

# MSP Briefing

Our voices ■ Our choices

## Care Reform (Scotland) bill Stage 3

**Inclusion Scotland** is a 'Disabled People's Organisation' (DPO) – led by disabled people. Inclusion Scotland believes in and is founded upon the [social model of disability](#), we are disabled by the barriers we face rather than our impairments themselves. Using the social model, we work to achieve positive changes to policy and practice, so that disabled people are fully included throughout all Scottish society as equal citizens.

Our People-Led Policy Panel (PLPP) has worked with the Scottish Government and other stakeholders since 2018 to co-produce reforms to Adult Social Care Support. We have been involved in co-design of the former National Care Service. The main aim is to ensure that the experiences and views of disabled people and their unpaid carers are at the heart of shaping policy in this area. The PLPP is made up of around 25 people with a wide range of experiences of needing adult social care support from all over Scotland.

1. Inclusion Scotland and the PLPP are disappointed that part 1 of the bill has been scrapped. We wanted a national system with consistency, national standards, and ministerial accountability. Supported people are not happy with what they get from local authorities (via Health and Social Care Partnerships). Improvement of integration in with person led approaches is now imperative.
2. After over a decade of austerity and with ever stricter eligibility criteria, there is significant unmet need for social care support in Scotland. Most local authorities are only providing for people's basic needs as eligibility criteria is set at critical and substantial needs only. This leaves disabled people to fend for themselves until their needs becomes critical. We recognise ministerial intention to prioritise prevention but there is no detail in this bill of how improvements will ensure this.
3. Radical reform of the adult social care support system is needed. We need to go back to the recommendations in the [Independent Review of Adult Social Care](#) (IRASC) 2021. We want a system that supports disabled people to achieve independent living, equal citizenship and fulfil their human rights.
4. Disabled people and their organisations should be involved in the co-design of the reform and involved in national and local decision-making bodies as full partners with voting rights. We want to see a commitment to include Disabled People and Disabled People's organisations in social care support reform, including the new advisory board. We are concerned that representation on the advisory board may be a single person with lived experience or a single Disabled People's Organisation. "One Person with Lived Experience on Boards is a token and not a serious attempt at involving us in governance."

5. We would like to see the principles return to the bill. The Scottish Independent Living Coalition (SILC) collaborated to draft some principles to guide the NCS. SILC is a coalition of strategic disabled people's organisations. These could be adapted to fit the Care Reform (Scotland) bill.
  - Promote, protect and ensure human rights of those using the National Care Service,
  - Enable and support independent living, including choice and control in relation to support and living arrangements
  - Involve and empower those with lived experience, including those with lived experience of needing or using social care and unpaid carers, in decisions affecting them: this must include mandated and representative organisations.
  - Commit to Fair Work principles and maximise confidence and capacity of people delivering the NCS so that service users are able to play an active role in their care and decisions which affect them
  - Have equity of outcomes at the heart of service delivery.
6. Ensure that human rights are at the heart of the bill, and they are in line with rights in United Nations Conventions. There should be explicit reference to these rights within the bill. There should be a Human rights-based approach to the delivery of services within the bill. Ensuring human rights and equality is an important part of the way to get decisions made. This is done using the PANEL principles (Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality). This should be included in the Principles.
7. The Care Reform (Scotland) bill provides the Scottish Government with the ability to provide for a Care Record scheme. We would like to see a right for supported people to have access and ownership of their own care records. Supported people may allow their families and advocates to have such free and immediate access but only with the person's active consent and supported decision making.
8. We would like to see a right to independent advocacy for anyone using social care support written into the legislation. We believe that the bill (not just the Charter) should include definitions of different types of independent advocacy. They should use the definitions set out by Scottish Independent Advocacy Alliance<sup>1</sup>.
9. Independent, peer and collective advocacy must be equipped and funded to ensure consistency in coverage across the country for support for assessment, decision making and understanding of information.
10. The National Chief Social Work Advisor must be independent of decision makers and the National Social Work Agency should have a statutory advisory body of people with lived experience. The NSWA should employ and train social workers and be independent of Local Authorities.

**If you require further information, or would like to discuss any points in this briefing, please contact, April O'Neil, People Led Policy Coordinator**

E-mail: [april@inclusionscotland.org](mailto:april@inclusionscotland.org) Tel: 0131 370 6718

Inclusion Scotland, Robertson House, 152 Bath Street, Glasgow, G2 4TB  : 0131 370 6700

Email: [info@inclusionscotland.org](mailto:info@inclusionscotland.org) Website: [www.inclusionscotland.org](http://www.inclusionscotland.org)

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<sup>1</sup> Scottish Independent Advocacy Alliance, <https://www.siaa.org.uk/what-is-independent-advocacy/types-of-independent-advocacy/>

