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## Consultation response: The Same as You?

### About the Scottish Independent Advocacy Alliance

The Scottish Independent Advocacy Alliance (SIAA) is a membership organisation which promotes, supports and defends Independent Advocacy in Scotland. It aims to ensure that Independent Advocacy is available to any vulnerable person in Scotland.

The right to Independent Advocacy for those with mental disorders or who are potentially at risk is enshrined in Scottish legislation. However, Independent Advocacy can also have a key part to play in supporting other vulnerable groups such as black and minority ethnic groups and people with problem drug and/or alcohol use, amongst others.

Independent Advocacy organisations do not provide any services other than advocacy. They are separate organisations in their own right, are financially independent, and all those employed in an Independent Advocacy organisation know that they are only limited in what they do by the principles of advocacy, resources and the law. This ensures they are able to assist vulnerable individuals whilst being as free as possible from any conflicts of interest.

### The Same as You?

The SIAA is a membership organisation. Membership is made up from advocacy organisations across Scotland. We asked SIAA members about their experience, and the experience of the people they support, of services for people with learning difficulties.

#### Q.1 Do the findings of the evaluation broadly reflect your views about services for people with learning disabilities/carer?

Yes  No

Overall the evaluation broadly reflected the views of the Independent Advocacy movement however we are concerned that there was limited consideration of Independent Advocacy when the original 'Same As You?' included a specific focus on this area.

**Q. 2 Can you give examples, either locally or nationally, of what you think has worked well over the last 10 years of *The same as you*?**

Independent Advocacy organisations reported that there have been significant improvements for people with learning difficulties. These included:

- The closure of large long stay hospitals
- People with learning disabilities are much more visible in communities
- Social care and choice of provision has improved, as has access to housing, education and employment opportunities.
- More individuals are living in their own supported tenancies.
- There are more job opportunities - although since the recession this has become more difficult again.
- The increased use of Person Centred Plans
- More individuals are able to manage their own money with support
- There have been some improvements in the involvement of people with learning disabilities in service provision.

**Q. 3 Can you give examples of issues in current work and/or policies that still need to be addressed?**

All Independent Advocacy organisations believed that there was much more that should be done to improve the lives of people with learning difficulties. Organisations highlighted the following issues:

- Public and professional attitudes towards people with learning difficulties can still be very poor and this is probably the most common reason for the need for Independent Advocacy support.
- Services often demonstrate a lack of real person centred approach and professionals are not spending time getting to know and listen to individuals.
- Bullying is still often a daily occurrence for many people
- There are still issues with the transition from school to adulthood (see our response to Q7).
- Welfare benefits and councils charging people for social care apply more to people with learning difficulties than other groups and many people do not have the ability to find work and therefore are effectively kept poor by the

system (see our response to Q9).

- The use of the Adults with Incapacity (Scotland) Act 2000 is an emerging issue. There is a lack of clarity whether a person with incapacity benefits from having a guardian or not. There also seems to be a wide difference of opinion on what actually constitutes incapacity. (See also the investigation report from the Mental Welfare Commission on 'Powers of attorney and their safeguards'<sup>1</sup>)
- The range of opportunities available to many people is still very limited.
- The opportunity to have meaningful options and the progress that's been gained over the course of the past ten years is under attack through the impending welfare reforms and the cuts to services.
- Independent Advocacy organisations report that their resources are stretched and demand for advocacy is increasing. Independent Advocacy, both individual and collective, needs to be properly resourced in order to meet the need for Independent Advocacy and to empower people to have their say in services.
- An Independent Advocacy organisation has reported to us that the local authority is routinely applying to DWP for Appointeeship for benefits whilst the individuals report that they were unaware of any assessment of their financial capacity. They were also not consulted during the process.

### Good Practice – Organisations

**Q. 4 Can you provide examples of what you have done over the last 10 years, within your organisation, to improve services and access to services within your local area?**

Please find below just a few examples of how Independent Advocacy organisations have improved services and access to services for people with learning difficulties.

#### **Advocacy Highland**

Advocacy Highland began in 2003 and has always provided issued based professional advocacy for people with learning difficulties across the Highlands. This has increased awareness amongst a range of professionals on the importance of people with learning difficulties having a voice. Advocacy Highland uses person centred planning techniques including graphic recording and we spend as much time as possible getting to know the individual to help them to express their wishes. One of the concerns is a late referral, often allowing very little time prior to a meeting. Advocacy Highland now provides Citizen Advocacy specifically for people with

<sup>1</sup>[http://www.mwcscot.org.uk/media/85090/power\\_of\\_attorney\\_and\\_their\\_safeguards\\_full\\_anon\\_with\\_cover.pdf](http://www.mwcscot.org.uk/media/85090/power_of_attorney_and_their_safeguards_full_anon_with_cover.pdf)

learning difficulties in the Inverness area. There is a need to expand this type of advocacy and it would be good if this could be funded Highland wide.

### **Equal Say**

SK's child was removed into the care of the Local Authority because of concerns over her ability to look after her child due to a learning difficulty. Equal Say argued that SK had been denied the right to a fair trial under the Human Rights Act as she was not allowed representation at the Children's Hearing. They also argued that she should have a solicitor who knew the legalities of the process and an advocate to interpret the proceedings. The case was supported by the Scottish Legal Aid Board and taken to the Court of Session. As a result of the case the Law was changed by Statutory Instrument so that vulnerable parents have the right to have a solicitor present at Children's Hearings. The Children's Panel have now changed their procedures for parents with learning difficulties, so that they will now automatically appoint legal representation for the person. They don't have to ask for one.

### **Speak Out Advocacy Project**

Speak Out has established a large collective advocacy group which has campaigned and lobbied on issues such as criminal justice (they received funding from the Scottish Government to make a DVD), bullying (they received funding from Strathclyde Police to launch a poster campaign), welfare benefits (they launched a petition and gathered over 3000 signatures and presented this to Iain Duncan Smith), relationships, self-directed support, and they have worked with Learning Disability Alliance Scotland to produce the "Day in the Life" booklet. The rationale for establishing the group and supporting local involvement was to make people more visible and connected, and to reinforce the belief that people with learning disabilities can make a valuable contribution to their communities. On an individual basis, Speak Out have supported almost 200 people to leave Birkwood and Kirklands hospitals. They have also supported people to access direct payments, maximised people's income, supported people through employment tribunals and secured the rights of many other people.

### **Good Practice - Individuals**

**Q.5 What have you done, as an individual, to make positive changes within your local area?**

Not applicable.

### **Future Priorities - Healthcare**

**Q.6 What still needs to be done to ensure that people with learning disabilities have access to better and more appropriate healthcare?**

Independent Advocacy organisations agree that while there have been improvements, for example because of the introduction of NHS equalities policies, more work needs to be done on how the NHS reacts to people with learning difficulties.

Advocacy organisations also commented on the need for more accessible information to ensure that people with learning difficulties have access to the healthcare that most others enjoy. Advocacy organisations have worked with the NHS to develop information resources including booklets, DVD's etc. and this good practice should be promoted and built upon.

**Future Priorities - Education**

**Q.7 What still needs to be done to ensure that people with learning disabilities have access to better educational opportunities?**

There needs to be proper funding for resources such as classroom assistants to support children with specific needs in nurseries, primary and high schools. The needs of the child should be appropriately assessed and addressed consistently through their journey through the education system. Furthermore the move from school onwards needs to be properly addressed. Advocacy organisations report that professionals do not spend enough time getting to know the person and what their skills and interests are and this has an impact on the quality of adult support they receive. The college courses that are available are not geared to employment and many people that advocacy organisations support, although welcoming the chance to go to mainstream colleges, don't think that the courses are vocational but focus on "life skills" for a prolonged period. Colleges have to link more closely with local employers to ascertain the skills that they require in order to offer people with learning disabilities employment.

**Future Priorities – Independent Living**

**Q.8 What still needs to be done to ensure that people with learning disabilities are able to live independently?**

Services and support should be underpinned by the definition of Independent Living adopted by the Independent Living movement in Scotland: "Independent living means disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself or fending for yourself. It means rights to practical assistance and support to

participate in society and live an ordinary life.”

There must be more assistance to set up self-directed support. Self-directed support can offer greater choice to many people with learning difficulties living more independently. To do so it must be underpinned by adequate support to assist people to make informed decisions including access to Independent Advocacy.

Although there have been significant improvements for people with learning difficulties living independently, Independent Advocacy organisations report that this is likely to be jeopardised by the cuts to social care budgets and services. If there is less money in social care while demand is increasing then eligibility criteria will become tighter and support harder to access. Advocacy organisations have expressed the concern that funding cuts may lead to moves to promote economies of scale and the reintroduction of large residential care facilities, where lots of people are accommodated together to save on staff costs.

### Future Priorities – Employment

#### **Q.9 What still needs to be done to ensure that people with learning disabilities have access to better employment opportunities?**

Advocacy organisations report that we need more person centred support to find and sustain relevant and 'welcoming' employers and meaningful workplace options. But with the economy in recession and work opportunities scarce it is increasingly difficult for people with a learning disability to find work. Public organisations should be leading the way by ensuring that they promote fair and equitable opportunities for employment. A collective advocacy group reported that most of the places offering work were voluntary posts. They had also been told about sheltered workplaces that have been closed, and were angry about this. Most of the members preferred to have a job than benefits but they did not know anyone from the group who had managed to get a real job.

### Future Priorities

#### **Q.10 What other future priorities do we need to focus on?**

**(Please list these in order of importance with the most important first)**

There must be further investment in and an improved understanding amongst professionals of Independent Advocacy. Advocacy helps people to state their wishes clearly, and the experience of advocates shows that many professionals welcome advocacy support as it also assists them with their role.