

The Right to be Heard!



The Learning Disability Lived Experience Board on the new Human Rights Bill for Scotland



Report on Blocks 1/2
April - May 2022



Scottish Government
Riaghaltas na h-Alba
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Section 1: Introduction

“Involve people with learning disabilities and listen to their voices.”

(Lived Experience Board Member: 2022)

As part of the ongoing development of the new Human Rights Bill for Scotland, The Scottish Commission for People with Learning Disabilities (SCLD) was asked to facilitate one of the lived experience boards with a role in supporting the Scottish Government with the development of the bill.



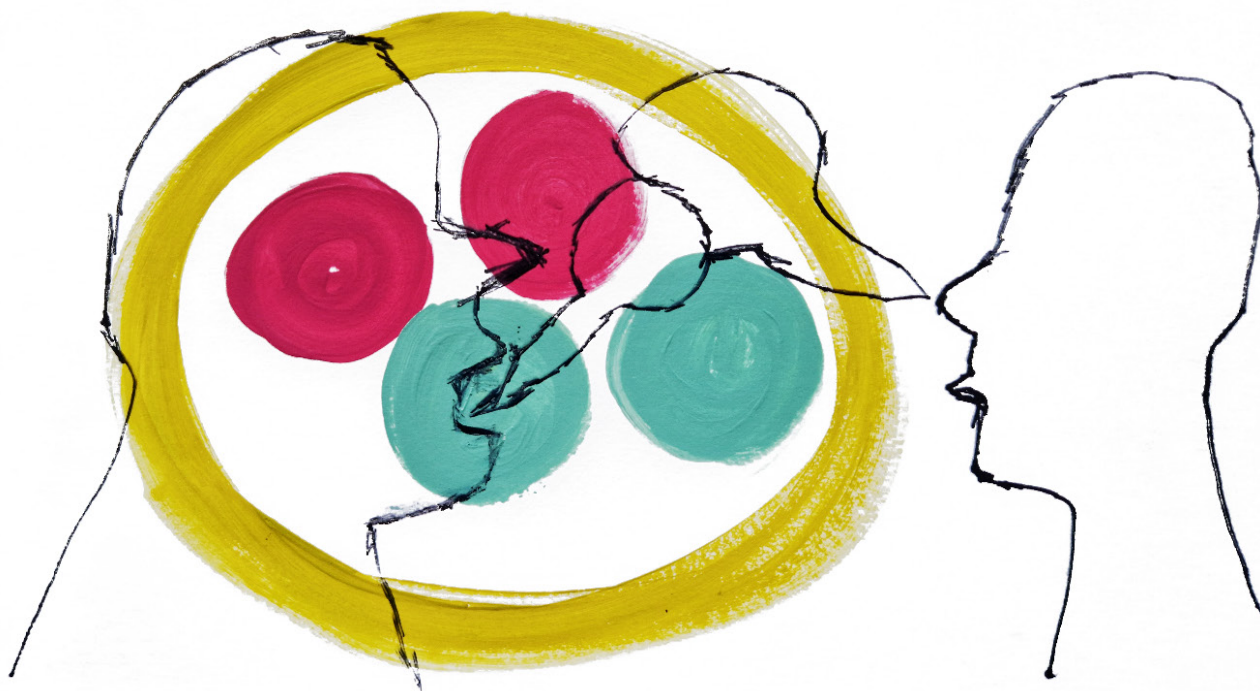
As this lived experience board is focused on the experiences of people with learning disabilities, the group's central focus was examining the different ways of incorporating the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) into the new bill, and how best the bill can ensure people with learning disabilities realise their rights under the UNCRPD and other relevant international human rights treaties.

SCLD's Lived Experience Board is formed of up to 15 members who attend regular meetings. Members are primarily people with learning disabilities and two invited members are family carers for a person with profound and multiple learning disabilities. Members attended meetings on a voluntary basis. Each meeting is attended by a representative from the Scottish Government who provides regular updates on how the work of the Lived Experience Boards is informing work at government level on the new Human Rights Bill for Scotland.

It is of critical importance that the work of the Lived Experience Board is a meaningful and collaborative process which will support informing Scotland's New Human Rights Bill. To support this, SCLD facilitators asked the Lived Experience Board to conduct an expectations exchange to ensure both the group and Government's objectives were met during this project, as seen below.



Purpose of the Learning Disability Lived Experience Board



At the second meeting of block 1 of the Lived Experience Board, members were asked why they wanted to be a part of this work. What members of the Lived Experience Board told us has helped to inform the following 3 key outcomes the Board and SCLD want to see as a result of this work and a new Human Rights Bill for Scotland. The three outcomes are:

- 1.** People with learning disabilities have space to talk for themselves, can share their own experiences, and are involved in decision making processes that impact their lives.
- 2.** People with learning disabilities who have direct experience having their human rights denied have the opportunity to challenge this and create positive change for themselves and others.
- 3.** People with learning disabilities see roadblocks to opportunities removed, to allow them to live the life they want.



Why is a Lived Experience Board for People with Learning Disabilities Needed?

“Misunderstanding people want to push people with learning disabilities [in to doing things they don’t want to do] and I don’t like seeing that basically”.

(Lived Experience Board Member: 2022)

Scotland is changing. For people with learning disabilities these changes could be significant in empowering them to live the life they want. While Scotland no longer has a universal approach to confining people with learning disabilities in institutions, many people with learning disabilities still face significant barriers to realising their human rights. People with learning disabilities continue to experience multi-layered trauma, exclusion, stigma, poor outcomes, and barriers to accessing rights across a wide range of domains including active citizenship, full engagement in civil and public life, and a lack of access to education¹, employment², relationships³, and family lives⁴. These problems remain unchallenged in part because of the invisibility of this population and the devaluation they face. In discussing why they wanted to join the Lived Experience Board members expressed that they have seen and faced “too much discrimination in life”. Examples of this included:

- Not being allowed to make their own decisions
- Experiencing bullying at school and exclusion from education, as one member said, “I have had a difficult time at school, and I want to change that for other young people”
- Having liberty restricted in long-stay hospitals, where people with learning disabilities are often “forgotten about”
- A lack of high-quality support that allows people with learning disabilities to live independently.



¹ [ENABLE \(2016\) #Included in the Main?! 22 steps on the journey to inclusion for every pupil who has a learning disability](#)

² [McTeir et al \(2016\) Mapping the Employability Landscape for People with Learning Disabilities in Scotland](#)

³ [SCLD \(2018\) Safe and Healthy Relationships: Empowering & Supporting People with Learning Disabilities](#)

⁴ [SCLD \(2018\) Children's Rights: Consultation on incorporating the UNCRC into our domestic law in Scotland](#)

Lived Experience Board Members

Members who attended meetings in the first two blocks were:

- **Fiona D**
- **Kate S**
- **David B**
- **Brian B**
- **Daniel G**
- **Kerry M**
- **Lindsay K**
- **John G**
- **Sandy S**
- **Aaron H**
- **John C**
- **Katherine G**
- **Suzzanne F**
- **Leeanne C**
- **Michael M**



(Names partially anonymised at the request of Lived Experience Board Members.)

This report details key discussions from the Lived Experience Board, blocks 1 and 2. These blocks were separated into two separate themes, block 1 theme was titled. 'Getting to Know You'. Block 2's theme was titled. 'Your Rights, Right Now – Impacts and Solutions'. Based on comments from the board this report makes recommendations to the Scottish Government for consideration as part of the Human Rights Bill development



Section 2: What changes for people with learning disabilities should a new Human Rights Bill in Scotland make?

“[We should] have access to lifelong support no matter your impairment”

(Lived Experience Board Member: 2022)

At the beginning of the first two blocks of meetings, members of the Lived Experience Board were

asked what key changes they would like to see as a result of the new Human Rights Bill for Scotland. Listed below are the key points members made:

- People with learning disabilities are actively and meaningfully included in decision-making processes.
- People with learning disabilities must have their voices heard.
- High quality training for employers and staff, to enable them to protect and support the human rights of people with learning disabilities.
- Accessible education for people with learning disabilities, including human rights education.
- Services must provide equal quality of support to all disabled people and must work to minimise the disruption to support caused when a person changes services or when services are altered.
- People with profound and multiple learning disabilities should not be forced to access support that isolates them from their support network.

Across the next set of meetings members were then asked to reflect on their experience of realising their human rights to date. This is outlined in the following section.



Section 3: Making a consultation on the new Human Rights Bill work for people with learning disabilities


“Consultations should include everyone”

(Lived Experience Board Member: 2022)

As part of the first meeting of the Lived Experience Board the members were asked what the forthcoming bill consultation should look like. The members were clear that an accessible and inclusive consultation process could not be one size fits all and should include a number of different approaches to collect people’s views. The group were clear that this consultation should give everyone the opportunity to feedback to Government.

The group suggested a good consultation process should:

- Use videos and audio.
- Have an online version and a hard copy version.
- Allow family members to have the opportunity to speak on behalf of people who cannot communicate and interpret their views.
- Have an Easy Read Version of the consultation that does not miss out valuable information
- Have easy-to-answer questions in the consultation.
- Have a glossary of difficult words in the consultation for people to refer to.

 What does a good consultation look like?



The lived experience board said the human rights bill consultation should



Use videos



It should be online and there should be hard copies for people who cannot get online



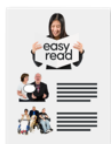
Family members and supporters should be able to speak on behalf of people who cannot engage and should interpret what they would want to say to the Government



Consultation should be in easy read



Consultation process should include everyone



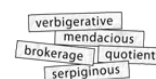
Easy read of the consultation should not miss out valuable information



Everyone's points of view are heard by the Government



Easy to answer questions in the consultation



Have a glossary of difficult words in the consultation

Section 4: “Your Rights, Right Now”

Lived Experience Board Members Reflect on their Experiences of Realising their Human Rights in Scotland to Date



“He didn’t even speak to me and asked every question to my mum and spoke like I wasn’t even in the room... asked things like can he read... the doctor didn’t even look me in the eyes”.

(Lived Experience Board Member: 2022)

To begin the discussion on a Human Rights Bill for Scotland, facilitators of the Lived Experience Board asked members to reflect on their experience of realising their human rights under the UNCRPD in Scotland to date. The topics discussed have been organised into themes under relevant articles of the UNCRPD below.

Article 8: Awareness-raising

Members of the Lived Experience Board discussed how important it was that people with learning disabilities had an opportunity to learn about their human rights. The board said that the Human Rights Town App, which SCLD worked on with a group of people with learning disabilities to create, helps to inform people about their human rights and how these relate to individuals and specific situations. The board were all in agreement that this app should be used as part of training processes and professional development, to ensure employers, staff, and others are able to work with a human rights approach that works for everyone.

One member said, “Everyone should get the human rights town app”.

Article 13: Access to Justice

The board members emphasised that they often feel that they do not have equal access to justice and several members shared incidences of situations in which they felt they had been unfairly treated and were unable to realise their rights.

One member spoke about a situation in which they had been investigated for something they didn’t do. They said that although they understood the need for an investigation, no allowances or understandings were made for the fact that they have a learning disability.



This group member shared how, despite the authorities being aware of their learning disability, they “...didn’t put me into a safe interview room...didn’t get any other interaction or support”.

Another board member spoke about how they had experienced a similar situation, explaining that they had been charged for something they didn’t do. Again, their learning disability and support needs were not taken into account, despite this being known to the police. As a result of the stressful nature of the process, they felt unable to interact positively with the authorities. This resulted in the process being unnecessarily drawn out and physical force being used against them, “they [the police] didn’t give me enough time to calm down, I felt disrespected with me having learning disabilities... What would have helped was a wee talk to help me open up”.

Barriers to access to justice in the workplace were also discussed. Two members shared their experience while in paid employment. One board member spoke about the ways in which they had felt badly treated because they have a learning disability, “they found out [I have a learning disability] and they thought they could treat me badly.” This person felt that they were bullied, and that co-workers and supervisors felt they could get away with it because they have a learning disability. The implication being that the person wouldn’t or couldn’t stand up for themselves or be believed if they spoke out.

The same person also told us that in the same employment they also had their contract changed without being notified, as they stated, “I was on a zero hour contract that they had just put me on whenever”.

A different Lived Experience Board member also shared an experience which resulted in them leaving their employment. This person was due to return to work after COVID-19 restrictions changed, however they felt that they weren’t given enough information or choice on how or when to return to work. For example, their employer requested that they return to work as they were vaccinated. However, they had not been vaccinated and when they told their employer this they were accused of lying. At the time this person had been added to a shielding list and was no longer being paid by their employer, but they did not understand why they were not getting paid as other people who had been furloughed were getting paid. This person didn’t feel able to access information about this. They were eventually told as they were on a zero hour contract they would not receive pay when shielding. However, this person was unaware that they were on a zero hour contract as they had never been issued with a contract or had their contractual rights explained.

Two main issues were highlighted throughout these examples on access to justice and barriers surrounding access to accessible information. This included issues relating to employment rights and challenging discrimination, and access to support, for example not having an advocate present or contactable when held by the police and not being supported deal with the situation or claim their rights.

Article 19: Living independently and being included in the community

A central issue for members of the Lived Experience Board was the ways in which people with learning disabilities face being regularly denied the ability to have an independent life and be a part of their community.

The board acknowledged that one of the main barriers people with learning disabilities faced in being able to live an independent life in their communities was being detained in hospital. One member said, “the right to life is about living the life you want in the community, not in a hospital. But many people are being locked up for no good reason”. Several members of the board had personal experience of this, either directly or knowing someone who has.



The board also recognised that the geographic location of placements could lead to a removal of rights. Members felt that people with profound and multiple learning disabilities are often forced to take placements in services far away from their support networks, causing them significant emotional harm and denying them easy access to their support networks.

The board members pointed out that “people with severe disabilities have an equal right to their own space” and there should be “no more out of area placements”. Similarly, some members expressed personal experiences with learning disability inpatient services that had caused trauma to both the person using the service and to those within their support network. They felt that more high-quality community care is needed, and in particular that “carers need to be paid and supported better” in order to create a positive living and caring environment for the person.

The importance of having the opportunity to live independently was also highlighted. One member spoke about how their experience of struggling to live independently showed how important it is to have “future planning for independent living” as “... fear of leaving home for the first time means it’s really important that I know where to get help and support from”. Another member said, ‘I waited seven years to get a place of my own... having my freedom is important, I can do what I want in my own place’.

However the board acknowledged that even if you were able to live independently it did not mean you could always live the life you want. Members of the board told us they faced significant barriers in relation to freedom of movement, accessing their own community, and building relationships. One member of the group explained that because of a lack of support resources and low income meant that they are unable to take trips that involve staying overnight or going too far from home. This means that they don’t have equal access to the wider community, to visit people further away, or to have the same experiences as other people, for example by going on holiday to another country or even to explore other areas of this country.

One board member talked about the barriers people with learning disabilities face when deciding what activities to do, and how they are restricted in choosing how long to do certain activities for.

For example, not being able to stay out late due to support availability. Often people with learning disabilities who can access evening activities, such as clubs, pubs or other social events, are restricted to specific support times and shift patterns, which are often not flexible. Another board member shared their personal experience of having to leave events after a short period of time, being unable to go at all, or have had to cancel their plans at short notice due to support shift times.

The result is not only a deprivation of freedom of movement and freedom of choice, but a significant restriction on the person's ability to socialise, build networks of friendship, relationships, community, and support. This can have negative, long lasting, and detrimental impacts on the person's life.

Members expressed that they wanted to see everyone given support. Some said that they felt that some impairments led to more support than others or that complex support was sometimes unavailable. Some people said that they had experienced a lack of consistent support, especially when changing services or when there were interruptions in services, and that this had a significant negative impact on their lives.



Article 20: Personal Mobility

Barriers surrounding mobility and accessible travel were also raised by board members. One member spoke about their experience of using a mobility aid impacting negatively on their ability to access employment and stated that, “planning assistance with Scotrail... sometimes it was awful, and I would be late [for work]”. Such barriers can result in people being unable to commit to work requirements or mean that they must make significant and often costly changes to their day to day lives, for example using private transport to avoid delays such as this discriminate specifically against people with disabilities.

Article 24: The Right to Education

The Lived Experience Board members felt strongly that there “should be more opportunities for education, especially flexible education” that is less restrictive and allows people with learning disabilities to gain qualifications, meet people, learn just for pleasure, and be actively involved in their community.

One member explained how access to good education became the catalyst to independence stating, “Going to residential college, I loved it, and that was how my journey to independence started”. The right to education was also highlighted by another member as they spoke about the importance of good, accessible education in ensuring people understand what their human rights are and how to claim them.

Article 21: Freedom of expression and opinion, and access to information

Access to information was also a big concern for the group. They expressed that they felt that there was often not enough accessible information on human rights both as a general topic and how it related directly to people with learning disabilities. For example, not being taught about human rights in schools, or having accessible format information, such as audio or Easy Read. Members agreed that it is essential that everyone can understand exactly what their human rights are and how to speak up when they are denied these. In particular members also said that there should be more accessible information on how to access justice, and that existing process are not accessible enough.

Article 25: Health

When discussing health, the board focused largely on information, inclusion, and access to emotional support. One member of the group spoke about their experiences of trying to access information about family planning. They said that although they would like to start thinking about starting a family through IVF, there is no accessible information, for example Easy Read, relating to how a person with a learning disability can begin the process. As a result, they have struggled to understand the implications and feel unable to talk to healthcare providers about it as they can struggle to express what they mean. Similarly, this person stated they feel there is very little access to emotional support, which means that they feel overwhelmed and are less likely to start family planning. As they stated, “I feel like I am going round in circles trying to get information to help me make decisions”.

Another group member spoke about their experience of being excluded from discussions about their own healthcare and wellbeing. When they went to the GP to discuss the assessment reports required for the guardianship order their GP spoke directly to their parent, without acknowledging them or including them in the discussion. This excluded them from important discussions and decision making which significantly impacts their life, restricting their ability to make informed decisions on how they wish to live their life. The impact of these kinds of experiences is also detrimental to mental health, both in the long and short term. As they said, “the whole experience was just awful, and it put me down a bit”. Several other group members expressed that they have had or know of people who have had similar experiences.

Article 27: The Right to Work and Employment

Employment opportunities were also a point which came through strongly in conversations with the Lived Experience Board. People don't feel that there are enough opportunities for people with learning disabilities to find jobs, and where jobs are offered employers and staff often



make assumptions about what they can and cannot do.

In many cases this leads to people having their duties restricted, employers not making the effort to teach new skills and not making the effort to seek out new ways of working that incorporate people with learning disabilities. Board members expressed that this sometimes happens because employers are not given good training on learning disabilities and “just don’t understand”.

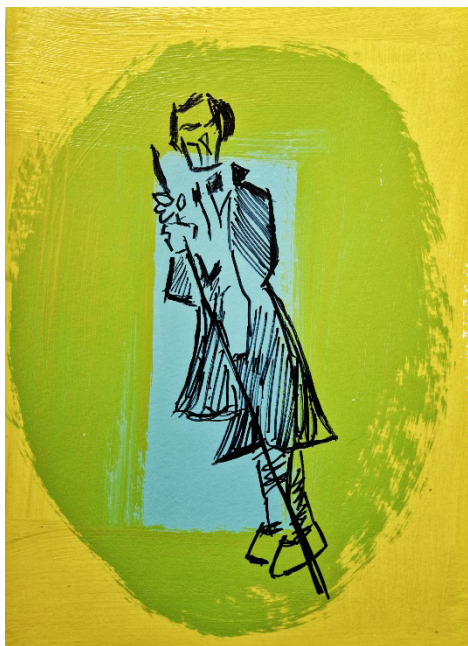
Support in the workplace was also raised by several members. Some shared personal experiences of being bullied by employers and staff, in some cases causing them to leave their jobs. For example, one member said they were “put on the one job all the time because they don’t think we [people with learning disabilities] can do

anything else”. Another board member shared that they had not been given the opportunity to take on extra responsibilities or training in their employment because they have a learning disability, “they [employer] said people with a learning disability can’t work the checkout and they didn’t have time to show people with learning disabilities how to use the till”.

In relation to access to employment, members spoke about the barriers they had faced when in employment but being unable to progress within their job, for example not being given additional duties, not being offered training or promotions, or having to do the same specific tasks without variety. One member shared their experience of working in a music shop but not being given the opportunities they hoped for. They said, “I had a dream job working in a music shop [but] I was working upstairs in the stock room, hidden from the public.” They felt that they were denied the experience they had been promised of working on the shop floor because it was easier for their employer to give them basic tasks and not have to train them or give extra support. The issue of transitions was also spoken about. For example, during the transition of moving from education to employment, or from one job to another, or into a first job. The group felt that it is essential for people to have access to “support in a new job until they feel confident in the role”, and to “have training and support so they understand [their role]”. This would make employment much less daunting and much more accessible for people with learning disabilities. It was suggested by board members that many people with learning disabilities do not have the confidence to try to find employment, or have had such bad experiences that they are unable to go back to work. This has a negative and substantial effect on a person’s independence and significantly restricts their ability to make and achieve life goals.

Another board member spoke of their personal experience during a difficult transition in education; they had a support plan at school and found this very helpful in navigating difficult situations, however when they asked to take their support plan with them when leaving school

to transition to further education or work the school refused, saying the support plan was the property of the school and was confidential. Another member supported this point saying, “people are not moving on... there is a lack of resources, and no work placements”.



Article 28: Adequate standard of living

Board members also discussed the issue of restricted finances, saying that benefit caps for cohabiting couples can take away your financial independence and restrict what you can afford to do in life, especially given that many aspects of life cost more when you have a disability. This includes having to pay for private reliable transport and the cost of support. Ultimately the point was made that “it costs more to live if you have a disability”, and that this can be significantly restrictive on a person’s quality of life.

Section 5: “Impacts and solutions”

How can we make human rights real for people with learning disabilities in Scotland?

“[We need to] hold businesses to account and keep access to justice”

(Lived Experience Board Member: 2022)

To begin discussions on how the new Human Rights Bill for Scotland can make rights real for people with learning disabilities, SCLD facilitators presented the Lived Experience Board with several scenarios for the board to discuss. The group were prompted to discuss whether or not they felt that the person’s human rights were being impacted and what potential solutions could be put in place to ensure the person in the scenarios human rights are made real.

Scenario 1: James and his experience of delayed discharge

The first scenario focused on ‘James’, who is experiencing delayed discharge from hospital due to issues putting his care plan in place to allow him to return to living at home. In this scenario, James’ social worker is on long term sick leave and there is no one in place to continue arranging his home support. He is given the choice of either staying in hospital or returning home with

an emergency care package in place.

Impacts

Board members agreed that James had lost his right to independence and to make his own decisions on his care and the way he lives his life. In both options James would have his daily life structured according to support staff availability, for example he would only be able to go outdoors when staff were able to accompany him, and he would lose the ability to freely take part in his community. Members also agreed that these situations were too common, with several members either having firsthand experience or knowing people who have experienced delayed discharge without appropriate support. As a member said, “It happens all the time, no matter if someone is sick, they won’t find a replacement [social worker]. But there is no funding... so no wonder they can’t get any social workers on board”.

Members also spoke about the impacts of these types of scenarios, agreeing that the impacts were both long and short term. One member spoke about their own experience of delayed discharge while in rehabilitation and said that the result had been significant long term negative impact on their mental health. They emphasised that they had not had any support that focused on their wellbeing or that helped them deal with the mental strain of being in hospital and being placed under guardianship. They also spoke of a similar situation in which someone they knew also lacked this support while in rehabilitation, however their mental health went on to deteriorate to the extent that they were transferred to a mental health ward against their wishes. In discussing this example the board member said, “you can’t just put someone in a mental health unit... they have just decided that and it’s not right. Our choices are taken away and it’s not right- human rights are about choice and flexibility and control”.

Solutions

One board member expressed that they don’t feel that there are enough choices for people with learning disabilities when it comes to treatment, especially mental health services. They shared that they had been put in hospital and “under protection” due to difficulties with their mental health and although they felt there would have been a better way to deal with it no one was willing to listen to them and overruled their wishes. As they said, “I was put under protection, and I didn’t think it was the right thing for me... but they can dictate to us, and I don’t think social work should be able to do that. There’s better solutions for people with learning disabilities than being in hospital”.

Based on their experiences this person suggested that there should be “a record of what you are capable of doing to try to help yourself and that is the kind of thing I would like to see in legislation”. Others agreed with this saying, “there needs to be a system, some kind of database, you keep repeating yourself all the time. Correct support stops situations from escalating”.

Scenario 2: Kate and her experience of employment

The second scenario the group discussed involved a woman called 'Kate' who had faced injustice in the workplace. Kate was promised a pay rise after three months in her role, as she would be taking on more responsibilities.

However, her employer decided that because she has a learning disability, she would not be given the additional responsibilities, therefore Kate was not given the pay rise. Kate was not given access to an accessible contract and was not aware of her rights and could not understand how to fight this decision.

Impacts

One board member shared an experience in which they had to go to citizens' advice after being discriminated against at work. As they said, "[my workplace] treated me badly, to hold them to account I went to citizens' advice at the job cent, what I needed was someone to sit down with me and explain what was going on". Although this board member was able to access support, many people with learning disabilities are not. For example, one member spoke about how they felt that they had no option other than to leave their workplace after not being treated fairly and not knowing how to hold their employer to account, especially as it was the manager who was causing an issue rather than providing support, as they said, "the management bullied their team members... fighting for justice can be hard sometimes".

Solutions

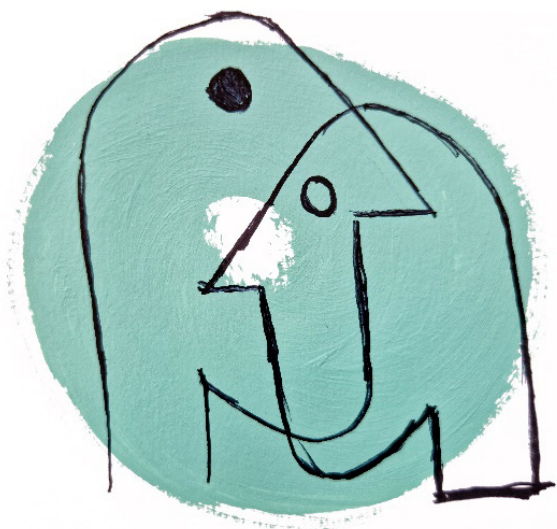
When thinking about solutions, the board members spoke about accessible information in response to this scenario, and the need for more support and guidance in order to access justice and to claim your human rights. One group member commented that "we need accessible information, we need advice on different things... if someone is nervous the best way is to get advocacy". This point was supported by another person on the board who said, "[I] need advocacy to access justice, I sometimes need someone to speak on my behalf". The group were also clear that all information should be made available in Easy Read format, "everything should be in Easy Read, we should be entitled to that."

The board also agreed that training for employers and staff on learning disabilities and human rights would help to make more people aware of the needs of people with learning disabilities and the difficulties they often face in employment, "people with learning disabilities get taken advantage of in employment... we need more support from employers [to understand our rights]".

Section 6: Conversations with the Scottish Government

At each block of meetings a member of the Scottish Government Equality and Human Rights Directorate attends meetings to update the group on what action the Government have taken to implement feedback from the Lived Experience Boards.

Following the first meeting of block 1, where the group gave input on the Lived Experience Board, the government gave feedback on what progress they have made on the consultation and bill to date.



The Government representative gave the group their update, covering an update on the progression of the Human Rights Bill, the recent work of the Executive Board, and the recent work of the Advisory Board.

The accessibility of the bill consultation was raised by the board members. They were pleased to hear that the Government is taking steps to ensure accessible versions of the consultation will be available, and that there will be a variety of ways to complete the consultation. This is a significant area of concern as a lack of accessibility means that people with

learning disabilities have largely been excluded from decision-making processes.

The group were also pleased to hear that the Advisory Board is ensuring the inclusion of equality provisions and special language in the bill, to ensure that those who usually face barriers in realising their human rights are protected. Members did, however, express concern over how these provisions will be implemented in real life as they feel that legal protections sometimes don't work in practice. The example was given that people with learning disabilities are often at risk of "losing your rights when you move from one system to another", as several group members have had or know people who have had this experience.

In relation to the Executive and Advisory Board, the group expressed that they were keen to talk with these boards about access to justice, as many people with learning disabilities experience barriers in this area.

The members said how important it is that organisations must be able to show that they are meaningfully and actively protecting the human rights of people with learning disabilities, rather than just making "token gestures". They felt this will help a lot to make sure there is equitable access to justice. The group are also very keen to take up the Executive and Advisory Board's offer of a joint meeting(s), as inclusion in change-making is a big part of realising human rights.

The resulting actions for Government were:

- Ensuring accessible and timely versions of the consultation.
- Organising a joint meeting between Lived Experience Boards.

During block 2 of the Lived Experience Board meetings the Scottish Government gave updates on the progress of the Human Rights Bill and on the activities of two other groups; the Human Rights Consortium Scotland Lived Experience Board, and the Advisory Boards.



A board member suggested to the Government representative that the Human Rights Town App it could be very valuable in helping to make the bill more accessible,

more easily understood, and ultimately better for people with learning disabilities.

Another group member also stressed the need for a version 2 of the app.

The Scottish Government said the bill team will be actively promoting the bill consultation and suggested that they could also promote the Human Rights Town App and/or include information on the app alongside promoting the bill consultation. The group were very enthusiastic about this, and the Government representative confirmed that this will be followed up in due course.

Another suggestion put to the Government to aid the promotion of the bill consultation was to interact with schools. This would increase the breadth of awareness of the bill and of human rights generally, especially in relation to people with learning disabilities. This is important because, as previously highlighted, many people with learning disabilities feel there is a distinct lack of education, especially from a young age, on human rights and how to fight for them.

The resulting actions for the Scottish Government were:

- Promoting the Human Rights Town App to support engagement with the bill consultation.
- Promoting accessible versions of the consultations within schools.

Section 7: Conclusion and Recommendations

In conclusion, as evidenced by the passionate and valuable work of the Lived Experience Board, SCLD and the members of the Board strongly believe that changes to government legislation can make a significant and life-changing difference to the lives of people with learning disabilities.

The Scottish Government has the power to enact positive change and to ensure that these changes work to ensure people with learning disabilities can realise equally access their legal rights and self-determination.

If meaningfully incorporated and supported within the new Human Rights Bill for Scotland, recommendations such as those outlined below will support and empower those who have for so long been denied the human right to live their lives fully and with equality.

Furthermore, enacting such changes and promoting a wider understanding and adherence to human rights for people with learning disabilities, will bring Scottish law into line with the United Kingdom's commitments to the UNCRPD, and help to fulfil the Scottish Government's vision set out in the learning disability and autism towards transformation plan.

We all deserve to live the life we choose and not to face unnecessary and discriminatory barriers in achieving our goals. An entirely inclusive and supportive Scottish Human Rights Bill is the key to achieving this. From our work to date with the Lived Experience Board, SCLD believes there are 6 key recommendations which require consideration in developing a new Human Rights Bill. These are listed below:

Inclusion of provisions for groups not listed in the Equality Act under a rights most at risk clause. For reference, see Part 3 of the UNCRC Incorporation (Scotland) Bill. It should be made explicitly clear this is to include people with learning disabilities.

- 1.** Ensuring a commitment from Scottish Government, local authorities, and public services to provide data on the experience of people with learning disabilities in Scotland, in line with Article 31 of the UNCRPD.
- 2.** Ensure a commitment to rights-based education, including for people with learning disabilities, across Scotland from school age into adulthood.
- 3.** Ensure the Human Rights Bill supports a multi-institutional approach to accessing justice and effective remedies as well as the progressive realisation of rights, while maintaining cognisance of additional forthcoming legislation i.e., the Learning Disability, Autism and Neurodiversity Bill.
- 4.** Include a duty on public bodies to undertake disability awareness training, including learning disability awareness training.
- 5.** Include a duty on local areas to provide access to specialist learning disability advocacy and legal support to support access to justice.

Further detailed recommendations in regard to the Human Rights Bill will be made available in the Lived Experience Board report for blocks 3 and 4.

If you have any questions about the work of the Lived Experience Board, please contact Sarah D'Agrosa (Human Rights Engagement Adviser) via email on, sarah.d@scld.co.uk.

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