Equalities, Human Rights and Civil Justice Committee
Thursday 5 November 2026
9th Meeting, 2026 (Session 7)

Equalities, Human Rights and Civil Justice:

Scottish Human Rights Commission Report: Tick Tock ... A human rights assessment of progress from institutionalisation to independent living in Scotland

Overview

1. In January 2025, the Scottish Human Rights Commission (SHRC) published its Spotlight Report "Tick Tock …", which is a human rights assessment of progress on ending the institutionalisation of people with learning disabilities and/or who are autistic.

2. The predecessor committee held an evidence session on this report with the SHRC. On 17 September this year the SHRC told the Committee that progress is still not being made towards ending the institutionalisation of people with learning disabilities and/or who are autistic.

3. At its meeting on 1 October 2026 the Committee agreed to take evidence from the Scottish Government to explore what it is doing to respond to the recommendations of the SHRC's report.

4. The purpose of this paper is to provide information to inform this evidence session. At this meeting the Committee will hear from:

    - Alison Thewliss MSP, Minister for Community Care.

    The Minister will be supported by:

    - Della Robb, Learning Disability Team Leader

    - Amy Stuart, Head of Mental Health and Incapacity Law.

5. The Committee will take evidence from the Minister on progress in responding to the findings and recommendations of the SHRC's Tick Tock report and implementing the Coming Home Action Plan.

6. The session provides an opportunity to examine progress towards independent living for people with learning disabilities and autistic people, how that progress is being measured, and the extent to which concerns identified by the SHRC have been addressed.

7. It should be noted that since the Committee agreed to hold this session the SHRC has written to the Committee with an assessment of the Scottish Government's progress since publication of the Tick Tock report, which will inform this session.

8. More information on that letter, the SHRC's initial report and the Scottish Government's response to it can be found in the briefing from SPICe at Annexe A to this paper.

Conclusion

9. The Committee is invited to consider the information provided in this paper in its evidence session with the Minister.

Clerks to the Committee
November 2026

Annexe A

Tick Tock ... A human rights assessment of progress from institutionalisation to independent living in Scotland

Introduction

The Committee will take evidence from the Scottish Government on progress in responding to the findings and recommendations of the Scottish Human Rights Commission's (SHRC) Tick Tock report and implementing the Coming Home Action Plan.

The Annexe (B) to this paper provides a timeline of the Committee's consideration of Tick Tock.

Background

Independent living and human rights

Article 19 of the UN Convention on the Rights of Persons with Disabilities (CRPD) recognises the right of disabled people to live independently and be included in the community. It requires states to ensure that disabled people have choice and control over where and with whom they live, and access to support services that enable participation in community life.

The SHRC's assessment is primarily based on Article 19 and the principle that people should be supported to live in the community rather than institutional settings.

At its core, the right to independent living concerns an individual's ability to exercise choice and control over where they live, who they live with, and the support they receive. For people who remain in hospital settings or inappropriate placements, concerns may include separation from family and support networks, limited control over daily life, and delays in accessing appropriate community-based support.

The Coming Home policy

Scottish Government policy in this area has been developed through a series of reports examining delayed discharge, long-stay hospital placements and out-of-area placements for people with learning disabilities and complex support needs.

Key reports:

- No through road: People with learning disabilities in hospital (Mental Welfare Commission 2016)
- Coming home: complex care needs and out of area placements (2018)
- Coming Home Implementation Report (2022)

The Coming Home Implementation Report set out actions intended to reduce delayed discharge and ensure that people receive support closer to home. Measures included creation of the Dynamic Support Register, a National Support Panel and improved national oversight arrangements.

Although the implementation programme concluded in March 2024, a number of objectives remained unmet, which became a focus of the SHRC's Tick Tock report.

The SHRC's Tick Tock report

Overview

In January 2025 the SHRC published Tick Tock: A Human Rights Assessment of Progress from Institutionalisation to Independent Living in Scotland. The report focused on people with learning disabilities and autistic people who were living in inappropriate hospital placements or out-of-area placements.

The report concluded that progress towards independent living had been slower than anticipated and that people continued to experience forms of institutionalisation despite policy commitments to community-based support.

Main findings

Progress

The SHRC found that the target of significantly reducing the numbers of people affected by March 2024 had not been met and that there had been little overall change in the number of people living in institutional settings. It also argued that there was no clear plan following the expiry of the Coming Home Implementation Programme on 31 March 2024.

Data

The report found significant gaps in available data and concluded that it was not possible to measure progress accurately against all human rights requirements. In particular, there was no comprehensive measurement of the number of people living in institutional settings.

Funding and accountability

The SHRC raised concerns about transparency surrounding the £20 million Community Living Change Fund. It reported difficulty tracking expenditure and argued that stronger accountability mechanisms were required.

Hidden populations

The SHRC highlighted concerns regarding forensic patients, who were excluded from the Coming Home programme, and noted that autistic people were often difficult to identify within existing datasets.

Human rights approach

The SHRC concluded that there was a significant gap between policy commitments to a human rights-based approach and implementation in practice. It found limited evidence of meaningful engagement with human rights standards throughout delivery of the programme.

Scottish Government commitments

Coming Home Action Plan

The Scottish Government and COSLA published the Coming Home Action Plan in March 2026. The Action Plan is intended to address outstanding recommendations from the 2022 Implementation Report and set priorities for future work.

The Action Plan identified seven priority areas:

Priority	Aim
Dynamic Support Register	Improve data collection and monitoring
National Support Panel	Explore options for national oversight and support
Inpatient redesign	Reduce inappropriate hospital admission and length of stay
Long-stay hospital patients	Support discharge to community settings
Housing	Improve access to suitable housing
Community services	Strengthen local support and workforce capacity
Commissioning	Support more collaborative service planning and commissioning

Wider issues

The Scottish Government said that some SHRC recommendations extended beyond the Coming Home programme. These included:

- development of a wider deinstitutionalisation strategy
- reform of mental health and forensic legislation
- consideration of remedies, reparations and redress.

The Action Plan states that a number of these issues would require consideration beyond the current Parliamentary term.

Evidence of progress since publication of the Action Plan

While there is evidence of funding commitments and implementation activity, it is less clear whether this has resulted in measurable improvements in outcomes for people.

Funding

Alongside publication of the Action Plan, the Scottish Government committed up to £20 million of additional funding to support implementation. The intention is for the majority of funding to be distributed through the Independent Living Fund Scotland. Combined with the earlier Community Living Change Fund, the Government stated that up to £40 million had been committed to the Coming Home agenda since 2021.

Coming Home Fund

The Coming Home Fund opened for applications in August 2026. It supports people with learning disabilities and complex support needs to:

- move from hospitals or inappropriate out-of-area placements back to their communities close to family and friends
- remain in their community where their current support is at risk of breaking down.

The Minutes of the Coming Home Delivery Group (September 2026) show that the Coming Home Fund has had 18 applications from 13 local authorities, of which:

- seven related to people in hospital
- six related to inappropriate out-of-area placements
- five related to people at risk of support breakdown.

The first award has been approved and enabled an individual to move into their accommodation.

According to the Minutes, a Housing Brokerage Service has been launched in addition to ongoing Housing Options Scotland roadshows.

Governance and oversight

The Action Plan established new governance arrangements including:

- a Strategic Oversight Group to provide national oversight
- a Delivery Group to provide strategic level leadership locally
- a Lived Experience Hub to provide a mechanism for people to engage with the Action Plan in a meaningful way
- advisory involvement from the SHRC and the Mental Welfare Commission.

The intention of these arrangements is to strengthen oversight and support implementation of the Action Plan, although they differ from the independent monitoring mechanism recommended by the SHRC.

The Minutes of the Coming Home Delivery Group note that the Strategic Oversight Group was scheduled to have its first meeting on 22 October 2026.

Dynamic Support Register

The Dynamic Support Register (DSR) was launched in May 2023 as a key recommendation of the Coming Home programme to improve monitoring. It records information on people with learning disabilities and complex support needs who:

- are in hospital
- are living in inappropriate out-of-area placements, or
- are at risk of support breakdown.

According to Public Health Scotland data for June 2026:

- 1,522 people were recorded on the DSR (just over 61% are male and just under 39% are female), of which:
    - 392 people were classified as requiring urgent intervention under the following categories:
        - 151 people were in hospital, of which 67 were recorded as delayed discharges
        - 29 people were in inappropriate out-of-area placements
        - 212 people were at risk of support breakdown.

Public Health Scotland reported similar overall figures in June 2025 with an estimated 1,533 people on the DSR, with 425 people classified as requiring urgent intervention. This indicates a reduction in the number of people requiring urgent intervention over the past year.

SHRC assessment of progress

In October 2026 the SHRC wrote to the Committee with an assessment of the Scottish Government's progress since publication of Tick Tock. Its overall conclusion was that progress had been made but remained limited.

The SHRC assessed:

- three recommendations as partially implemented, and
- six recommendations as outstanding

The SHRC welcomed:

- publication of the Coming Home Action Plan
- the additional £20 million funding commitment via Scotland's Independent Living Fund to help people with learning disabilities and complex support needs to live well in their communities
- establishment of governance and oversight structures
- work to develop human-rights-based monitoring arrangements.

Outstanding concerns

The SHRC identified concerns relating to:

- **Law reform** - There remains no timetable for replacement of the Mental Health (Care and Treatment) (Scotland) Act 2003. The planned Learning Disabilities, Autism and Neurodivergence Bill is no longer progressing and there has been no advancement of CRPD incorporation proposals.
- **Independent accountability** - The SHRC notes that the new governance structures are not independent of government and do not possess statutory powers.
- **Forensic patients** - The recommendation to develop a specific plan for forensic patients has not yet been implemented.
- **Wider deinstitutionalisation** - The SHRC remains concerned that Scotland lacks a comprehensive strategy for replacing institutional care with community-based support across all settings.
- **Redress and reparations** - The SHRC reports no progress towards developing mechanisms for remedies, reparations or redress for people whose rights have been affected by institutionalisation.

Themes for discussion

The Committee may wish to explore the following themes with the Scottish Government.

Delivering change

The Scottish Government has published a new Action Plan, established governance structures and committed additional funding. The Committee may wish to explore the extent to which these actions have translated into measurable improvements for people with learning disabilities and autistic people, including reductions in inappropriate placements and successful transitions to community-based support.

Measuring progress

A key finding of the SHRC's Tick Tock report was that limitations in available data made it difficult to assess progress towards independent living. The Committee may wish to consider whether current data collection and monitoring arrangements are sufficient, how progress is being assessed, and what evidence exists that outcomes are improving.

Funding

The Scottish Government has committed funding through the Community Living Change Fund and the Coming Home Fund. The Committee may wish to consider how resources have been allocated, what outcomes have been achieved and how value for money is being assessed.

Accountability and Oversight

The SHRC has welcomed new governance arrangements while continuing to argue for stronger independent monitoring. The Committee may wish to explore how the Scottish Government’s arrangements will improve accountability and how progress will be independently scrutinised.

A human rights-based approach

While recognising progress in some areas, the SHRC continues to regard a number of recommendations as outstanding. The Committee may wish to explore:

- the Scottish Government's response to the SHRC's latest assessment
- progress on recommendations that remain outstanding
- plans to embed a human-rights-based approach across delivery.

Lived experience and participation

The Action Plan includes a Lived Experience Hub intended to support participation by people with direct experience of services.

The Committee may wish to explore how people with learning disabilities and autistic people have influenced implementation of the Action Plan, how their experiences are being used to assess progress, and whether individuals report greater choice, control and inclusion in their communities.

Long-term reform

The Coming Home Action Plan is intended to address immediate priorities, but wider questions remain regarding the future direction of policy. The Committee may wish to explore:

- whether a broader strategy for deinstitutionalisation is required

- the relationship between the Action Plan and wider reform of mental health legislation
- future implementation of CRPD principles in Scots law, under the proposed Scottish Human Rights Bill
- the Scottish Government's longer-term vision for independent living in Scotland.

SPICe

Date: November 2026

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.
The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Annexe B

Timeline of Committee consideration by the Session 6 Committee

- 31 January 2025 – Letter from SHRC on its Tick Tock report

- 1 April 2025 – SHRC gave evidence to the Committee on the Tick Tock report

- 9 May 2025 – Committee wrote to the Scottish Government, COSLA and Audit Scotland seeking further information following the evidence session with the SHRC on 1 April 2025.

  Responses received:

  - 3 June 2025 – Letter from Scottish Government (from then Cabinet Secretary for Health and Social Care, Neil Gray MSP, and on behalf of the then Minister for Social Care, Mental Wellbeing and Sport, Maree Todd MSP)
  - 30 June 2025 - Letter from the Auditor General/Audit Scotland
  - 16 July 2025 - Letter from COSLA (from Councillor Shona Morrison, COSLA President).

- 2 December 2025 – SHRC annual evidence session on its work programme, which included discussion of Tick Tock. The SHRC told the Committee that the Coming Home Action Plan, due in December, had not yet been published.

- 17 December 2025 – Committee wrote to the Scottish Government asking for an update on the Coming Home Action Plan which had been due in December.

  - 27 January 2026 – Letter from Scottish Government to Committee (from the then Minister for Social Care and Mental Wellbeing, Tom Arthur MSP). It said that a Short Life Working Group had been established in July 2025 with a remit to consider how to deliver the outstanding recommendations of the Coming Home Implementation Report. Officials had received feedback on a draft shared with the SHRC and the Mental Welfare Commission on 12 December. The final draft of the Coming Home Action Plan had been submitted the week of this letter, with the aim of publication in early March 2026.

- 30 January 2026 – Letter from SHRC 'one year on' from the Tick Tock report

  "While we await the overdue report, I wanted to reassure the Committee that once the action plan is published, the SHRC will write

to the Committee to provide our assessment of the extent to which it delivers on our nine recommendations and complies with human rights standards."

- 19 March 2026 - Coming Home Action Plan published jointly by the Scottish Government and COSLA – it provides an update on progress, addresses the outstanding recommendations from the Coming Home Implementation Report, and sets out further actions required to achieve the "Coming Home vision and mission".

- 19 March 2026 – Letter from Scottish Government to Health, Social Care and Sport Committee, copied to this Committee, on the Coming Home Action Plan.