

Mr Michael McMahon MSP
Convenor, Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1 SP



1 December 2015

Dear Michael

CONSIDERATION OF PETITION PE1545

Calling on the Scottish Parliament to urge the Scottish Government to recognise residential care as a way severely learning disabled children, young people and adults can lead happy and fulfilled lives and provide the resources to local authorities to establish residential care options for families in Scotland.

Following the Committee's consideration of the above petition on 27 October 2015; you wrote asking if a solution to addressing the shortfall of residential care for severely learning disabled children, young people and adults in Scotland would be to extend the facilities and intake at Donaldson's School.

It is not for the Scottish Government to determine the future role of Donaldson's School and any consideration of the school's role and remit would be a matter for the Donaldson's Trust to consider. As previously reported to the Committee in a letter dated 11 May 2015, a wide range of opinions and views exist from parents of individuals with profound and multiple learning disabilities (PMLD)These include, the availability of different choices of accommodation and different opportunities for people with learning disabilities, including those with PMLD. This reflects our overall person centred approach to care which is focused on individuals and the best outcomes for them. This informs the choice of care and support most appropriate for the individual.

Officials are currently working with the Petitioner, Mrs Ann Maxwell to explore different options. This includes a meeting on Tuesday 8th of December and further engagement planned for the beginning of 2016.

In response to the questions around **individual** care needs assessments I refer to the 2 previous submissions by Alan Baird , Chief Social Work Adviser dated 2 April and 30 July 2015 (Annex A and B) which answers these questions.



With regard to Mrs Maxwell's view that local authorities are acting as a barrier, Corporate Parenting duties set out in the Children and Young people (Scotland) Act, 2014 Act (Part 9) commenced on 1 April 2015 requires Corporate Parents (incl. local authorities among the 24 public bodies or individuals listed in Schedule 4) to collaborate with each other to safeguard and promote the wellbeing of looked after children and care leavers in their care and enable them to achieve the best outcomes.

Part 11 of the 2014 Act introduced Continuing Care enabling a young person who is looked after at the age of 16 years (born after 1999) in Foster, Kinship or Residential care to remain in their current care placement beyond 16 and up to their 21st birthday. From 1 April 2016, this entitlement will be extended to young people aged 16 and 17. The aim of Continuing Care is to provide young people with a more graduated transition out of care. The Act requires that the placement should be maintained unless it is assessed that remaining in the care placement would significantly adversely affect the well-being of the young person. If the placement cannot be maintained due to any of the exemptions which are also set out in the Act, or if in consultation with the young person it is deemed to be in their best interest to move to an alternative placement/support, then we would expect these alternative arrangements to be provided. We have taken a collaborative approach with the sector to developing non-statutory guidance on this matter which we aim to publish by the end of this year.

Continuing Care must also be provided by Residential Schools who provide a targeted service. It may be that these schools can only offer Continuing Care until age eighteen which is the age at which children must leave Secondary Education. Local authorities will want to ensure that proper planning for a placement move is in place at this point and the young person receives support of an equivalent standard to that previously provided by the school.

Part 10 of 2014 Act has extended the eligibility for Aftercare services for care leavers looked after on or after their 16th birthday up to their 26th birthday, this was previously provided up to their 21st birthday. This vastly increases the number of care leavers eligible for support from their Corporate Parents. Local Authorities also have a discretionary power to continue to support care leavers beyond their 26th birthday.

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PE1545/A

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Your ref:
Our ref:
2 April 2015

Dear Sigrid

CONSIDERATION OF PETITION PE1545

Calling on the Scottish Parliament to urge the Scottish Government to recognise residential care as a way severely learning disabled children, young people and adults can lead happy and fulfilled lives and provide the resources to local authorities to establish residential care options for families in Scotland.

Following the Committee's consideration of the above petition on 03 March 2015; you wrote seeking my views on the issues raised by the Committee specifically:

- *The provision of training for social care workers on caring for the severely learning disabled in the context of issues raised by the petition and the petitioner's evidence to the Committee.*

The official report of the Committee hearing refers to "social workers" rather than "social care workers" and, in a telephone conversation with my office, you confirmed that my response should address training for social workers.

As the Committee members know, social workers provide a wide range of support to some of the most vulnerable in society, doing so within the context of a wide ranging Scottish Government policy agenda and rising needs and expectations. It is absolutely crucial, therefore, as the Committee recognises, that these workers are fully supported to have the skills and knowledge to carry out their role. The employers of social workers, in the main local authorities, have the primary responsibility for ensuring that social workers have the training they need in order to be effective in carrying out all aspects of their work.

In my current post, I have responsibility for the Scottish Government funded NDPB - the Scottish Social Services Council(SSSC) which is the regulator of social workers, and other

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PE1545/G

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Your ref:
Our ref: Your letter of 27 May 2015

30 July 2015

Dear Sigrid

CONSIDERATION OF PETITION PE1545

Calling on the Scottish Parliament to urge the Scottish Government to recognise residential care as a way severely learning disabled children, young people and adults can lead happy and fulfilled lives and provide the resources to local authorities to establish residential care options for families in Scotland.

Following the Committee's consideration of the above petition on 26 May 2015, you wrote seeking my views on:

"the concerns raised in the submissions received regarding the existing guidance for social workers on the assessment of people with profound and multiple learning disabilities and the impact of the Care Manager Model".

I have checked the Official Report of the Committee meeting and as there was no comment on the submissions by Committee members, I have read the submissions which were made available to the Committee in order to get an understanding of the issue on which you have sought my views. My understanding is that the query relates to one of a number of points made in the submission by the Learning Disability Alliance Scotland (2 April 2015) and also commented on in the submission by Ms Maxwell (19 May 2015).

As my previous response indicated, the employers of social workers, in the main local authorities, have the primary responsibility for ensuring that social workers have the training and guidance they need in order to be effective in carrying out all aspects of their work – including the key responsibility of assessment. The submissions express concern about

receiving support by assessing what positive outcomes have been achieved. Information on a range of good practice documents and useful links for support in regard to adults with learning disabilities is also available through the Care Inspectorate website.

In conclusion, I would like to confirm, as highlighted in the submission to the Committee by the Care, Support and Rights Division (11 May 2015), that the Scottish Government is very committed to improving the lives of people with learning disabilities and recognises that additional effort in this area at national level is required. Having a knowledgeable and skilled workforce to deliver services to people with learning disabilities improves their lives and supports them to have a healthy life and live independently. That is why the CSR Division is working with NHS Education Scotland, the Scottish Social Services Council and other relevant stakeholders to scope work that will further develop the skills and competency of the health and social care workforce in this particular area. This work is in the early stages of development and will be implemented over several years.

I hope this response is of assistance to the Committee in its consideration of the Petition.

Yours sincerely

Alan Baird
Chief Social Work Adviser