particular attention at transition from child to adult services to ensure consistency of support

### **2 Could these ideas be made better?**

Not Answered

### **How could these ideas be made better?:**

#### **4.6 Offenders**

#### **More information**

#### **4.6 Offenders**

### **1 What do you think about the ideas in this section?**

I like the ideas

### **Why do you think that?:**

Agree with no distinction

### **2 Could these ideas be made better?**

Not Answered

### **How could these ideas be made better?:**

#### **4.7 Duties on public authorities**

#### **More information**

#### **4.7 Duties on public authorities**

## **1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

### **Why do you think that?:**

The Review sets out two duties and a change to the law that would affect Health and Social Care Partnerships. The Review suggests that Health and Social Care

Partnerships should be required to plan for future health and care needs of autistic and learning-disabled people to whom they have a responsibility.

We currently undertake work to understand and plan for the current workforce and we welcome further calls for future planning as proposed by the Review. This

approach not only provide better to support those who will require care, treatment or support but also to assist in understanding what the future health and social

care workforce needs to look like in order to meet the anticipated needs of these groups. When planning necessitates that new services are required to meet

needs, however, when considering service design, it is important to involve people with LD and autism. There is positive example of this in the involvement of

service users and carers in the review teams for development of quality standards for services for people with learning disabilities

The Review talks about the Mental Welfare Commission (MWC) for Scotland being granted powers to set standards for services and environments that Health

and

Social Care Partnerships must have in place for autistic people and people with learning disability. We ask the review to be mindful of the Care Inspectorate's role

in creating service standards and the need for the MWC, CI and Health and Social Care Partnerships to work together in order to meet the needs of these groups

of service users.

## **2 Could these ideas be made better?**

Not Answered

### **How could these ideas be made better?:**

#### **4.8 About you**

##### **1 What is your name?**

**Name:**

##### **3 Are you taking part in this survey as an individual, a professional or a group?**

A group

**4 Do any of these apply to you?**

**5 If you are taking part as a professional, what is your profession?**

**Profession:**

**6 If you are taking part as a group, what is the name of your group?**

**Group name:**

Scottish Social Services Council

**7 Do you live in Scotland?**

Yes

**8 Do you want us to publish your response?**

No please do not publish my response

**If you want to say anything else at all please say it here:**

Submitted to **5. Where support, care, and treatment happens**

Submitted on **2019-11-01 16:14:29**

## **How to complete the survey**

### **5.1**

**Please select the headings below for more information:**

#### **5.1 Independent living**

##### **1 What do you think about the idea?**

I have mixed feelings about the idea

##### **Why do you think that?:**

The Review proposes the introduction of more housing set up in different ways to meet the needs of autistic people and those with learning disabilities.

We refer to our previous point about liaison with the CI and note that it is unclear whether any of the current services would meet the definition of independent living. For example, it could be that Housing Support Services provide the environment the Review seeks.

In line with our previous responses regarding realising the aims of the Review, a new type of service could create potential resourcing issues as even in the event that current services were suitable, there may be an issue with how many of them are available which would require new services to be opened and requisite staff.

##### **2 Could this idea be made better?**

Not Answered

##### **How could this idea be made better?:**

### **5.2**

**Please select the headings below for more information:**

#### **5.2 Safe places**

##### **1 What do you think about the idea?**

I have mixed feelings about the idea

##### **Why do you think that?:**

We refer to our response at 5.1 and add that this initiative would present an even more significant resource implication than 5.1 in terms of service provision and staffing.

## **2 Could this idea be made better?**

Not Answered

**How could this idea be made better?:**

**5.3**

**Please select the headings below for more information:**

### **5.3 Secure support centres**

#### **1 What do you think about the idea?**

I have mixed feelings about the idea

**Why do you think that?:**

We make reference again to our response at 5.1. With regard to the finite funding available across the health and social care sector, in the context of this section

it is also possible that the creation of secure support sectors would require funding from hospitals to be redirected. We consider that the funding model should be comprehensively set out to determine if the costings would support this.

If the new models of secure care centres were to be developed there would need to be very detailed training plans in place to ensure that staff were able to work

effectively and safely with the complex presentations of people currently requiring in-patient services. Staff would also have to have access to appropriately trained supervisory/support structures.

## **2 Could this idea be made better?**

Not Answered

**How could this idea be made better?:**

**5.4**

**Please select the headings below for more information:**

### **5.4 General hospitals and psychiatric hospitals**

#### **1 What do you think about the idea?**

Not Answered

**Why do you think that?:**

## **2 Could this idea be made better?**

Not Answered

**How could this idea be made better?:**

**About you**

**1 What is your name?**

**Name:**

**2 Are you taking part in this survey as an individual, a professional or a group?**

A group

**3 Do any of these apply to you?**

None of the above

**4 If you are taking part as a professional, what is your profession?**

**Organisation:**

**5 If you are taking part as a group, what is the name of your group?**

**Group name:**

Scottish Social Services Council

**6 Do you live in Scotland?**

Yes

**If you would like to make any further comments, please do so here:**

**Further comments:**

**8 Do you want us to publish your response?**

No please do not publish my response

**If you want to say anything else at all please say it here:**

Submitted to **6. How professionals make decisions**

Submitted on **2019-11-01 16:16:28**

### **How to complete the survey**

**6.1**

**Please select the headings below for more information:**

**6.1**

**1 What do you think about the ideas in this section?**

I like the ideas

**Why do you think that?:**

The Review calls for special regard for will and preferences in addition to a human rights assessment for those people with autism and learning disabilities in relation to decision making. We agree with the importance of assessment being carried out by someone other than person deciding on best interpretation of person's will and preferences.

In considering the practicalities of this additional requirement in a crisis situation, the proposed assessment would have implications for MHOs who would be expected to conduct these assessments. We report on vacancy rates jointly with the Care Inspectorate and this has highlighted that MHOs are currently experiencing a resourcing issue with 24 local authorities reporting a shortfall.

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**6.2**

**What is included in the information below:**

**Please select the headings below for more information:**

**6.2**

**1 What do you think about the ideas in this section?**

Not Answered

**Why do you think that?:**

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

### 6.3

**Please select the roles below for more information:**

### 6.3

#### **1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

#### **Why do you think that?:**

The roles the Review proposes place additional requirements on social workers, mental health officers (MHOs) and Chief Social Work Officers (CSWOs).

We note the criteria within this section of the consultation paper and refer to our previous comments in relation to social workers, MHOs and CSWOs currently practice being in alignment with the overarching principles.

The review highlights the autonomous role of MHOs, however, this is already set out in Mental Health legislation.

We note the recommendation of all social work education needing to include learning disability and autism. We support such an exercise but draw the Review

Panel's attention again to the resourcing of both the necessary review and updating and quality assurance of related qualifications to implement this.

If the care manager model is to be applied there would be a need for significant training input to bring all such staff to a level where they could provide day to day leadership in relation to the complexities of individuals currently in in-patient services.

#### **2 Could these ideas be made better?**

Not Answered

#### **How could these ideas be made better?:**

### 6.4

**Please select the headings below for more information:**

### 6.4

#### **1 What do you think about the ideas in this section?**

Not Answered

#### **Why do you think that?:**

#### **2 Could these ideas be made better?**

Not Answered

#### **How could these ideas be made better?:**

## **About you**

**1 What is your name?**

**Name:**

**3 Are you taking part in this survey as an individual, a professional or a group?**

A group

**4 Do any of these apply to you? You can tick as many as you want.**

None of the above

**5 If you are taking part as a professional, what is your profession?**

**Organisation:**

**6 If you are taking part as a group, what is the name of your group?**

**Group name:**

Scottish Social Services Council

**7 Do you live in Scotland?**

Yes

**8 Do you want us to publish your response?**

No please do not publish my response

**If you want to say anything else at all please say it here:**

Submitted to **9. Where support, care and treatment happens for offenders**

Submitted on **2019-11-01 16:18:53**

**9.1**

**Please select the headings below for more information:**

**9.1**

**1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

**Why do you think that?:**

We support the ideas in principle and refer to our responses at 5.1, 5.2 1 and 5.3 in relation to resourcing challenges and need to establish funding model that will facilitate the proposals being realised in practice.

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**9.2**

**Please select the headings below for more information:**

**9.2**

**1 What do you think about the ideas in this section?**

I have mixed feelings about the ideas

**Why do you think that?:**

Please refer to our response at 9.1

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**9.3**

**Please select the headings below for more information:**

**9.3**

**1 What do you think about the ideas in this section?**

Not Answered

**Why do you think that?:**

**2 Could these ideas be made better?**

Not Answered

**How could these ideas be made better?:**

**About you**

**1 What is your name?**

**Name:**

**2 Are you taking part as an individual person, as a professional or as a group of people?**

A Group

**3 Do any of these apply to you?**

None of the above

**4 If you are taking part as a professional, what is your profession?**

**Profession:**

**5 If you are taking part as a group, what is the name of your group?**

**name of group:**

Scottish Social Services Council

**6 Do you live in Scotland?**

Yes

**8 Do you want us to publish your response?**

No please do not publish my response

**If you want to say anything else at all please say it here:**