

Minutes

Cross-Party Group on Visual Impairment

Tuesday 5 December 2023, 18.00-19.30,

**Committee Room 3, Scottish Parliament,
and online**

Present – attending in person

MSPs

1. Stuart McMillan MSP
2. Colin Smyth MSP
3. Sarah Boyack, MSP

Invited guests

1. Gillian Hallard, RNIB Scotland
2. Sylvia Paton, Chair, the campaign group Keep Edinburgh Eye Pavilion (KEEP)
3. Mhairi Snowden, Human Rights Consortium Scotland

Non-MSP Group Members

1. Catriona Burness, RNIB Scotland
2. Lisa Kelly, SAVIE
3. Seonaid Knox, Office of Stuart McMillan MSP
4. Michael Moore, Guide Dogs Scotland
5. Kirin Saeed
6. Alan Stewart

Present – attending online

MSPs - attending online

1. Jeremy Balfour, MSP

Invited guests – attending online

1. Adam Lodge, Visibility Scotland
2. Laura Walker, Visibility Scotland, Chair of Scottish Visual Services Steering Group (SVSSG)

Observers – attending online

1. Karen Mowat, Scottish Government

2. Lee Sheenan, Scottish Government
3. Susan Shippey, Scottish Government

Non-MSP Group Members – attending online

1. James Adams, RNIB Scotland
2. Deirdre Aitken, Sight Action
3. Paul Bartley, Optelec
4. Steve Brown, Roche
5. Scott Cassidy, Blind Veterans UK
6. Bruce Christie, RNIB Scotland Advisory Group
7. Elizabeth Docherty, Optometry Scotland
8. Claire Forde, RNIB Scotland Advisory Group
9. Laura Gray, Macular Society
10. Sheila Hands, NHS Tayside
11. Kirstie Henderson, RNIB Scotland
12. Colin Hilditch, Sight Scotland and Sight Scotland Veterans
13. Thelma Ingram
14. Siân Lower, Sight Scotland | Sight Scotland Veterans
15. Maureen MacMillan, Sight Action
16. Jo MacQueen, RNIB Scotland
17. Rory Paterson, RNIB Scotland
18. Mary Rasmussen
19. Terry Robinson
20. Lewis Shaw, The ALLIANCE - Scottish Sensory Hub
21. Andrew Stephenson, Sight Scotland and Sight Scotland Veterans
22. Andy Stevens, Scottish Sensory Centre
23. Danny Sweeney, North Ayrshire Council
24. Cirta Tooth
25. Hannah Tweed, The ALLIANCE - Scottish Sensory Hub
26. Jacquie Winning, Forth Valley Sensory Centre

Apologies

1. Claire Black, NHS Education for Scotland
2. Neil Bibby MSP
3. Sophie Bridger, Chest Heart & Stroke Scotland
4. Miles Briggs MSP
5. Lesley Carcary, seescape
6. Tanya Castell, RNIB Trustee
7. Kate Charles, Vision PK
8. Eileen Clarkson, RNIB Scotland
9. Jacqueline Cowan, Police Scotland

10. John Donaldson, Sight Scotland - Scottish Braille Press
11. Niall Foley, Guide Dogs Scotland
12. Mairi Graham
13. Laura Jones, RNIB Scotland
14. Margaret Jackson, RNIB Scotland
15. Carla Marchbank, NESS
16. Dan Meikle, RNIB Scotland
17. Terry Moody
18. Councillor Robert Mooney
19. Rod Murchison
20. Sally Paterson, Vision Support Service, Aberdeen City Council
21. Hussein Patwa
22. Professor John Ravenscroft, Scottish Sensory Centre, University of Edinburgh
23. Ken Reid
24. Sandra Wilson

Agenda item 1 - Welcome, introductions and apologies

Stuart McMillan MSP and Convener of the CPGVI welcomed everyone to the meeting and asked those present online via Microsoft Teams and in attendance at the Scottish Parliament to introduce themselves.

The GDPR statement was read out. Anyone who doesn't want to be named in the minutes should contact the CPGVI Secretary, Catriona Burness.

Agenda item 2 - Approval of minutes of meeting of 20 September 2023

The minutes were approved.

Mover – Colin Smyth MSP

Seconder – James Adams, RNIB Scotland.

Agenda item 3 - Matters arising and Action Points

Action points and follow up were read out from the last meeting, these included:

3.1. Eye care for pupils within specialist school settings in Scotland

A letter was sent to NHS National Services Scotland (NSS) by Stuart as Convener. This asked NSS to support VINCYP (Visual Impairment Network for Children and Young People) in a proposal to deliver eye

care to pupils within specialist school settings in Scotland; to further explore the model, and to identify options for the implementation and funding of such a service.

A reply was received from Catriona Johnson, Associate Director, National Networks, National Specialist Services and Screening Division (NSD), NHS National Services Scotland. The reply confirmed that the NSD VINCYP Network Team will support the VINCYP proposal. An update on this work will be made at a future CPGVI meeting.

3.2. Opting in to the CPGVI mailing list

All those on the CPGVI mailing list were asked to opt-in to continue to receive notifications for future meetings. This is now complete.

Agenda item 4 – Human rights in Scotland

Stuart introduced guest speakers for the panel discussion on the Human Rights Bill for Scotland.

Mhairi Snowden, Director of the Human Rights Consortium Scotland

Mhairi Snowden provided background to the Human Rights Bill for Scotland, a key piece of legislation which seeks to pull together a range of issues on human rights within the devolved context in Scotland.

There is broad support for the bill in Scotland. Human rights set out basic freedoms to ensure that everyone can live with dignity. Most relate to daily life and include how the individual is treated by public bodies.

The original Human Rights Act 1998 covers civil and political freedom. However, the Human Rights Bill for Scotland seeks to incorporate many international treaties so that economic, social, and cultural rights are embedded into Scottish legislation within devolved competences. These rights extend to everyday essentials, for example, the right to food, the right to social security and the right to health.

The plan is to bring several United Nations Conventions (called international treaties) into Scots law. The right to a healthy environment is also explicitly laid out in the bill – this includes things like the right to clean air, safe water, etc.

Work is already underway to incorporate the United Nations Convention of the Rights of the Child (UNCRC) into the law in Scotland.

The three other treaties to be included within the human rights legislation are:

- The International Convention on the Elimination of Racial Discrimination (ICERD)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The UN Convention on the Rights of Persons with Disabilities (UNCRPD).

The incorporation of the UNCRPD into Scots law is significant for disabled people. Written from the perspective of the social model of disability it enshrines the right to independent living.

Within the rights framework there are also duties which are crucial for human rights to be embedded into everyday life. This means individuals can name and claim their rights, in a court of law.

The duties are important because they will also extend to all public bodies in Scotland. It is hoped these will become the foundation from which all public bodies make decisions, including developing policies, setting budgets, and delivering services. They must consider who could be at risk of missing out because of action they take.

It is an ambitious and complex piece of legislation due to the nature of devolution and certain constraints. However, it is hoped it will close the gap between the rhetoric of human rights, what's included in law and people's reality.

The consultation for the Human Rights Bill closed in October 2023. It is one of the largest pieces of legislation the Scottish Parliament has ever introduced, and it is hoped it will be passed in the Parliamentary session around June 2024. However, passing of the bill is only half the job. There must be minimum guidance so that duties are defined in full – the detail must be right in this process. For example, public bodies will have to show how they are protecting human rights and if they fail in their duties, individuals can uphold their rights in the courts.

Gillian Hallard, NHS Engagement Manager, RNIB Scotland

Gillian was stepping in for Sophie Bridger, Chest Heart & Stroke Scotland as Sophie was unable to attend due to illness. Gillian introduced the Right to Rehab Campaign. Key points included:

- Various organisations involved in The Right to Rehab Coalition are overseeing the Right to Rehab Campaign.
- In August 2023, the coalition attended the Scottish Parliament to demand that rehabilitation is part of the Human Rights Bill in Scotland.
- Chest, Heart, and Stroke Scotland estimate there are tens of thousands of stroke survivors in Scotland not receiving any rehabilitation. They estimate around 40,000 people have been hospitalised for a stroke but have never received any rehabilitation support.
- There is a strong correlation between someone having a stroke and being affected by sight loss. The coalition say there is no right to health without a right to rehab.
- Rehabilitation is a crucial part of re-adapting to life independently. People may require rehabilitation at various times of their life and for several reasons. They may have a need for visual rehabilitation after acquiring a sight loss condition but can require support again in the future if their needs change.

Stuart thanked Mhairi and Gillian and passed on best wishes to Sophie.

Q and A

Questions and reactions from the wider group included:

Question 1: TR – can the Human Rights Bill be applied to the right to an accessible environment? RNIB Scotland produced a report called "Street Credibility – making Scotland's streets accessible for people with sight loss". However, many changes in streets and public spaces are excluding blind and partially sighted people, making it more difficult to navigate and orientate themselves. Will this bill help address this, albeit if it comes after many of the changes have taken place?

Response from Mhairi: Yes – under the new Bill public bodies will have a duty to comply. This means they must deliver on minimum core obligations and clearly explain how they are doing this. They also must demonstrate they are taking concrete steps to improve human rights and not taking steps backwards. They must deploy maximum available resources to achieve this.

Participation is another crucial aspect of the Human Rights Bill for Scotland – every public body will have to show they are listening to those most affected by decisions they make.

Stuart brought up an example in Inverclyde where repeated requests are being made to include views of blind and partially sighted people in street developments. More needs to be done to bring the right people in at the right time, to engage them properly.

Response from Mhairi: Public bodies must listen to people who are at risk of being excluded. The Bill will offer a framework to do this – public bodies must ask - who is missing out, what is stopping them doing this?

Question 2: SH raised two questions:

1. Will the legislation have retrospective powers so changes which negatively impact on people can be challenged further down the line? Many changes to streets are already underway or complete.
2. Not all consultations are accessible which makes it difficult for people with visual impairments to get involved. The right to accessible information is fundamental for blind and partially sighted people in most aspects of daily life yet is one of the biggest barriers we face. Will this right be included in the Human Rights Bill for Scotland?

Response: Yes, the rights in the Bill may be used to challenge already existing policy and legislation within devolved competences. Equality Impact Assessments play a role but there's also a need for continuous improvement – decisions and policies need to be reviewed and updated to make sure they fulfil human rights.

The UNCRPD includes a specific measure on the right to accessible information. The Scottish Government must enhance this duty in its strongest form.

Question 3 from SM: Will the Bill create more of a framework so that secondary legislation is required after it is passed?

Response: The Human Rights Bill for Scotland will need to be followed by lots of different legislation for all our rights to become a reality. There are elements of the Bill which may reflect a framework bill, though we have not yet seen the draft.

Stuart thanked both Gillian and Mhairi for their contributions.

Agenda item 5 - Visual impairment rehabilitation

Gillian Hallard, RNIB Scotland

Gillian gave an overview of visual impairment rehabilitation in Scotland. Main points from the presentation included:

- Visual rehabilitation is crucial for people with sight loss to gain independence.
- Following a Certificate of Visual Impairment (CVI) an individual is contacted and offered support via visual impairment services commissioned by the local authority. Often this involves an initial assessment over the phone, to find out what a person needs. They can then be offered a more in-depth assessment to look at how they are managing at home. This helps to plan what kind of rehabilitation input a person may require.
- The benefits of visual rehabilitation can't be understated – it provides people with the skills and resources to maintain independence and manage daily life with a sight loss condition. It can include things like adjusting lighting in the home, to managing orientation and travel outdoors.
- The benefits are far reaching – not only can a person live with more confidence and independence, but there are also benefits to their overall wellbeing. For example, gaining skills to navigate and leave the home means people can enjoy social activities, which in turn can reduce feelings of loneliness and isolation.
- There may be less reliance on others such as family members or carers if a person can go about their everyday life independently.
- It also has long term cost benefits – rehabilitation training can reduce the risks of accidents happening, including falls or trips.
- Gillian gave an example of how an Eye Clinic Liaison Officer (ECLO) had provided a talking clock to a stroke patient in hospital so he could tell the time of day and plan accordingly i.e., for mealtimes. Small interventions like this can make a real difference to a person's experience.
- In 2021 the Scottish Sensory Hub reported on a review of the visual rehabilitation workforce in Scotland. This found the visual rehabilitation workforce in Scotland was reducing and many Rehab Workers are approaching retirement age.

Laura Walker, Chief Executive of Visibility Scotland, and Chair of the Scottish Visual Services Steering Group (SVSSG)

Laura has 20 years of experience as a rehabilitation worker. During this time, she has become increasingly aware of the lack of parity which

exists across services, and the high numbers of people needing visual rehabilitation whose needs are currently not being met.

SVSSG is working to address rehabilitation needs in Scotland and shares the vision of the Right to Rehab Coalition. The SVSSG is a consortium made up of organisations including Sight Scotland and Sight Scotland Veterans, Visibility Scotland, Thomas Pocklington Trust, Scottish Sensory Hub, Visibility Scotland, RNIB Scotland, Guide Dogs, the Rehabilitation Workers Professional Network and Glasgow Caledonian University. The group has three key aims, these are:

1. To reinstate the Graduate Low Vision Rehabilitation Course in Scotland. This is near completion with Glasgow Caledonian University running the course for nineteen students. All traineeships came from the health and social care workforce, and each Third Sector or Health and Social care place received a 50 per cent reduction to the overall course fee through funding provided by the ALLIANCE and Thomas Pocklington Trust. It is estimated that if all nineteen students go into full-time work, then vision rehabilitation support could be offered to around 1,900 more blind and partially sighted people per year.
2. Another aim is to create a suite of modular learning so that vision rehabilitation specialists and other professionals working in the field of sensory loss can access continued professional development. This would offer parity across service provision so that everyone can access support at the right place and time. It would also help embed a multidisciplinary approach.
3. The final aim is to accredit the Vision Rehabilitation Specialist workforce, so they are recognised and regulated alongside Allied Health Professionals (AHP). At present there is no regulation and no professional monitoring.

Laura also spoke of international research and developments. SVSSG, in partnership with The Centre of Eye Research, is collaborating on a proposed piece of international research that will – if successful- analyse data collected via the Impact on Visual Impairment on Quality of Life and the Hospital Anxiety Depression Scale pre and post vision rehabilitation intervention. This will be conducted over a four-month period. It is hoped that this research will influence service provision for the future by the identification of what needs are met and what is not by the current vision rehabilitation support.

Adam Lodge, Visibility Scotland

Adam explained the “Right to Dream” project (Visibility Scotland in partnership with Deaf Blind Scotland).

This programme is funded for three years from the Scottish Government’s Equality and Human Rights Fund. It has been running for two years and has one year of funding left.

The first year involved delivering training sessions to people with dual sensory loss and the visual impairment community so they can understand their basic human rights.

The second year focussed on working with organisations who support people with sensory loss. Training has been delivered to many organisations including the Forth Valley Sensory Centre, Vision PK (Perth and Kinross), seescape, Circles Network, etc.

During the third and final year the aim is to reach out to businesses and organisations to raise awareness of human rights. Issues such as Access to Work and making reasonable adjustments will be explored. The training can be tailored to suit the audience and the aim is to build a package around the needs of participants. It’s a free resource whilst funding is in place.

Adam would welcome contact from any individual or organisation involved in the CPGVI on this work.

Stuart thanked Gillian, Laura and Adam for their presentations and opened the meeting up to questions.

Q and A

Question 1: DA highlighted the challenges of underfunded services in the NHS and concerns that NHS Highland do not have funding for additional visual rehabilitation workers. How can NHS take responsibility for this when services continue to be underfunded?

Point 2: AS highlighted the importance of services being needs-led not resource-driven. He spoke about personal experience of being told he would have to wait until February 2024 before he could get any long cane training – this indicates there is a severe shortage of resources. He has since purchased his own long cane and is sourcing training separately.

SM recognised the huge pressures facing health boards and responding to the needs of increasing numbers of older people. However Scottish Government has a role in ensuring resources are available to fund services which play a crucial role in enabling people to function in society such as visual rehabilitation.

Point 3: LS highlighted the need for employers to allow paid time off for blind and partially sighted people who need visual rehabilitation training. He has come up against certain barriers with this, including lack of flexible appointments, such as outwith normal office hours (Monday-Friday, 9am-5pm).

SM acknowledged this isn't an issue he has heard of before but could be explored further. Some people may be able to go to their trade union if they have one and experience issues but recognise some smaller employers may not offer such flexibility.

GH mentioned larger organisations tend to accept people need time off for visual rehabilitation or guide dog training, but many don't understand the need for this. It comes down to education of employers.

SH raised point that not being able to get a long cane and training associated with it for some time is a human rights issue and it might be worth contacting the Equality and Human Rights Commission about this.

On LS's point she also argued that not getting time off work for visual rehabilitation training could potentially be considered as discrimination arising from a disability. Paid time off for visual rehabilitation training due to a visual impairment should be considered as a reasonable adjustment in the workplace.

Organisations can be issued "improvement orders" under the Equality Act, which has happened elsewhere.

Most organisations should have special leave policies including situations where paid time off may be appropriate. It may be worth examining whether employers have these in place.

LW commented on lack of flexible appointments available for visual rehabilitation comes back to existing small numbers in the workforce.

Although Access to Work is reserved to the UK Government the Scottish Government can work on areas within devolved competence. A meeting

with Scottish Government on this issue may help bring about a wider focus on employment issues blind and partially sighted people face.

SH: also mentioned problems employers face having to claim back the costs of equipment and adaptations from Access to Work. Could a brokerage type service be set up so the responsibility of purchasing and claiming back finances is not left to individual employers?

5.1. Action

CB and SM to discuss offline to identify appropriate action for the CPGVI. The CPGVI previously discussed employment and heard from visually impaired people who had used Access to Work in Scotland (5 October 2022).

For information, Access to Work is a reserved matter. RNIB ran a campaign in 2023 - see <https://www.rnib.org.uk/get-involved/support-a-campaign/access-to-work-delays/>.

Stuart thanked all for their contributions.

Agenda item 6 - Any other competent business

6.1. Collaboration request from Colin Beattie MSP – Chair of the CPG on Deafness

Discussion arose as to how the CPGVI could collaborate with the CPG on Deafness, particularly in dual sensory loss or other issues commonly experienced by people with visual impairments and/or hearing impairments.

Colin Smyth, MSP mentioned he is also in the process of setting up a CPG on Dementia Care in Scotland, where collaboration may also be possible with the CPGVI.

6.1. Action

The CPGVI Office bearers will look at Scottish Parliament guidelines for CPG working groups to clarify arrangements for collaborations between CPGs.

6.2. Pavement parking – update from Mike Moore, Guide Dogs Scotland

Mike Moore from Guide Dogs Scotland reported that the pavement parking ban is coming into effect in Scotland from 11th of December

2023. These measures formed part of the Transport (Scotland) Act 2019 but have taken some time to come into effect. Local authorities have the powers to issue fines to people whose vehicles are parked on the pavement, over dropped kerbs or where vehicles are double parked.

Mike thanked everyone who had been involved in the campaign to make it happen. Scotland is the first devolved nation to make pavement parking illegal, so work is also ongoing to spread change across the four nations.

It is encouraging to see that City of Edinburgh Council (CEC) are already promoting the ban; however, concerns remain as to whether other local authorities will use exemption powers to avoid having to implement the ban on certain streets in their region.

6.2. Action

The CPGVI will return to this issue later in 2024 and consider inviting Transport Scotland and COSLA to talk about how the ban is being implemented and enforced across Scotland, when more information becomes available.

6.3 Replacement for the Princess Alexandra Eye Hospital, Edinburgh – update from Sylvia Paton MBE, Chair, the campaign group Keep Edinburgh Eye Pavilion (KEEP)

Sylvia provided an update on recent KEEP activity. Funding for the new Princess Alexandra Eye Hospital is believed to have been put on hold due to the Scottish Government's review of funding for capital projects.

This is disappointing for KEEP campaigners as the project has already been delayed and costs for the new building have risen dramatically.

There are ongoing challenges to the way current services are provided. The existing building is said to have become dilapidated and unfit for purpose. The Golden Jubilee hospital in Clydebank can carry out cataract surgery but it isn't feasible to ask blind and partially sighted people to travel there independently via public transport from Edinburgh.

Sarah Boyack MSP recognised the huge amount of work KEEP have done and continue to do so in pursuing the campaign for a new Eye Hospital to be built in Edinburgh. Land has been identified at the Bio-quarter of the existing Royal Infirmary of Edinburgh. She also recognised the challenges involved with travelling to a hospital in Clydebank for

cataract surgery. Cross party efforts are ongoing to assist KEEP in putting pressure on the Scottish Government to commit to funding a New Eye Hospital in land earmarked for it in Edinburgh as soon as possible.

Sylvia mentioned with ongoing delays the project may not be complete until at least 2027/28.

LW also spoke of existing challenges with providing patient support from the existing Princess Alexandra Eye Hospital.

6.4. Scottish Vision Strategy Conference, March 2024 – update from James Adams, RNIB Scotland

James reported that the next SVS Conference is to take place on the 20th of March 2024 in Edinburgh at the Radisson Blu Hotel. A Scottish Government minister is expected to speak at the conference. More details will follow next year.

6.5. Convener Stuart McMillan MSP - report on his meeting with reps from Glaukos and RLT UK (Red Light Therapy)

Stuart said that both organisations are keen to come to speak to the CPGVI in 2024. It was agreed this could go ahead.

Stuart closed the meeting thanking all contributors to the discussions and questions. He also wished everyone a Happy Christmas and prosperous New Year in 2024.

6.5. Action

The Secretary will invite Glaukos to contribute to a future CPG meeting.

Agenda item 7 - Date of next meeting

Wednesday 21 February, 13.00-14.15, Committee Room 3, Scottish Parliament and online.