



Minister for Social Care and Mental Wellbeing
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27 January 2026

Dear Convener

Scottish Human Rights Commission’s report “‘Tick Tock...’ A human rights assessment of progress from institutionalisation to independent living in Scotland”

Thank you for your letter of 17 December to the Minister for Equalities requesting an update on progress on the Coming home Action Plan. I am responding as lead Minister for the Coming Home agenda, which is jointly owned by the Scottish Government and COSLA.

I wrote to Professor O’Hagan on 19 September 2025 to provide the Scottish Human Rights Commission (SHRC) with a formal response to the “Tick Tock” report, on behalf of the Scottish Government. This followed a meeting between me and Professor O’Hagan on 22 July 2025 to discuss the report findings. A second meeting took place on 30 October and I followed this up in further correspondence on 27 November. It might be helpful for me to set out some of the areas covered.

The [Coming Home Implementation Report](#) was published in 2022 with the vision that “*the human rights of everybody with complex care needs are respected and protected and they are empowered to live their lives, the same as everyone else*”. The following provides a summary of progress against recommendations relating to the Coming Home cohort.

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1) Scottish Government and COSLA should make a policy commitment to take forward the proposed framework. The Scottish Government and COSLA jointly established a Senior Strategy Group to oversee the delivery of the recommendations (below) in the Coming Home Implementation Report. The Group consisted of experts with lived experience (both family carers, and people with learning disabilities) working with leaders from Integration Authorities, local authorities, NHS Boards and Social Care and support Providers. In addition, the Scottish Government provided over £20 million of funding to Integration Authorities through the Community Living Change Fund and other funding. This has had impacts in terms of supporting people to move into the community and we are currently undertaking a final review of the impact of this funding.

2) The current sample Dynamic Support Register should be developed into a tool for national use. The Dynamic Support Register (DSR) was launched in May 2023. It improves the visibility of people with learning disabilities and complex care needs at local and national levels and provides a tool to support local planning and decision making. Operational guidance and tools were developed to support the use of the DSR, including a procedure for Register Review Meetings where cases are discussed and actions prioritised. DSR data is published quarterly by Public Health Scotland.

3) A National Support Panel should be established in order to provide support and oversight of the Dynamic Support Register. Initial thinking on a National Support Panel to improve support and accountability, and hear from families and individuals about their individual circumstances informed the options around the scope and remit of the panel which were included in the [Consultation on the Learning Disability and Neurodivergence Bill](#).

4) A National Peer Support Network should be established to facilitate people coming together to learn and share best practice. The Peer Support Network was established in 2024 and is hosted by Healthcare Improvement Scotland. The Network has held meetings and surgeries on a range of topics and is well attended by professionals who are seeking support to plan services for people with particularly complex care needs.

The Scottish Government and COSLA are continuing their commitment to jointly drive work forward in partnership with a range of local and national partners. The SHRC was invited to present its findings at a meeting convened by the Scottish Government and COSLA in May 2025 where it was proposed to establish the Coming Home Short Life Working Group. The Group (chaired by Dr Anne MacDonald, the author of the 2018 Coming Home report) was established in July 2025. The remit of the Group is to consider how to deliver the outstanding recommendations in the 2022 Coming Home Implementation Report, prioritise short-term actions for immediate implementation and consider longer term action required.

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Human rights will be central to the implementation of the Action Plan and officials have received feedback on a draft shared with the SHRC and the Mental Welfare Commission on 12 December. The Short Life Working Group submitted the final draft of its Action Plan this week and we are working towards publication by early March. Officials will continue to engage with SHRC to ensure the Action Plan is delivered within an appropriate human rights framework.

In terms of the current position, it is worth noting that the [most recent quarterly DSR](#) data (September 2025) shows fewer people delayed in hospital or in inappropriate out of area placements compared to last year:

- 66 people were delayed in hospital, compared to 85 in September 2024.
- 31 people had been in hospital for at least ten years, compared to 44 in September 2024.
- 34 people were recorded as being inappropriately out of area, compared to 57 in September 2024.
- 180 people were recorded as being at risk of support breakdown, compared to 234 in September 2024.

The Coming Home Action Plan will set out proposals to address some of the issues highlighted in the SHRC's 'Tick Tock' report and the CRPD Committee Guidelines on Deinstitutionalisation will help to inform work in this area going forward. However, there are a number of broader issues that extend beyond the Coming Home agenda and will require more detailed consideration. A summary of these issues is provided at **Annex A**.

I hope this is helpful and I am copying this response to the Minister for Equalities and Dr Anne MacDonald as Chair of the Coming Home Short Life Working Group.

Yours sincerely

Tom Arthur MSP

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BROADER ISSUES

Learning Disabilities, Autism and Neurodivergence (LDAN) Bill

Work on the LDAN Bill is continuing to enable its introduction during the next parliamentary session, subject to the outcome of this year's election. Following a full consultation on the LDAN Bill and subsequent additional engagement with the Advisory Panels throughout 2025, the next stage will be to publish draft Bill provisions for further consideration in due course.

Law reform

We remain committed to modernising our mental health and capacity legislation to better reflect international human rights standards, with an Adults with Incapacity amendment bill expected in the next parliamentary term. Work is now underway to progress this, supported by the [Adults with Incapacity Reform: Expert Working Group](#) and the [Adults with Incapacity Reform: Ministerial Oversight Group](#), both of which were established in September 2025 to progress key areas of reform including deprivation of liberty and supported decision-making.

With regard to the Human Rights Bill, as outlined in the Scottish Government's Discussion Paper on the Human Rights Bill, the proposed Group Protection Duty will require certain duty bearers to actively consider the rights in CRPD, including Article 19, when delivering services and making decisions. We consider this proposal will provide a clear, coherent and accessible framework for rights holders and duty bearers, which also carefully navigates the limits of devolved competence. As you know, we are continuing to engage on proposals over the remainder of the Parliamentary term.

The Scottish Government treats UN treaty body guidance (including General Comments) as important and authoritative tools for policy development. While non-binding, the Scottish Government uses them as strategic and normative benchmarks, referring to them to shape law and policy where possible. This approach reflects our strong commitment to advancement of human rights and helps to align domestic law with international human rights standards. It is not intended for the proposed Human Rights Bill to contain a provision to alter the already established soft law status of UN treaty body guidance. For the purposes of interpretation of UN guidance, such as Concluding Observations and General Comments, it is proposed they will be viewed as non-binding, with courts considering them in their judgments where they see relevant or persuasive. This is consistent with the approach to interpretation taken in the UNCRC (Incorporation)(Scotland) Act 2024.

Forensic Mental Health

The Scottish Government recognises that current service fragmentation and lack of strategic capacity planning in forensic mental health services, as evidenced in the Barron Review, contribute to delays and complex transitions. As a result, the governance of such services is undergoing reform. The Forensic Governance Advisory Group submitted a report in June 2025. However, much has changed since then and significant developments have reshaped the context for decision making and shifted NHS priorities. The Scottish Government will now take time to consider the findings carefully and will issue a formal response in due course.

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This issue remains a priority, and we are committed to providing clarity as soon as possible to support effective planning and maintain momentum for change. In the meantime, the Forensic Network has been tasked with bringing Health Boards and forensic mental health services together to take forward a program of work to identify and address issues that will help streamline and shorten processes around access to services.

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