

Clare Haughey MSP  
Convener  
Health, Social Care and Sport Committee  
By email - hscs.committee@parliament.scot

30 July 2024

### **National Care Service Expert Legislative Advisory Group**

Dear Convener,

We write to the Committee as some of the members of the National Care Service Expert Legislative Advisory Group (ELAG) to clarify the extent of our involvement in the Scottish Government's draft Stage 2 amendments, following the Minister's letter to the Committee on 24 June.

Our intention with this correspondence is to make it clear to the Committee that our participation in ELAG should not be taken as an indication that we are necessarily individually or collectively supportive of the draft Scottish Government amendments or have co-designed them. This is for several reasons:

- ELAG was expressly not a co-design group. This was contained in its Terms of Reference and was re-iterated by the Scottish Government chair at the start of each meeting.
- ELAG members sought, and received assurances from the Scottish Government that our participation in the group would not be represented to the Committee as expressing support for the amendments.
- The text of the draft amendments was not shared with ELAG members prior to them being sent to the Committee on 24 June. We were shared thematic discussion papers before each meeting, though these did not contain the text of amendments.
- In several cases, the papers did not contain sufficient information for us to be able to provide meaningful comments on the detail of any amendment. An additional barrier to meaningfully engaging in this process is that Easy Read versions provided during meetings contained different information to the standard papers. We communicated this in our feedback in the meetings and in writing.
- Most of the weekly meetings covered a different topic with a different discussion paper, which was circulated a few days in advance. Although we appreciate that some of these time constraints were necessary, it further restricted the quality and detail of feedback we were able to give on the

papers, and for representative organisations, restricted the extent to which we were able to consult our members on them. This also contributed to making the meetings inaccessible for some members.

- It is not immediately clear from many of the draft amendments to what extent feedback from ELAG members, or people with lived experience of social care have been reflected in their design.
- Due to the large number of members of ELAG, discussions took place in separate breakout groups. There were no votes taken or attempts to reach a full group position on any of the discussion topics or amendments.

At the final meeting of the group, several members expressed concern that some of the content of the ELAG Summary of Outputs Report provided to the Committee could be taken as an indication that ELAG had approved or expressed support for the text of the draft amendments. Particular concern was expressed about the use of quantitative statements in the report (e.g. 'Most people supported the idea...', 'Members broadly supported the proposed reforms...').

We want to clarify to the Committee that due to the above, whilst our participation in ELAG should not be taken as an indication that we necessarily support any of the Scottish Government's draft amendments, individually or collectively, neither is this letter suggesting that signatories do not potentially agree with some draft amendments.

Signatories to this letter will consider the draft amendments and individually respond to the Committee's Call for Views with comments on them, as well as continued engagement with the Bill process at Stage 2.

Yours sincerely,

Dr Jim Elder-Woodward OBE, Chair Glasgow Centre for Inclusive Living and  
Co-Convenor Inclusion Scotland

George WM Grindlay, Individual

Gordon Johnston, Chair, Vox Scotland

Isabella Goldie, Chief Executive, Deafblind Scotland

People First (Scotland)

Rachel Cackett, CEO, Coalition of Care Providers in Scotland (CCPS)

Rob Gowans, Policy and Public Affairs Manager, Health and Social Care Alliance  
Scotland (the ALLIANCE)

Shared Care Scotland

Tressa Burke, Chief Executive Officer, Glasgow Disability Alliance