

Complex Care – Coming Home

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Background

People with learning disabilities who have complex care needs in Scotland, continue to be at risk of being detained in inappropriate institutional settings, longer than is medically necessary, due to the significant shortage of community support and appropriate housing options. This is known as ‘delayed discharge’.

Some people with complex needs also live away from their home, communities and families even though they did not choose to. This is often called living in an ‘inappropriate out-of-area placement’.

This is a priority issue for SCLD, and we have worked hard over the last 4 years to ensure that the vision and aims of the Coming Home report are realised. In this work we are supported by our Housing Advisory Group, the [Positive Behaviour Support Community of Practice](#) and [Restraint Reduction Scotland](#).



What SCLD wants to see

- People with learning disabilities who have complex care needs should be supported by high quality services which enable them to lead the lives they want in their local area with support from family and the wider community.
- Suitable housing and support solutions must be determined through a person-centred approach by listening to what each individual needs to live their own life; and building housing, care and support based on those needs.

- The will and preferences of people with learning disabilities and complex needs should be at the heart of the decision-making process.
- Local areas should know who is in hospital or in an out-of-area placement and what actions are required to best enable them to live in a home and community of their choice.
- There should be ‘full accountability’ for people with learning disabilities and complex care needs to ensure that appropriate, person-centred services are delivered by the public bodies who have a duty to provide them.



What is the consultation proposing?

1: Dynamic Support Registers

The Scottish Government is keen to strengthen the Dynamic Support Registers through the LDAN Bill. This would mean that it would become law for the relevant local public body to have a Dynamic Support Register, and to report data from it to Public Health Scotland (PHS) to be published.

The Scottish Government wants further consideration to be given to:

- who should be included on the Registers
- which public bodies would have statutory duties, and
- the guidance and safeguards to be put in place to ensure that the Registers are used properly.

2: National Support Panel

The Scottish Government is suggesting three options for a National Support Panel designed to ensure that local areas can be held accountable for delivering high-quality, person-centred support and housing for people with learning disabilities and complex needs.

Option 1: Legislative Panel Conducting Individual Reviews within Defined Parameters

This panel would have legal powers and could investigate some individual cases. Only a small number of people with a learning disability and complex care needs would get an individual review.

This type of Panel would require the powers to:

- review individual data.
- require information and evidence from public bodies.
- make recommendations, potentially with consequences for non-compliance.

All local areas could use the learning from the case reviews to make things better for other people with a learning disability and complex care needs.

Option 2: Legislative Panel Conducting Peer Reviews of Local Processes

This panel would have legal powers. The Peer Review Panel would go to a local area and look at their systems and processes for complex care and provide recommendations or decisions based on this that the Health Board, Local Authority and Integration Authority would have to implement. The Panel would provide follow up support and would monitor progress.

The Panel might review systems and processes related to:

- Commissioning appropriate accommodations and services.
- Securing and financing support packages.
- Identifying suitable support providers.
- The support plan in the person's current placement.
- Any issues or concerns, for example the use of restraint, high levels of behaviours perceived as challenging or serious risk factors.

Local areas could be required by the law to make the recommendations from the Peer Review happen.

Option 3: Non-legislative Panel Conducting Peer Reviews of Local Processes

This option would be to set up a Panel to do Peer Reviews of local areas. The Panel would not have legal powers. Because this type of Panel would not have legal powers, it could be set up and get to work quickly. This Panel would allow people to learn from others in an open and honest way.



Current SCLD thinking (Jan 2024)

SCLD is supportive of the LDAN Bill ensuring that Local Authorities/HSCPs use and keep a Dynamic Support Register for their area up to date. We believe that this will help to ensure that there is visibility for people with learning disabilities and complex care needs on a national level, and that a consistent approach is taken.

At a local level the Dynamic Support Register will also be critical in monitoring the number of individuals with learning disabilities and complex needs who are in hospital or in an out-of-area placement and supporting planning around the actions and measures which are required to enable them to live in a home and community of their choice.

SCLD also supports provisions for either a legislative panel conducting individual reviews or a legislative panel conducting peer reviews of local processes. We believe there is merit and value in both models. We think that there is potential for both to be accommodated within a new or existing Commission or other regulatory body rather than establishing separate accountability structures for people with learning disabilities and complex needs. However, in the short to medium term, we would support the establishment of a non-legislative panel conducting peer reviews of local processes which could be set up quickly and be more flexible.

In addition to the existing proposals, SCLD believes that the proposed national and local strategies in the LDAN Bill should require Local Authorities /HSCPs to have a plan to move people with learning disabilities and complex needs out of delayed discharge and out-of-area placements, to demonstrate their plans and report on these on a yearly basis to evidence progress.

We also believe that increased resources are required to support local areas to provide suitable houses and accommodation and support when people with learning disabilities are discharged from hospital. Decision making in this process should be done in consultation with people with learning disabilities primarily as well as their families and supporters.



Glossary

Accountability means that it is someone's job to make sure that everyone can uphold their rights. It means holding people to account if rights are not upheld.

Dynamic Support Registers monitor the number of people with learning disabilities and complex care needs who are in hospital, in out-of-area placements or whose current support arrangements are at risk of breaking down.

Health and Social Care Partnerships (HSCPs) are public bodies where the NHS and local authorities work together.

Statutory Duties are things that the law says organisations must do to protect people's rights.



Scottish Commission for People with Learning Disabilities

The Albany Centre
44 Ashley Street
Glasgow
G3 6DS

✉ admin@scl.d.co.uk

☎ 0141 248 3733

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