Official Report
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DRAFT

Equalities, Human Rights and Civil Justice Committee

Comataidh nan Co-ionannachdan, Còraichean Daonna agus Ceartas Catharra

Thursday 5 November 2026

Session 7

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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
9th Meeting 2026, Session 7

CONVENER

*Katie Hagmann (Carrick, Cumnock and Doon Valley) (SNP)

DEPUTY CONVENER

*Meghan Gallacher (Central Scot and Lothians West) (Con)

COMMITTEE MEMBERS

*Claire Baker (Mid Scotland and Fife) (Lab)
Holly Bruce (Glasgow Southside) (Green)
*Amanda Lindsay (Central Scotland and Lothians West) (Reform)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
Collette Stevenson (East Kilbride) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kate Nevens (Edinburgh and Lothians East) (Green) (Committee Substitute)
Della Robb (Scottish Government)
Amy Stuart (Scottish Government)
Alison Thewliss (Minister for Community Care)

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Thursday 5 November 2026

[The Convener opened the meeting at 09:30]

Interests

The Convener (Katie Hagmann): Good morning. Welcome to the ninth meeting in 2026 of the Equalities, Human Rights and Civil Justice Committee.

This morning, we have apologies from Holly Bruce. I welcome Kate Nevens, who is attending in her capacity as a substitute member. I also welcome Claire Baker as a new committee member. I put on the record my thanks to Carol Mochan for her contribution to the committee thus far in session 7.

Agenda item 1 is declarations of interest. I invite Claire Baker to declare any relevant interests for the committee.

Claire Baker (Mid Scotland and Fife) (Lab): I do not have any relevant interests to declare.

The Convener: As this is also Kate Nevens's first attendance at the committee in her capacity as a substitute, I invite her to declare any relevant interests.

Kate Nevens (Edinburgh and Lothians East) (Green): I do not have any relevant interests to declare.

The Convener: Thank you, both.

Decision on Taking Business in Private

09:31

The Convener: Agenda item 2 is a decision on whether to take business in private. Are members content to take agenda items 5 and 6 in private?

Members *indicated agreement*.

Scottish Human Rights Commission Report

09:31

The Convener: Agenda item 3 is an evidence session with the Scottish Government on progress made in implementing the recommendations from the Scottish Human Rights Commission's report "'Tick Tock …' A human rights assessment of progress from institutionalisation to independent living in Scotland", which assesses progress on ending the institutionalisation of people who have learning disabilities and/or are autistic.

I welcome to the meeting: Alison Thewliss, Minister for Community Care; Della Robb, learning disability team leader, Scottish Government; and Amy Stuart, head of mental health and incapacity law, Scottish Government. Thank you all for attending.

I invite the minister to make an opening statement.

The Minister for Community Care (Alison Thewliss): Thank you for the opportunity to appear before the committee today. I also thank the Scottish Human Rights Commission and the Mental Welfare Commission for Scotland for the challenge and scrutiny that they continue to provide on behalf of people with learning disabilities and complex support needs.

The "Tick Tock" report was an important contribution to that agenda. It highlighted the experiences of people who continue to spend too long in hospital or who are living far from home, family and their communities. It also reminded us that people with learning disabilities and complex support needs have the same rights as everyone else: to dignity, choice, control and inclusion in community life.

The Scottish Government and the Convention of Scottish Local Authorities jointly own the coming home agenda, and I will be clear at the outset that I recognise that progress has not been fast enough for everyone affected. Too many people still face barriers to living ordinary lives in their communities, and I understand the frustration that is felt by individuals, families and advocates who have waited a long time to see change. However, important progress has been made over the past year, and we are building momentum.

A key milestone was the publication in March of the joint "Coming Home Action Plan", which was developed collaboratively with local and national partners. The plan reflects the reality that there is no single solution. Every person's circumstances are different, and successful support depends on effective partnership working across health, social care, housing and other services. Delivery is being supported through joint governance arrangements that involve the Scottish ministers, COSLA councillors, people with lived experience and national partners, which ensures oversight, challenge and accountability for progress.

We are supporting delivery with investment of up to £20 million this year alone. We have also strengthened the infrastructure that is needed to drive that improvement. The dynamic support register is helping to ensure that people who are at risk of admission or who require intensive support are visible locally and nationally.

Public Health Scotland's quarterly reporting is improving transparency and accountability to help us better understand where further action is needed. Alongside that, we have established a peer support network to support the sharing of good practice across the country and help local areas to work through common challenges together.

A significant development this year has been the launch of Independent Living Fund Scotland's coming home fund, which is designed to remove barriers that can prevent people from leaving hospital or inappropriate placements and moving into community settings. Applications are already being considered and approved, and I see the fund as an important practical tool for supporting change on the ground.

To support the implementation of the coming home programme, we are taking forward a range of wider actions, including providing new training and guidance for health and social care staff, providing a housing options guide to support local planning, developing a complex care support pathway and introducing a national support panel pilot in Forth Valley, which is testing enhanced arrangements for oversight, accountability and support.

Importantly, lived experience continues to be at the heart of our work. Since the original "Coming Home" report by Dr Anne MacDonald was published, people with lived experience, including families and carers, have played a central role in shaping priorities. Our new lived experience hub will ensure that that remains the case as the programme develops. I am also pleased that the Scottish Human Rights Commission has agreed to contribute to the strategic oversight group in an advisory capacity, bringing its valuable expertise and challenge.

The committee will be aware that the recommendations in the "Tick Tock" report extend well beyond the coming home programme. Some relate to broader questions of legal reform, mental health, capacity law and forensic mental health services. The Scottish Government remains

committed to modernising mental health and capacity legislation in line with international human rights standards. We accepted the broad vision that was set out by the Scottish mental health law review, and we are taking a phased approach to implementation. Our immediate priority is reform of adults with incapacity legislation, with amendment legislation planned during this parliamentary session, followed by consideration of wider mental health law reform.

We continue to progress work on future forensic mental health governance arrangements and action to address delayed discharge from forensic services, because we recognise the importance of ensuring that people receive care and support in the most appropriate setting for them.

I recognise that some of the report's recommendations, including ones relating to wider questions about deinstitutionalisation and redress, will require longer-term consideration across the Government. We should be honest about that—it is a complex area—but we should recognise the progress that is being made and maintain our focus on practical action that delivers real improvements in people's lives.

I welcome the committee's questions.

The Convener: Thank you for that opening statement. It is really helpful that you are here, and I am sure that members will have a number of questions that drill down into some issues. As you said, the report covers a wide range of issues.

I want to pause for a moment to recognise that this whole debate relates to article 19 of the United Nations Convention on the Rights of Persons with Disabilities, on living independently and being included in the community. It is vital that, whatever we do, we keep that point at the forefront of our minds in all our discussions.

There have been a lot of reports, and there has been a lot of slippage in timelines. The reason why we are here is that we have not made the progress that we are looking for. I appreciate that the Scottish Government and COSLA are jointly responsible for the work that they are doing, but how confident are you that the recommendations will be implemented as they should be? What are your feelings on ensuring that we keep to the timescales?

From looking at the report, I can see that there are short-term, medium-term and long-term timescales, but what does that mean? When will we see progress in the short term? Will it be within six months or within a year? It would be helpful if you could drill down on some of the timescales.

Alison Thewliss: As I said in my opening statement, some of the work is over the longer term. Reforms to law must be done incredibly carefully to ensure that we support and get it right for this group of people, so that their rights can be realised. It is incredibly important that we do that.

In relation to shorter-term actions, the coming home fund is already taking applications, with support being issued to people. That has to be done carefully, because we want to ensure that people go into places that are appropriate for them and are not rushed out of institutions. We want to take a measured and supportive approach so that, when people leave and go into accommodation that better meets their needs, the placements are sustainable, appropriate and suitable for the person themselves, their family and their support networks, so that they are not left on their own. Independent living does not mean living on your own; it means living in a community with other people around you.

We need to ensure that we get that right for people. This is a big change for people who have been in institutions, and their needs must be considered carefully to ensure that we get it right and that they are supported as they make this change in their lives.

Over many years as a councillor, I saw people who it was thought could never be supported outside the institutions that they were in absolutely flourishing in the community. We need to keep it in mind that there can be real opportunities for people to live a full and happy life, and that is what we should try to achieve for everybody.

The Convener: Where does independent advocacy sit in the landscape? Obviously, we have COSLA representing local government, and we have the Scottish Government and the integration joint boards and so on, but where is the independent advocacy? Are you confident that individuals have that support in going through the system?

Alison Thewliss: There are a number of mechanisms for people to get advocacy. It is important that people are supported through the process and that they get the support and advice that they need. Some of that might come through local organisations, such as the support in the right direction programme that we fund in local areas. There will be other local advocacy services that people might be more familiar with and that can provide support in their communities.

I encourage people who feel that they do not have such support at the moment to seek it out, because it should be there for them to ensure that they get everything that they require.

The Convener: It would be helpful to know whether the Scottish Government is looking to invest in advocacy, given that the landscape is so complex. As convener, I have been approached by

various advocacy organisations that have stressed the importance of that.

A number of members want to come in. I will go first to Amanda Lindsay.

Amanda Lindsay (Central Scotland and Lothians West) (Reform): Thank you for coming to talk to us this morning, minister. I understand that the area is very challenging and complex.

The Government says that up to £40 million has been committed since 2021, which is welcome, but a complete evaluation of the earlier £20 million fund remains outstanding. When will you publish information on how much has been spent, how many people have moved into suitable community accommodation and whether those moves were sustained?

Alison Thewliss: I do not have in front of me the details on the number of people who have gone out over the piece. I am not sure whether my officials have more details on the budget and the detail of what you are asking about.

Della Robb (Scottish Government): I do not have that detail to hand at the moment. It is being worked on currently.

Alison Thewliss: As I said in my opening statement, responsibility for the issue is shared between national and local government, and some of the data and information might be held more at local level. I have figures on how the current fund is going and the number of placements per local authority, which I can share with the committee if that would be useful. I can try to get the information that the member asks for and write to her with the detail.

Amanda Lindsay: That would be much appreciated.

After approximately six weeks, the new fund had received 18 applications from about 13 councils, but only one award had been made. What are the current figures? How long does it take for an application to be approved?

Alison Thewliss: The applications must be worked through to make sure that everything is put in place for people. I understand that, since the fund opened on 6 August, there have been 41 applications from 20 local authorities, and six applications have been approved to date. Some of the money is starting to go out the door to people.

We want to make sure that we get it right and that people have the support that they need. It is not simply a case of ticking boxes and moving money; it is about ensuring that everything is put in place so that people get the adequate support that they need.

Amanda Lindsay: Thank you.

Claire Baker: I will ask a bit more about the funding. There have been two pots of money. The first £20 million that was announced was the community living change fund, and then an additional £20 million was provided when the action plan was announced, and that is going through ILFS. Amanda Lindsay addressed one lot of £20 million. Do we have more detail on how the original £20 million was allocated or what difference it made?

Alison Thewliss: I do not have the details on that initial £20 million. Obviously, I am fairly new to this role and I am asking questions about what has gone before. However, ILFS is a very experienced organisation in using such funds and making sure that people get the money in a well-thought-out and appropriate way for their needs. It is managing the new fund, and I am sure that, if you had people from that organisation in front of you, they would be able to answer more questions on the detail and mechanics of how that is working.

09:45

Claire Baker: ILFS is delivering the additional £20 million that came with the action plan, and the answer to Amanda Lindsay's question will address those points, but my question is about the previous £20 million that was committed to the coming home agenda in 2021. I appreciate that you are new in the post, but the Government is not new, so we would hope to get detail on that. We were not at ground zero after the election. We need detail on what has been previously spent and how it has been managed.

Della Robb: I can come in on that. I think that you are referring to the community living change fund and the £20 million that was allocated back in 2021-22.

Claire Baker: Yes.

Della Robb: That has definitely helped integration authorities to develop local housing and support solutions for people with learning disabilities and complex care needs. Funding has been used to create specialist support services, develop bespoke housing arrangements and support people to move from hospital and inappropriate out-of-area placements to community settings.

Various examples of bespoke support packages have been put in place across tenancies in West Lothian, and there are intensive community support services in North Ayrshire. Work to evaluate that is ongoing, with a view to publishing in early 2027, with a bit more breakdown of what the funding has gone directly towards.

Claire Baker: So, in early 2027, we will get detail of how the money has been spent and what

difference it has made. At the moment, you cannot say that it has resulted in X number of people being able to move out of institutional care.

Della Robb: I do not have that breakdown.

Claire Baker: That will come in 2027, when we will get more detail.

That was all that I was going to ask about finance, convener, but do you want me to ask my other questions now?

The Convener: Go ahead.

Claire Baker: I have questions on how we are monitoring or evaluating. The earlier questions were about spending the money, but how do we know that we are making progress? The Scottish Human Rights Commission has raised concerns about the fact that the body that is scrutinising progress is not independent. Are you confident that the way in which progress is being measured is sufficient, that we have enough data and that we have a good understanding of where we are making a difference?

Alison Thewliss: Yes. As I said, it is early days for the new fund—you have heard about the number of applications so far. The system will be carefully monitored from our side, and I expect the Scottish Human Rights Commission and this committee to monitor and scrutinise it, to ensure that the money is being well spent for people.

Claire Baker: I am new to this committee, so I would like to get the minister's understanding of why progress has been so slow. The "Tick Tock" report was published in response to disappointment that we were not seeing the progress that we needed. Recently, the Scottish Human Rights Commission has updated that and said that there is still a lack of progress. The number of people who have made the move is minimal. What has been so challenging? Why have we not seen the progress that we want?

Alison Thewliss: That reflects the complexity of all the different organisations that are involved. Local and national government are involved, and housing support has to be available on the ground, the delivery of which can be complex in different parts of the country.

There is also the significance and importance of ensuring that the needs of people are met appropriately and with longevity. If we do not get this right for people, the experience can be extremely traumatic. Therefore, we want to ensure that, when we are making decisions alongside people, we are doing it right. That is not a quick process; it is complex.

I absolutely accept the criticism that the process has taken too long. I would like it to have been quicker, because the people who are at the centre of this deserve a service that ensures that their needs are met and that they can live in appropriate settings alongside their families and communities. I accept that it has been too slow for too many people, but we are now moving in the right direction. We are getting the money out the door, and that will help people to have their needs met.

Claire Baker: Concerns have been raised about the Government's proposals for reform of health boards and of the public sector in health settings, and whether those might complicate things and have an impact on delivery. How can we be confident that, if the Government moves forward with a public sector reform agenda in health, that will not cause further delays or challenges in trying to deliver this policy?

Alison Thewliss: I absolutely appreciate that point, but the situation is complex and difficult at the moment. Someone might live in one local authority area but be accommodated in a different health board area. There are many different boundaries at the moment, and there are issues in trying to get people discharged from one place to a different local authority or health board. Those complexities at the moment are part of what is holding people back and keeping people in inappropriate out-of-area placements.

We are moving forward with the reforms with those things in mind. We do not want the system to be as complicated as it is for people now. We want to make things simpler and easier for the people who are involved and for the professionals who have to negotiate those professional boundaries in different authorities. We want to make that easier and not harder, which is why we are making the reforms.

Claire Baker: Thank you.

The Convener: Thank you for that. I will build on the accountability and oversight points.

In your opening remarks you referenced the dynamic support register, which was put in place in 2023. Is that a useful tool? Are you confident that it can gather the necessary data? Previously, it was reported that there were significant gaps in that process. With my background in local government, I know how hard data sharing can be. Are you able to tell us where there have been what we might call bumps in the road, or where you have not been able to gather the required data, and how you have managed to overcome that? Are you confident that, across all the health boards and local authorities, you are getting the information that is required to enable us to assess where we are now?

Alison Thewliss: The significance of the dynamic support register is in allowing us to know where people are in the first place. In the past, that

has been challenging. The DSR was established to ensure that people in the coming home population are visible and that action is targeted at a local level. The reason that we can currently interrogate the data is that it now exists in a coherent way that it did not previously.

At a national level, that data is published quarterly by Public Health Scotland. Its reports provide a national overview of progress so that we can see and analyse the numbers and understand where people are at. We can then put pressure on local authorities and health providers to ensure that progress is being made.

There has been an improvement in some of those numbers. For example, the number of people recorded as being in inappropriate out-of-area placements has come down by 33 per cent from the level in June 2025. Because those numbers are now visible, we can see progress and interrogate the information, which I hope will lead to our seeing better outcomes for people at the end of the day.

The Convener: I have triggered another question from Claire Baker. I appreciate that I jumped on the back of your question, Claire, so I will let you come in and then I will come to Kate Nevens.

Claire Baker: Thank you. My question is about the dynamic support register. The Government had committed to further exploring issues with forensic patients, under-16s and autistic people with learning disabilities being on the dynamic support register. That is a medium-term commitment. Has it been progressed?

Alison Thewliss: I do not know whether either of my officials would like to answer that technical point.

Amy Stuart (Scottish Government): I am not sure, to be honest. I would be happy to find out and report back to the committee. I do not think that a decision has been taken on it yet, but we can get you more detail.

Claire Baker: The Scottish Human Rights Commission says that the Scottish Government has committed, through the action plan, to exploring further with partners the implications of including forensic patients, under-16s and autistic people.

Amy Stuart: I am unsure of the answer. I am sure that that is being considered, but I do not know the detail. I would be happy to provide that to the committee afterwards.

Alison Thewliss: We are looking at the wider governance arrangements around that, and we are aiming to get better consistency across the board, with more collaboration, and to ensure that the clinical and legal safeguards are in place. It is a complex area, but work is going on in the background on that.

Della Robb: To add to that, the first meeting of the coming home strategic oversight governance group was held on 22 October. As part of that, we set out four projects, one of which is on data insurance. The work in the action plan will be considered as part of that.

Claire Baker: What will happen in six to 24 months' time to consider how difficult it is to include those groups of people? The aim is not to actually include those groups of people, but to look further at what the challenges are. Is that correct?

Alison Thewliss: It is a complex area, and we need to understand those challenges and whether that aspect can be progressed. Obviously, we want people to be living in the best circumstances that we can create for them.

Amanda Lindsay: Just to drill down on that, until those groups, including those forensic patients, are included, who will be responsible for identifying and ending their inappropriate placements in the meantime?

Alison Thewliss: Some of that will depend on their treatment. It is not that they are put into an institution and nothing else happens; they will have other supports around them.

Individuals have important rights and protections, including access to independent advocacy and rights of appeal. Support will also be given to folk in those circumstances. They will absolutely not be left on their own.

Amy Stuart: There is also the work of the Mental Welfare Commission for Scotland, which focuses on the rights and protections that should be in place for individuals. The commission regularly visits mental health settings and provides reports to the Government. If poor practice were to be identified, action would be taken and the concerns would be brought to the fore.

Kate Nevens: Thank you for the conversation about forensic patients, which was helpful. My questions on the area had already been covered. I am pleased to hear that lived experience is still being placed at the centre of the Scottish Government's work. Could we get a read-out of what the lived experience group has said recently about the positive or negative changes that people in that group are experiencing?

Alison Thewliss: We continue to ensure that lived experience is reflected in what we do. People with such experience are involved in the work on coming home, and we are ensuring that their voices are heard. As was mentioned earlier, the first meeting of the coming home panel has been held, and we will continue to ask it for information as we go forward.

You will appreciate that it is early days; people are still getting funding and moving through the coming home process, but I am keen to ensure that their lived experience is captured and that they feel as though the process has been positive for them. If it is not, we need to know about that and make changes as we move on. Given the number of people who have gone through the process so far, we want to check in with them.

Kate Nevens: It is important for us to consider anecdotal and lived experience data when we are talking about the lack of available data. One of the "Tick Tock" report's key recommendations is about reforming the law and replacing the Mental Health (Care and Treatment) (Scotland) Act 2003 with legislation that complies with the United Nations Convention on the Rights of Persons with Disabilities, as well as reforming frameworks that permit the detention of people with learning disabilities and autistic people. How is the Scottish Government planning to advance legislative reform, in light of the learning disabilities, autism and neurodivergence bill being dropped? Will CRPD incorporation be a key consideration in the proposed human rights bill? Have you a sense of what that will look like, and are there things that we could do now to lay the groundwork for it?

Alison Thewliss: The proposed reforms are being developed with regard to the United Nations Convention on the Rights of Persons with Disabilities, particularly the provisions on equal recognition before the law, liberty and security of person, independent living, autonomy and access to justice. That is an important policy context as we move into the discussion about the proposed human rights bill. We need to ensure that the rights are taken into account. It would be useful to hear the committee's thoughts on the bill, given your experience and the expertise that you have access to.

Kate Nevens: Another key recommendation in the "Tick Tock" report, which the Government said would be moved into this session, is about remedies, reparation and redress, as outlined by the UN Committee on the Rights of People with Disabilities' guidelines on deinstitutionalisation. Could we get an update on where the thinking is on that? What is the timeline for potential remedies, reparation and redress?

Alison Thewliss: That is certainly a more complex area if we think about the number of people who have been in institutions over a long period of time. It will take a good deal of long-term consideration across Government, as well as engagement with stakeholders. It is a complex historic and current area. We would have to give careful consideration to how we would do that and how we would ensure that people would be treated fairly within any such scheme. There is experience from other examples in the past, but it is a longer-term piece of work. It would be interesting to hear people's views on that, because we want to consider how we progress that work incredibly carefully.

Kate Nevens: I wonder whether we could ask some organisations to provide written evidence on reparations and redress.

The Convener: We can reflect on the evidence that we have heard when we go into private session, when we can agree on next steps for the committee's work plan.

I am aware that Fulton MacGregor had indicated that he wanted to come in on lived experience, but I will come to Claire Baker first.

Claire Baker: Minister, can you say a bit more about redress and similar issues? You said that the situation is complicated, but can you detail the challenges involved in delivering such a scheme? As you have recognised, other schemes have been introduced along similar lines, so what are the challenges in progressing with one in this area?

10:00

Alison Thewliss: Some of them might concern why people have gone into institutions in the first place. Our understanding of how we should treat people in institutions has developed wildly over the years, if we compare what used to be done with what we do now.

As I said at the beginning of the meeting, I have met people who should never have been in institutions, but they had been put there because of our understanding back in the day. If we consider the progress that we have made on the rights of people with disabilities in the period since then, we can, rightly, say that the world is very different now. The issue is how we work through all the people who were put into institutions at that time, and explore whether they consider themselves to be eligible for reparations, how we should identify them, and how we should ensure that those matters are worked through.

There is a practical issue about how we identify and reach people who might be eligible for such a scheme. People would have been put into institutions for a variety of reasons: it might have happened simply because they were a disabled person or because they had particular issues that meant that it was done for their own safety. A whole range of issues might need to be unpacked. That is not to say that that should or could not happen, but the position is complex and it will take a good deal of time to identify and understand the background.

Claire Baker: Thank you.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. My questions are about lived experience and participation. Can you say a wee bit more about how the lived experience hub supports people with direct experience? Does the hub help to assess those people's progress and whether they are reporting greater choice and so on?

Alison Thewliss: As I said earlier, the number of people who have gone through the coming home programme is still quite limited. We are in the early days, but we are very keen to see their lived experience come through so that we can understand and refine the programme as we progress.

Fulton MacGregor: Have you any plans to speed up that process?

Alison Thewliss: We definitely engage with those groups. The independent living fund has significant involvement in working with people with lived experience.

Fulton MacGregor: I am particularly interested in the forensic patients aspect. How are you hoping to get the Government involved in engaging with them?

Alison Thewliss: I am very interested to hear about people who are in that setting and from others who support them and advocate for them. At the moment, they are not included in the coming home population because they are a slightly different and more complex group. However, hearing their voices would be valuable as we consider how to develop the programme over the years to come.

The Convener: Hearing about lived experience is so valuable. The First Minister has said that public sector reform should look at people and not structures. The complex nature of the landscape means that there are structures in place—some for very good reasons and others perhaps not so, which is part of the challenge that you face.

In the whole process so far, has there been any engagement with people with direct lived experience? Considering that we have been looking at the issue for such a long time, has any lived experience directly affected policy change or policy direction? As a minister, are you engaging directly with that community? Clearly, we have structures and boards in place, but, under your direction, and as you guide this work, have you had any exploratory discussions yourself?

Alison Thewliss: Since I came into post, I have had a range of meetings with groups of people with lived experience. They have given various views about what they would like to see, the challenges that are involved and where they want to go with the work. I am very keen to continue meeting them, because it is really valuable to hear about lived experience and about what people are going through, both as regards this agenda and more widely across the board. I have had a good amount of engagement so far, and I am very keen to continue it, because it is important. After all, we cannot get this right for everyone if we are not going to listen to them all, and I am very keen to do so.

The Convener: I appreciate that this was happening prior to your coming into post, so perhaps your officials could fill in some of the detail, but have you any examples of where the voices of people with lived experience, and ensuring that the person is kept front and centre, have changed policy direction?

Della Robb: I do not have any specific examples to hand, but we can certainly follow up on those. I can say that work on lived experience is going on just now with our third sector organisations, because we have to try to get into the detail and the specifics of the "Coming Home Action Plan" and the impacts on people with learning disabilities.

Over the years, and certainly before the publication of these various reports, the Government has continued to engage and fund third sector organisations and others that support people with learning disabilities and advocate for them. Throughout all that work, we have continually engaged with those people to ensure that we hear both the good and the bad stories. We are keen to get a balance in hearing the not-so-good stories and about the Government's work with local authorities and health and social care partnerships that has had a positive impact.

Alison Thewliss: I should add that the interim board for the—[*Interruption*.] Oh, my goodness. I am sorry to have come in there—I will come back to that point.

The Convener: No problem. Claire, you were looking to come in on this point, too.

Claire Baker: Della Robb has kind of answered this question, but what focus is being put on the lived experience of people with learning disabilities and autistic people in the lived experience hubs, given that their experiences might be different from those of others?

Secondly, I know that the focus is on moving people out of their current settings, but are there issues with capacity in the alternative settings? The intention is to move people from institutions and into community-based support, but will appropriate community-based support be available near their families, where they want to be? How is that capacity being grown and developed?

Alison Thewliss: Some of that will be for local authorities to address in their housing plans and their work in that respect. There is housing pressure on all sectors, as I am sure you will know well from your own casework.

Claire Baker: But is the £40 million that we talked about earlier to help with building capacity, or is it more for local authority housing?

Della Robb: No; it would be for individuals applying for funding. Local authorities and health and social care partnerships are also able to apply for support to improve services in their communities.

Claire Baker: I just want to understand the difference between an individual and a local authority accessing the coming home fund. What would an individual typically apply for?

Alison Thewliss: We are happy to go back to ILFS and get some examples for you. As I have said, it is still very early days when it comes to these applications and what people are applying for. However, I will be happy to furnish the committee with more detail on the things that have been applied for so far and some case studies in that respect. As you will appreciate, the numbers are very small and we do not want to risk identifying individuals by providing too many details.

Claire Baker: There must be criteria for applying for the fund, though. They must say, "This is what you can apply for."

Alison Thewliss: Yes, and ILFS is well experienced in doing that and supporting people through the funds that it already manages. I will be happy to give you details on how that is being assessed at a practical level, and the factors that are and are not included, but I should say that ILFS is quite flexible in its approach to people's needs.

Claire Baker: Thank you.

The Convener: I call Meghan Gallacher.

Meghan Gallacher (Central Scotland and Lothians West) (Con): I want to follow on from Claire Baker's line of questioning, because this is a very important issue. If we are moving to a community-based model, we will want to ensure that people have as many opportunities and as much access as they can to live as independently as possible, but Claire Baker is right to highlight the strain on our housing supply in all 32 council areas. It does not matter where someone would be moved to; even if they move close to family, friends or people with whom they are familiar, there will still be a strain on housing, so the Scottish Government will need to work closely with local authorities to figure out how it will look at those structures.

I also want to make a plea to the minister. In the previous session, I tried during the consideration of what is now the Housing (Scotland) Act 2025 to see how the definition of "accessible housing" could be aligned across local authorities, because we have 32 local authorities and 32 varying definitions of that term. Of course, people living with disabilities will have varying needs with regard to accessibility, but what will the minister do, alongside local authorities, to alleviate some of the issues that we know are in the system?

Alison Thewliss: Absolutely—I see that in my casework, too.

It is really important to understand where the accessible housing is, which is slightly easier for local authorities that have control over their own housing to do. For example, in Glasgow, we have housing associations, which have that control rather than the council. We need to have a good understanding of where the accessible housing is in the first place. I appreciate that different local authorities will take different approaches to that, which is a challenge.

When a property has had adaptations made or a chairlift has been put in, for example, we need to ensure that those are not ripped out as soon as the tenant leaves the property. We must make good use of those resources and not waste public funds, because, rather than starting from scratch, the house could be made available to someone else who might benefit from those adaptations.

I have been speaking to EquipU in Glasgow, which does a lot of recycling of equipment and manages a lot of the installation of equipment across the central belt. It is also keen to ensure that we make good use of the equipment that is installed and that the adaptations continue to benefit people—not just the person who used it initially but others thereafter. Those pieces of equipment can be incredibly expensive to install and maintain, so we need to make the best use of them. If they have not already done so, I

encourage all local authorities to understand where they have such assets in the community so that they can be used to best effect and so that they understand what more needs to be done to ensure that people with complex needs get the housing that they require.

Sometimes such housing exists and is very useful and helpful, and sometimes it is not there at all. There are challenges, perhaps in very rural areas, in ensuring that there is enough of that housing in the right place for people who need it. We have talked about delays and the length of time that it has taken to provide the right housing; sometimes that is because the housing that would meet the needs of those people does not exist and we have to wait for it to be created.

Meghan Gallacher: Will the £40 million fund be used for adaptations? I would like more insight into what it will actually do and how it will be used. If the money will be passed to local authorities, that would be a natural route for them to upgrade housing to make it suitable for people with complex needs to live in and live in well. If the Scottish Government is not going to allocate the money to local authorities, the question is how you expect them to do that without additional funding.

Alison Thewliss: On the funding and what is being provided to people, the fund will allow for adaptations beyond what can be provided locally, so it can enhance some of what is already being put in place. The fund can also be used during a transition period to cover rent for the time between somebody leaving an institution and the point at which they are able to move into their housing, while the adaptations are being made, if that would help. The fund can also be used for furniture or sensory equipment to make the housing more accessible and accommodating for people who require that. There is quite a lot of flexibility with regard to the use of the fund, including for adaptations.

Meghan Gallacher: I assume that additional services will need to be put in place to help with things such as gardening, bin collections and bin pull-out services. Are you having discussions with local authorities about those services, to ensure that they can manage increased demand for them? Again, we want to ensure that people who have complex needs also have services surrounding them.

Alison Thewliss: Absolutely. There is a process for local authorities to assess people's needs, to ensure that everything that they need is identified ahead of their leaving an institution. The funding can also be used for additional and enhanced social supports—supports beyond the scope of the locally assessed need. As I said, the funding is quite flexible, so it can include activity costs, where those activities are an essential part of someone's care plan. There is lots of flexibility to ensure that people's needs are met, and that can go above and beyond what is provided locally.

Kate Nevens: It is interesting that self-directed support is not mentioned in the "Coming Home Implementation" report, despite it being a really important mechanism for allowing disabled people to realise their rights and live independently. I am interested to hear more about how improvements to self-directed support are being planned and how that relates to the deinstitutionalised nation plans. I think that the self-directed support improvement plan expires in 2027, and I am not sure that we have had much in the way of updates on it, so I would be interested to hear a bit more about that.

10:15

In addition, this might be a bit tangential, but I would be interested to hear whether any conversations are taking place with the people who are taking forward the implementation of Calum's law—that is, the Restraint and Seclusion in Schools (Scotland) Act 2026. That legislation came about partly because of particular problems in specialised schools for autistic pupils and pupils with learning disabilities. I would be interested to hear whether learning is being shared between those two programmes.

Alison Thewliss: As a minister, I am paying particularly close attention to self-directed support, not least because I vividly remember, as a councillor, when it was first discussed, the excitement and hope that people had for what it could deliver. I always keep that in mind when I receive letters from colleagues about what has been happening locally, and I appreciate that there is a degree of variability, let us say, in how self-directed support is operating.

I am paying close attention to that and thinking very carefully about what more we can do in relation to self-directed support. I understand that the national care service advisory board, which includes people with lived experience, is also looking at self-directed support. I am very keen to hear its recommendations and what emerges from its evidence, because there are definitely challenges in how that is being applied and experienced by people. I very much want it to work in the way that was originally envisaged, to ensure that it gives people the lives that they need and deserve. Please be assured that I am paying very close attention to that.

The way in which the coming home fund works should align quite well with self-directed support. Given the ILFS's experience, there are things that the ILFS knows work well for people who are

applying for this funding and who have also been on self-directed support.

On Calum's law, I do not have the detail on that specifically, because it relates to an education setting.

Amy Stuart: I can come in on that. We are very clear that restraint should only ever be used as a last resort and for as short a time as possible. We are undertaking a programme of work to strengthen the guidance on how restraint and seclusion are used in in-patient mental health settings. That includes updating our code of practice, with a particular focus on ensuring that we are compliant with the United Nations Convention on the Rights of the Child. The consultation closed last week, and we are considering the responses that we have received. We will then update the guidance.

In addition to that, we are working with the Mental Welfare Commission for Scotland, which we have asked to undertake a pilot to gather data on the use of restraint and seclusion in in-patient mental health settings across Scotland. Once we have that, as well as having a benchmark, we will be able to frame further actions that are required and to measure how we are reducing the use of restraint and seclusion.

On Calum's law, we are working closely with colleagues in education to share learning and ensure that our policies and approaches are aligned.

Claire Baker: The "Tick Tock" report looked in particular at people with learning disabilities and autistic people who were in inappropriate hospital placements or out-of-area placements, who are perhaps one of the more challenging groups of people to move out of institutionalised care because they have been there for such a long period.

There has been a lot of talk about cost. How much does it cost to keep someone in institutional care?

Alison Thewliss: The cost can vary, but it is quite expensive.

Claire Baker: The savings that could be gained by moving somebody out of institutional care could be used to provide support within communities. Meghan Gallacher asked about the costs involved, and I asked about capacity in local authorities. I know that we are looking at an immediate action plan, but if we were to move towards a deinstitutionalisation plan in which the Government had a long-term ambition to reduce the use of institutions and give people more community support, that could have big financial savings.

Alison Thewliss: Potentially, it could, yes.

Claire Baker: It is very expensive keeping someone in institutional care. Is the Government considering introducing a longer-term significant plan? When would a decision be made on whether we are headed in that direction?

Alison Thewliss: The complications of doing that aside, it would be a longer-term piece of work.

You are right about potential savings, but they would relate to funding that is held in different budgets, which is part of the challenge that we face as we go into the public sector reform process. Although you are asking about a health setting, local government housing provision would need to be put in place for a person in that position, and the budget does not shift with the person—they are different budgets. We need to get over the barriers that exist in our public services so that the person is put at the heart of the process, rather than the budget that the cost of the provision sits in.

Claire Baker: Maybe I have misunderstood, but, when someone is cared for in a different setting, is it not the case that the local authority in the area that they have come from pays for their care? I realise that there are different arrangements, but it is quite typical for a local authority to have to pay when the care is provided outwith its area.

Alison Thewliss: It is complex. In Glasgow, in the education setting rather than the other settings that we are talking about today, the council had lots of out-of-area placements in specialist education provision. Over the years, it has been able to reduce the number of those placements and to save significant money by doing so. You are right that, in those circumstances, the money followed the people, but it depends on the basis on which someone is placed and the institution in which they are placed.

Claire Baker: There is the financial cost, but there is also the impact on the person who is in an institutionalised setting, including the longer-term impact on their life outcomes.

Alison Thewliss: Absolutely. We would like to see that move away from institutions. You are right about the potential cost savings to the public purse.

Some interesting work is being done. Recently, I went to visit services in the Scottish Borders area, where people are being moved from an institutional setting to a more community-based setting in a step-down way. There are costs and capacity issues involved in doing that. People move when they are ready rather than when it might be convenient for a service, which is perfectly correct. In the Borders, some really good outcomes have been achieved for people,

because appropriate support is provided at the different levels. It was interesting to see how that model—which relates mainly to mental health—works.

There is good practice around the place, and the reform process that we are beginning gives us an opportunity to take that good practice and make it common practice, and to learn from one another in a much better way. What is happening in the Borders might work equally well in the Highlands or in other places, so we need to think carefully about how we provide for people in a person-centred way so that we meet people's needs while ensuring that the services work effectively.

Claire Baker: Is sharing best practice and knowledge of what works one of the responsibilities of the coming home delivery group?

Alison Thewliss: Absolutely. I am very keen to find out what happens in different places. At the moment, the numbers are small, so we need to find out whether the best practice that I mentioned is applicable in different areas or whether it is bespoke and specific to particular individuals. There are definitely lessons that can be learned from what happens in different areas, and we are keen to do that.

The Convener: I do not think that anyone else wants to come in, so I will ask some questions.

I appreciate that the purpose of the action plan that was agreed in March 2026 was to address some of the immediate priorities. How will we be able to tell whether those have been met? What are the communication plans in that regard? If we were to invite you back in three years' time, what would you tell us and where would we be? How confident are you that we have established the key priorities? Equally, how will our communities know what we are doing?

Alison Thewliss: In three years' time, I would like to be able to tell you that there were fewer people in inappropriate places waiting to be housed somewhere more appropriate, that people were not being delayed because of a lack of support, that they had the support that they needed in their own communities, and that the people involved were living happy, healthy, independent lives in the heart of their communities. That is the goal and the vision that I want to see. For every person who is currently not living an independent life, I want changes to be made for them, their families and their communities, because that is the whole purpose of the plan.

We will learn as we go along. We will learn from the good practice, as well as from the times when things have not gone as well as they should have done. We will build that information in as we go. We will take on board the evidence, the lived experience and the learning as we go, to ensure that we get the provision right for everybody and that we continue to move away from the institutions of the past so that people can live full and happy lives in their communities in the future.

The Convener: The plan gives us a vision for where we are going, but if you do not hit key milestones, how will you be able to intervene?

The last thing that we want is to be sitting here talking about the same things in five years' time. A moment ago, I picked a timeframe of three years, but whatever period we are talking about, we need an assurance from Government that progress will be reported. I appreciate that you have your six-monthly meetings, but how can the committee scrutinise how things are progressing?

Alison Thewliss: Numbers will come through and will be reported on a quarterly basis. I engage regularly with the Independent Living Fund Scotland and I will speak to it about how things are going and whether there are things that need to be corrected or improved. I am sure that, as a committee, you will continue to do your job of scrutiny incredibly well and I am more than happy to come to Parliament as and when required with more information.

If it would be helpful, I am happy to write to the committee to give updates as appropriate as we move through the work. We need all eyes to be on this. I am sure that as local elected members you will have had interactions with people on this and you will know what is happening, including what is going well and what needs to be improved. I welcome feedback on that. I welcome hearing from people, and we can all work together to make this work for everybody.

The Convener: Thank you. As part of the dialogue on public sector reform, have you taken any key asks to Ivan McKee, the Cabinet Secretary for Public Service Reform, to drive the changes that are needed? Have you discussed the points that have been raised about housing and self-directed support, but also the wider implications of the report, which are not necessarily going to be answered immediately?

Alison Thewliss: Absolutely. As ministers, we are all engaged in discussions on how we do public service reform and how we do it well. During the three-month engagement, I am listening to organisations in the sector, people with lived experience, the third sector and people who are out delivering services in social care, all of whom have ideas about what they would like to see. Not all of those ideas can be implemented at the same time, because people can have very different ideas, but I have been engaging to make sure that

we are listening to those voices, gathering that information and feeding it into the reform process.

There are huge complexities. For example, even though providers are delivering much the same service, or would like to deliver much the same service across Scotland, providers have to provide services in slightly different ways across the 32 different local authorities or for a whole bunch of different IJBs and there are also slightly different reporting mechanisms.

There are also areas of specialty that people would like to see recognised in the wider reform. People who are doing something that is really interesting or innovative in one area would like it to be rolled out further, but the current structures and the way that things are set up do not make that easy. There are huge opportunities here, as I mentioned, to take the good practice and make it common practice, and to make sure that we are learning from the excellent and innovative things that are going on to support people across our communities.

There is great work going on out there and really interesting things are happening. In the engagement that I have had so far, I have heard that services are very interested in what they can provide, and people with lived experience want to talk about the complexities that exist just now and how we can make life easier and simpler for them.

The Convener: Thank you. Claire Baker has a final question, and I will then draw this item to a close.

Claire Baker: This question might not be one that the minister can address, but I will ask it anyway. It is to do with the action plan and the priority areas. We have talked a lot about moving people out of certain settings, but one of the action points is to reduce inappropriate hospital admissions and the length of stays. I do not know whether the minister can talk about that or whether we will need to speak to the health secretary about it.

Alison Thewliss: I can talk a little about that. Sometimes the issue is that support has broken down for a person. For example, if somebody has a family member who helps to support them but they take ill, it can mean that the person's support is suddenly plunged into a degree of uncertainty. There will always be things like that in life, but what is important is how we manage that well at a local level and ensure that people are not put into inappropriate settings just because something has happened to them.

Some of that is about local knowledge on the ground and the capacity of local services to pick such things up. We do not want people to end up in hospital or another setting that they should not be in, even for a short time. There is, rightly, an awful lot of talk about delayed discharge, but we also need to consider why people went into hospital in the first place.

We need to think about whether people have appropriate care packages and all the support that they require. It is a challenge, and you will perhaps have heard from COSLA or individual local authorities about that, but we are thinking about the whole person and their journey through services.

The Convener: I thank the minister and her officials for coming to committee and for their evidence. That concludes agenda item 3.

10:30

Meeting suspended.

10:32

On resuming—

Subordinate Legislation

Criminal Legal Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 (SSI 2026/267)

The Convener: Our final public item on the agenda is consideration of a negative instrument. I refer members to paper 2 and invite comments on the regulations before us.

Claire Baker: I am interested to hear how the provisions were inadvertently omitted from previous regulations. I am happy to accept that it was a mistake. It is a technical issue, but there has been a financial detriment in the process that is now having to be addressed. Could we write to the Government to ask why we are in the situation that we are in and how the provisions were inadvertently omitted, given that, although the Scottish statutory instrument concerns a technical matter, it seems reasonably significant to those who have been affected by it?

The Convener: We can certainly write to the Government. The Government's submission is in our papers as well, so we can have a look at that. I understand that the instrument has gone through the Delegated Powers and Law Reform Committee.

Claire Baker: The Government's submission says that the provision was "inadvertently omitted". I am happy to support the correction that the SSI is making in order to make the necessary difference, but I note that the issue had an impact on those who were affected.

The Convener: I will confirm the process with the clerks.

I am advised that we may decide not to comment on the instrument at this point and agree to follow the process, but we can still write to the Government to get the clarity that you seek. Are members content to write to the Government on that basis?

Members *indicated agreement*.

The Convener: As no one else is seeking to comment, are we content not to make any recommendations to Parliament on the instrument?

Members *indicated agreement*.

The Convener: Thank you. That concludes our business in public, and we will now move into private session to consider the remaining items on our agenda.

10:35

Meeting continued in private until 11:07.

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