

COVID-19 – A Framework for Decision Making and COVID-19: Framework for Decision Making Further Information



The Scottish Commission for People with Learning Disabilities (SCLD) would like to thank the Scottish Government for producing both the framework and further information document. We appreciate the honesty and transparency involved and the desire to be explicit in outlining the framework which will be used to enable us to move forward in dealing with the Coronavirus pandemic.

SCLD was pleased to see the explicit commitments given to the right to life of all people in Scotland. Moreover, we welcome the commitment to prevent avoidable death, preserving, as far as possible, human rights alongside ensuring that both hospitals and care homes are appropriately supplied with Personal Protective Equipment.

SCLD is fully supportive of the framework document, its intent, and several points made within it. We believe it could potentially be enhanced. As the framework is a working document, we would like to take this opportunity to highlight these areas in the hope that they can be further developed in the future.

Currently, the framework does not discuss specific issues which may be faced by people who have learning/intellectual disabilities and others with protected characteristics. SCLD believes it is important that this document should include such a clear written commitment which includes ensuring the safety and right to health of people with learning/intellectual disabilities, given the specific challenges they face with regard to access to health care as well as the specific challenges they have faced during the pandemic. For more information please see SCLD's Human Rights Statement¹.

It would also be helpful to have more detail and clarity in terms of who will be prioritised for testing as we move forward. We believe that people with learning/intellectual disabilities, their family and supporters should be included among those who are prioritised. Evidence and research support this as we know people with learning/intellectual disabilities are at greater risk of long-term health conditions including respiratory conditions².

We are also concerned about how people with learning/intellectual disabilities will be affected during the extended period over which restrictions are lifted. It will be essential that public

¹ [SCLD \(2020\)](#)

² [NHS Health Scotland \(2017\)](#)

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messaging should be clear about who is still required to shield from the virus and the steps which should be taken to protect them. This messaging will need to be conveyed in a way that everyone, including those with learning/intellectual disabilities, can understand. It is also important that the Scottish Government, through discussion with key stakeholders, consider how many people with learning/intellectual disabilities may have to shield, for how long. It will also be important that we look at innovative ways of helping them cope with this. This will be important given the number of people who have lost care and support packages as a result of this pandemic³.

In developing both documents, we would also suggest that several key questions regarding equality and human rights implications are considered. These questions should prompt decision makers to assess the impact that lifting restrictions will have on groups of people who represent protected characteristics.

We would also ask that moving forward documents address the complexities presented by digital tracking and tracing if it is used. These complexities may include:

- challenges for people with learning/intellectual disabilities in understanding the system
- digital exclusion
- issues surrounding capacity.

SCLD recognises that it is essential to safeguard the economy during this time. However, we have concerns regarding the balance of emphasis between economic and human safety. The original framework document should make it clear throughout that the number one priority is to ensure that there is no avoidable death or harm to any citizens. We accept this must include the interests of '*broader society*' but this must not be to the disadvantage of marginalised groups.

Given this concern, we are pleased to see the commitment in the follow up document published on the 5th of May to keep lockdown measures in place until necessary to stop a potential resurgence of the virus. While this will present significant challenges, it is critical that no avoidable risk to life is taken. In regard of the proposed changes to restrictions in the second publication, we are supportive of a commitment to reinstate care and support services when it is safe and appropriate to do so.

SCLD would like to commend and thank the Scottish Government on its work to manage to coronavirus emergency to date. We recognise that in the current circumstances it is reasonable that some human rights must be temporarily sacrificed to protect the overall general right to life. It should, however, be remembered that pre-coronavirus many people with learning/intellectual

³ [BBC Scotland \(2020\)](#)

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disabilities were already denied full realisation of their human rights. In understanding this we, therefore, ask that steps be taken in this document to ensure a Scotland will therefore require a recovery and renewal from the pandemic coronavirus in Scotland which is both fair and inclusive. We want to make sure that this experience serves as an also have an opportunity to rebuild Scotland by, letting go of what has not worked⁴ for people with learning/intellectual disabilities to date and building on creative and innovative ways to fulfil human rights as we move forward.

SCLD welcomes the opportunity to support the Scottish Government in the further development of this document and in working towards an integrated and empowering renewal for Scotland.

⁴ [RSA \(2020\)](#)