

Overarching Themes



Background

There are five themes that appear throughout the Consultation Documents: **National and Local Strategies, Mandatory Training, Inclusive Communications, Data, Independent Advocacy**. In many instances these are given as solutions to challenges that people with learning disabilities face. This briefing introduces these five topics.

1. Local and National Strategies

[Click Here for LDAN Bill Consultation: Local and National Strategies Easy Read](#)

Scotland has had two national Learning Disability Strategies – [The Same As You?](#) And [The keys to life](#) (2013–2023).

Following the COVID-19 pandemic, the Scottish Government and COSLA published a joint learning disability and autism plan [Towards Transformation \(2021–2023\)](#).

SCLD is aware that some Health and Social Care Partnerships and other public sector organisations have a local Learning Disability Strategy, but many do not. At the moment there is no legal requirement for national or local Learning Disability Strategies.

2. Mandatory Training

[Click Here for LDAN Bill Consultation: Mandatory Training Easy Read](#)

The Scottish Government believes that there needs to be greater awareness and understanding of learning disability, and neurodivergence across Scotland. There is a need for this raised awareness and understanding especially when people with

learning disabilities and neurodivergent people are trying to access help, support and services and to exercise their human rights.

The Scottish Government believes that Learning Disability Awareness Training might help to reduce stigma and improve accessibility to services and support for people with learning disabilities.

It is recognised that whilst disability awareness training is currently available to public sector professionals, undertaking this training is optional. In addition, the training is not necessarily developed or delivered by people with lived experience. This means that people who work in public services, such as in the NHS or social care, the police and prisons, can choose to do training or not, even if it is available to them. Furthermore, the content and quality of the training can vary between areas and services.

In England, there is now a legal requirement on all registered health and social care providers to provide employees with awareness raising training appropriate to their role.

3. Inclusive Communications

[Click Here for LDAN Bill Consultation: Inclusive Communications Easy Read](#)

Inclusive Communication refers to all forms of communication, both written, verbal and visual. Inclusive communication refers to a whole communication environment where everyone feels included because information is provided and delivered in a way they can understand best.

The Scottish Government recognises that when people can give and receive information in a way that suits them best, it will be much easier for them to make informed choices, have control over their own life and enjoy their rights.

Within this definition, easy read is just one way of making information more accessible to people. Different formats, like Talking Mats, video or voice notes, may also help other people. It should be noted that an accessible information format such as easy read will suit some people, but be inaccessible to others, in the same way that Braille is inaccessible to some people.

4. Data

[Click Here for LDAN Bill Consultation: Data Easy Read](#)

It is important to have better data and information about people with learning disabilities and neurodivergent people, so we can tell if their human rights are being respected. At the moment the data being collected about people with learning disabilities in Scotland is not good enough. This was a significant concern during the COVID-19 Pandemic and has continued to be a challenge since then.

Having good data helps services plan better, and it can show how well current services are working. People with learning disabilities should be visible in whole population data (data about housing and employment for example). This is too often not the case. There are important issues around people's rights to see and hold their own data.

5. Independent Advocacy

[Click Here for LDAN Bill Consultation: Independent Advocacy Easy Read](#)

Independent Advocacy can play a key role in helping people with learning disabilities to secure their rights. An independent advocate can help people make choices about their services and supports, and can help make sure that someone's voice is heard in discussions about their life. There are different kinds of independent advocacy including collective advocacy.

The Mental Health (Care and Treatment) (Scotland) Act 2003 gives a statutory right to access independent advocacy to anyone with a mental disorder. This currently includes people with a learning disability and autistic people. This is the only statutory right to advocacy for adults with learning disabilities.

In many parts of Scotland advocacy organisations serve multiple populations, and there are questions about their capacity, skills and experience to meet the scale and nature of demand from people with learning disabilities. In addition, some independent advocacy organisations are limited by their funding agreements in who they can offer advocacy to.



Current SCLD thinking (Jan 2024)

Here is SCLD's thinking about what should be included in the LDAN Bill in respect of these five areas.

1. Local and National Strategies

SCLD believes that a national Learning Disability Strategy is needed to provide a shared vision and implementation priorities that public bodies can work towards achieving.

Key elements of a successful national strategy are:

- People with learning disabilities are equal partners at every stage from agreeing the vision to oversight of the delivery.
- A detailed, prioritised and adequately resourced action plan with agreed timelines and responsibilities.
- Agreed lines of accountability national and local public bodies delivery.

The funding for strategy development and strategy implementation must be detailed in the Financial Memorandum accompanying the LDAN Bill.

2. Mandatory Training

SCLD supports a programme of mandatory learning disability awareness training for the health and social care workforce. This must include the workforce that sits within the voluntary and private sectors. This training must be co-designed and co-delivered by people with learning disabilities.

SCLD also supports a programme of mandatory learning disability awareness training for the wider public sector workforce, including in the early years and education sectors. Funding for design, delivery, and outcomes-based evaluation of these training programmes must be included in the LDAN Bill's Financial Memorandum. Funding must include development and delivery costs, and also the cost of backfilling staff time.

3. Inclusive communication

SCLD supports placing a duty on public bodies to provide communication and information in a range of formats to maximise inclusivity in line with existing requirements of the Equality Act 2010.

There should be a further duty placed on public bodies to provide better access to alternative means of communication on request. This duty should include publicising people's rights to accessible communication and information.

SCLD agrees a distinction must be made between inclusive communication and easy read. Easy read is only one format which, though helpful for some people, may be inaccessible to others. The Scottish Government should clarify situations where easy read versions must be available e.g. appointment letters within the NHS and primary care settings.

4. Data

SCLD does not believe it is necessary to wait for the LDAN Bill to create a Commissioner in order to collect and look at data on people with learning disabilities. The time and resource would be better spent strengthening current data collections so that they can disaggregate meaningful data about people with learning disabilities in line with the requirements of the United Nations Convention for the rights of People with Disabilities ([UNCRPD](#)).

In addition, SCLD would be supportive of placing mandatory duties on current Learning Disability Statistics Scotland (LDSS) data providers to collect and submit data about people with learning disabilities to [Public Health Scotland](#) through the LDAN Bill. This would require resource to ensure that the data being collected is up to date and fit for purpose.

SCLD would also be supportive of placing duties on public bodies to collect data on people with learning disabilities, if this were done as part of a wider equalities data improvement project. Bodies that collect equalities data could be mandated to disaggregate their disability data by impairment type in line with the UNCRPD.

SCLD is not opposed in principle to a Scottish data collection based on the 'Learning from lives and deaths - People with a learning disability and autistic people ([LeDeR](#))' programme. However, it is unclear whether the programme in England and Wales has led to significant improvement in health and care delivery for people with learning disabilities.

5. Independent Advocacy

SCLD believes independent advocacy should be available to anyone with a learning disability who requires it. It is more appropriate that this right is laid out in the LDAN Bill than in mental health legislation. Independent advocacy can be an important mechanism to ensure that people with learning disabilities are supported to make fully informed decisions.

The LDAN Bill should place a duty on the Scottish Government (with others) to develop a UNCRPD-compliant supported decision-making framework, and for local areas to implement this by a certain date. The Bill should also be accompanied by guidance that includes standards and duties for advocacy providers.

The LDAN Bill should stipulate that independent advocacy is available to people with learning disabilities to help them claim or defend any rights as laid out in the [UNCRPD](#) (United Nations Convention of the Rights of Persons with Disabilities). SCLD believes that advocacy provision should relate to all areas of people's lives including housing and gender-based violence.

The Bill should also place a duty on local health and social care public bodies to commission independent advocacy organisations that have the staffing capacity and skill to provide effective independent advocacy for people with learning disabilities of any age (there may be different advocacy providers for children and adults).

The funding required to enhance the level of independent advocacy provision in this way must be fully costed in the Financial Memorandum accompany the LDAN Bill.



Glossary

Accountability means that it is someone's job to make sure that everyone can uphold their rights. It means holding people to account if rights are not upheld.

Duties are things that the law says organisations must do to protect people's rights.

The **Equality Act** sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Financial Memorandums set out best estimates of the costs, savings, and changes to revenues arising from a Bill.

Health and Social Care Partnerships (HSCPs) are public bodies where the NHS and local authorities work together.

Public bodies are organisations that are publicly funded to deliver a public or government service. A public body is any organisation that is publicly funded. Examples include local authorities, schools, police, and the NHS.

A **Talking Mat** is a visual communication tool which supports people with communication difficulties to express their feelings and views.



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