

Learning Disability & Forensic Learning Disability: What's Next?

Close the Implementation Gap

Our learning disability policy framework has been strong and ambitious but has ignored the reality of what the current social care system, that so many people with learning disabilities rely on, can deliver. Without this acknowledgement, we're stuck in a cycle of warm words that fail to translate into real change for people.

As a service provider, we see the lack of investment, the gap between what people need and what is available to them, and the lowering of standards in relation to what acceptable levels of care and support look like. Despite our commitment to delivering person-centred care, support budgets are being cut, and we are increasingly forced to prioritise 'essential' care at the expense of social and community participation.

The **Self-Directed Support** legislation was designed to maximise people's choice and control over their support. Post-legislative scrutiny published in May 2024 showed that this potential has not been realised, and cited limited budgets, recruitment and training issues as key barriers.

We are not taking opportunities to address the barriers identified. There was no action included in the Government's **Care Reform Bill** (that replaced their proposed National Care Service Bill). The **Learning Disability, Autism and Neurodiversity (LDAN) Bill** - while making more promises – did not include action to address these barriers. The Government's current **Public Sector Reform Strategy** includes no mention of Self-Directed Support or the barriers to implementation that have been identified.

The upcoming election provides an opportunity to revisit our vision for people with learning disabilities, to learn from what was tried, and to commit to action that removes the structures and practices that prevent us from delivering on what has been promised.

We are looking for our next Government to:

- Refresh our **policy framework** around people with a learning disability to focus on the action needed to deliver what people want and have the right to expect
- Make a stronger, explicit connection with the impact of a **failing social care system**, and ensure that the promises made to people with learning disabilities are coordinated with and reflected in action on adult social care and wider public sector reform

Prioritise Prevention

The Independent Review of Adult Social Care (IRASC), chaired by Derek Feeley, identified eligibility criteria as one of the main barriers to accessing social care.

“As a result of access to social care support being based on eligibility, where the starting point means that you have to be in critical need and at crisis point in your life, it is little wonder that there is a lack of focus on prevention and early intervention, and few resources targeted at providing a little support to prevent the crises from occurring in the first place.” (IRASC Report, 2021)

The use of eligibility criteria to target resources towards people in greatest need – or closest to crisis – is compounded by a further shift in the type of care being funded. More and more people are having their support budgets cut to cover only ‘essential’ care, meaning they do not get the support they need to get out and be engaged and visible in their community. This is the very opposite of prevention and serves to create the gap between what’s promised and what people experience that we described above.

Reform of eligibility criteria was a recommendation of the Independent Review of Adult Social Care, and the Scottish Government did commit to an overhaul of this mechanism, but progress has not moved fast enough.

Another key element to prevention in relation to adult social care and learning disability, is planning. Again, the importance of early planning and coordination has been acknowledged by the Government, but their attention has been limited to young people transitioning into adult services. Little thought has been given to how we respond to changing needs as people with learning disabilities grow older, or how adults who rely on aging parents for their care are likely to need alternative provision in the future. By failing to plan, we often have to act at crisis point, resulting in unwanted and inappropriate care home and/or out of area placements, rather than the tailored support that would enable people to remain at home and in their communities.

We are looking for our next Government to:

- Act with greater priority on overhauling the **eligibility criteria** and care charging mechanisms, in line with IRASC recommendations WHILE ALSO acting to address the reasons why local authorities are using these mechanisms
- Fully embed the National Transitions to Adulthood Strategy for Young Disabled People and extend **planning and preparation** action to adults approaching older age
- Build on the **risk register** established as part of the Coming Home agenda to identify anyone whose support situation is at risk of breakdown, and to support forward planning for life changes that can be anticipated



BECAUSE PEOPLE MATTER

Strengthen Integration

Improved prevention depends on improved integration. Planning, preparation and effective service delivery depend on a coordinated approach between HSCPs and support providers that is built around the person we are there to support. Effective partnership working means that we can respond and deal with potential issues quickly and collaboratively, minimising disruption and preventing further escalation.

The partnerships and practices created through the Coming Home agenda showcase what integration can look like when built from the ground up, around the person, with a shared commitment to mutually agreed goals, and – crucially – with respect for the voice of the person and the people who work most closely with them.

In 2024, Turning Point Scotland held its first Coming Home event, bringing together partners from across health and social care with people who had lived experience to reflect on the Coming Home report and the progress made so far. Fragmentation was highlighted as one of the main barriers to ending inappropriate out of area placements. Another key barrier was finding suitable accommodation, and the need to better involve housing providers in strategic planning and decision making was clear.

We are looking for our next Government to:

- Take our **health and social care integration** agenda to the next step, building strategic structures that facilitate the kind of ground-up integration demonstrated by Coming Home partnerships
- Expand our existing health and social care integration structures to better **include housing providers** in strategic planning and decision-making processes
- Re-commit to building these structures **around the people they are intended to serve**, and to removing barriers to involving direct service providers – including those in the third sector – in recognition of the value their input can bring