Thank you for the invitation to respond to this important Bill. Alzheimer Scotland is Scotland’s leading national charity which aims to: represent the interest of people with dementia and their carers; provide high quality services; and promote the provision of high quality services by others. We therefore welcome the intention of this Bill, which aims to ensure that regulatory bodies in place to safeguard and improve the quality of public services will work with increased effectiveness and efficiency.

Dementia is a complex illness which causes severe memory loss and gradual cognitive decline. It affects every aspect of the lives of those diagnosed (currently an estimated 69,000 people in Scotland). It gradually affects their ability to make some or all decisions about their health, welfare and finances. It affects their ability to communicate, reason and act in their own interests. It severely compromises their ability to stand up for their own rights and leaves them vulnerable to neglect and abuse. For this reason the Bill is welcomed because it aims to provide a more effective system of scrutiny to better regulate services which people with dementia receive both as citizens who use a range of public services, and as people with a need for high quality health and social care services from the point of diagnosis and throughout the illness. We therefore have a particular interest in the proposed establishment of Healthcare Improvement Scotland and Social Care and Social Work Improvement Scotland.

We have made a submission to the Health and Sport Committee regarding concerns about Parts 4 and 5 of the Bill, and will be responding to the separate consultation by the Scottish Government on the future structure of the Mental Welfare Commission for Scotland (MWC). We welcomed Ministers’ decision that the MWC should remain an independent body, focusing on the rights of the individual under mental health legislation, which imposes statutory duties on both the NHS and local authorities.

We welcome Part 6 of the Bill, especially the sections regarding user focus and the duty on regulatory bodies to co-operate. Given that the needs of people with dementia do not fall neatly into separate ‘boxes’ and require an integrated approach to their health and social care such co-operation is vital. This was recently demonstrated by the excellent joint inspection of the care of people with dementia in care homes, conducted by the Mental Welfare Commission and Care Commission published in the report ‘Remember, I’m Still Me’. We question whether it is necessary to legislate for such joint work and do not regard a requirement to seek Ministerial authority for joint inspections as helpful. Indeed this would seem to be at odds with the aim to simplify the scrutiny landscape. It would also be perverse in terms of the Scottish Government’s agreement in principle that the independence of the Mental Welfare Commission (in whatever form it might be taken forward) is retained.
We also wish to comment on Part 2 of the Bill. We have particular concerns about Section 10, subsection 3, which gives government ministers powers to make constitutional changes to the reformed scrutiny bodies established under the Bill, and to abolish or modify them without recourse to Parliament. We note that this would also apply to the Mental Welfare Commission for Scotland. If passed, Part 2 would give extraordinary powers to government to change primary legislation in a way which over-rideres the standards set by the Scottish Parliament. We believe this does not provide a secure foundation for the reformed regulatory system or engender confidence in terms of safeguarding the rights of people with dementia and other vulnerable consumer groups. We request the Finance Committee give serious consideration to the implications of this section, not only for this legislation but future legislation also.

Jan Killeen
Director of Policy