

Learning Disabilities, Autism and Neurodivergence Bill: Consultation (The LDAN Bill)



Understanding the consultation paper

Identity: who is this bill for? Scope and definition

The LDAN Bill is intended to cover the following marginalised groups:

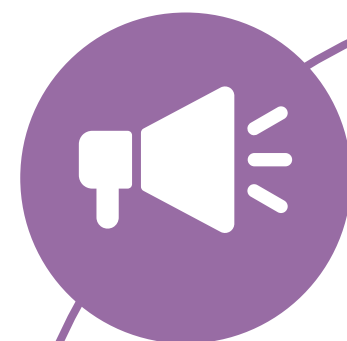
- **People with a learning disability, including people with Down's syndrome.**
- **Autistic people and people who identify as neurodivergent.**



KEY THEMES FOR OVERARCHING CHANGE

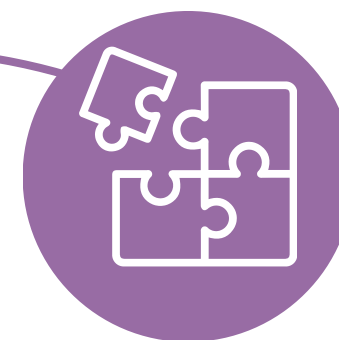
INDEPENDENT ADVOCACY

Independent advocacy is about helping people secure their rights by allowing their voices to be heard in society. We know that neurodivergent people and people with learning disabilities often don't know what rights they have, and when they do know, they sometimes struggle to access them. Independent advocacy can help people understand and access their rights.



STATUTORY STRATEGIES

There is currently no formal or legislative requirement for national or local strategies specifically aimed at neurodivergent conditions or learning disabilities. Previous strategies have tended to focus on single conditions, the Scottish Government wants to use this Bill to take a broad approach. Although there will always be a need for distinct policies applying to certain conditions, a wider approach will recognise the whole person and the way that services and support are delivered.



MANDATORY TRAINING IN THE PUBLIC SECTOR

There is a need for greater awareness and understanding of people with learning disabilities and neurodivergent people across public bodies. This will improve services, reduce stigma, and lead to better outcomes.



DATA

At the moment there is a lack of accurate and consistent data on people with learning disabilities and neurodivergent people. Better data collection and reporting will improve understanding of the requirements of neurodivergent people and people with learning disabilities. The Bill could provide a legal basis for data collection where it would help understand and respond to the circumstances and needs of people with learning disabilities and neurodivergent people.

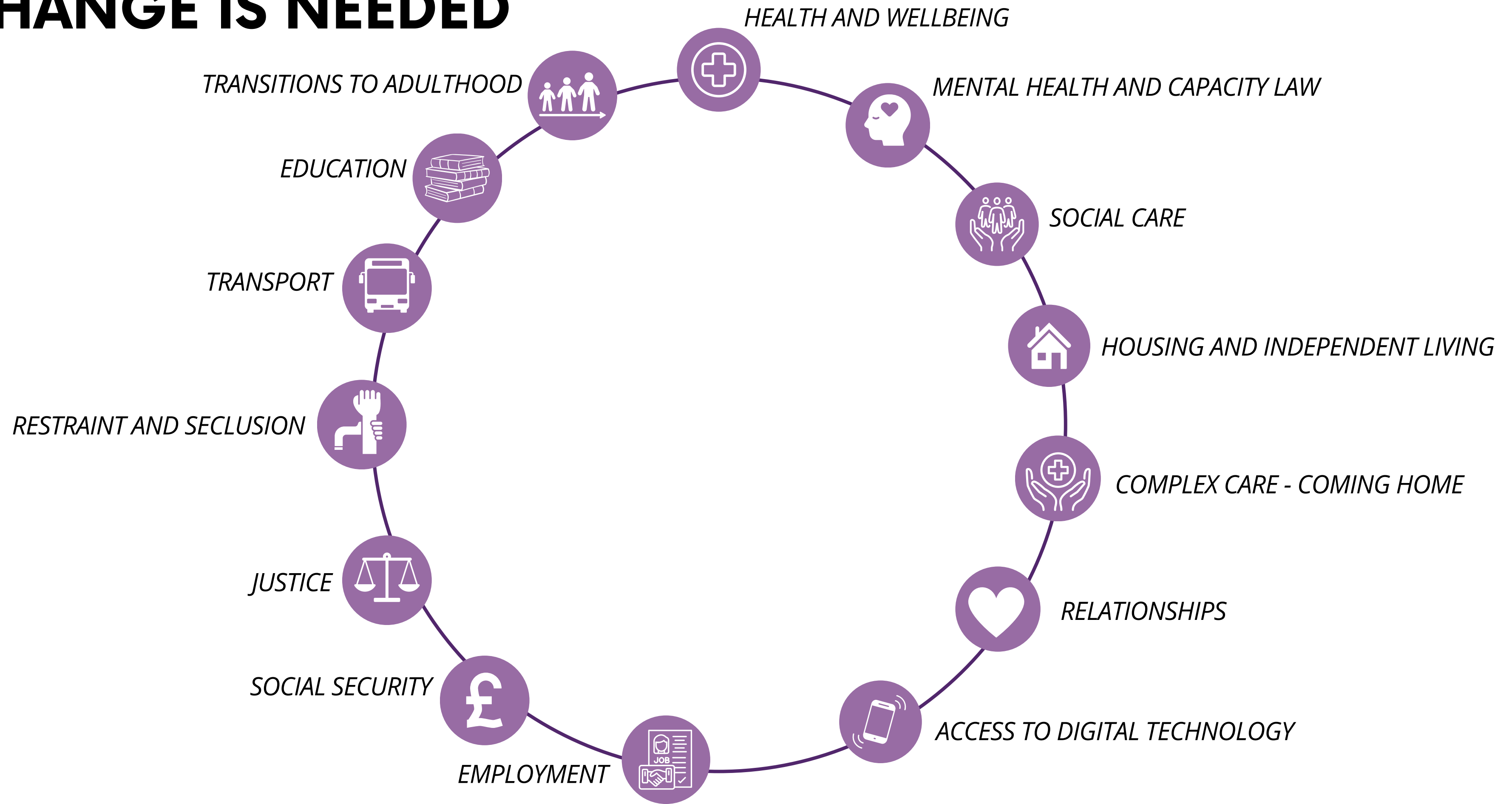


INCLUSIVE COMMUNICATION

Inclusive communication means sharing and receiving information in a way that everybody can understand. It is vital in allowing neurodivergent people and people with learning disabilities to know and exercise their rights, to live independently and to participate fully in life. The Scottish Government are committed to improving and embedding inclusive communication within Government, and across the public sector.



SPECIFIC TOPICS WHERE CHANGE IS NEEDED



HEALTH AND WELLBEING

The Bill can create the right conditions for neurodivergent people and people with learning disabilities to get appropriate and adequate health care to meet their needs.

MENTAL HEALTH AND CAPACITY LAW

The language within the current Mental Health Act needs to be updated as well as the approach to compulsory care, treatment and safeguards for people with learning disabilities.

SOCIAL CARE

The Bill could take additional action to improve the social care provision for people with learning disabilities and neurodiverse people.

HOUSING AND INDEPENDENT LIVING

The Bill could provide a stronger focus on how public authorities' duties around housing and independent living can best meet the needs of neurodivergent people and people with learning disabilities.

COMPLEX CARE - COMING HOME

The Bill could strengthen the Dynamic Support Registers and the processes around them, as well as help to ensure that there is visibility of people with learning disabilities and complex care needs on a national level, and that a consistent approach is taken.

RELATIONSHIPS

Various initiatives are already underway and making progress. However, there are still barriers and challenges to overcome, and the Bill could help strengthen the rights and voices of people with learning disabilities.

ACCESS TO DIGITAL TECHNOLOGY

The Bill could bring focus on how public bodies can use technology to best meet the needs of people with learning disabilities including thinking about digital access.

EMPLOYMENT

Employment can help people to feel valued, and contribute to more independent living. Whilst there is no proposed legislative changes, the Bill could explore more inclusive approaches in their current schemes.

TRANSITIONS TO ADULTHOOD

As a great deal of work is already underway, no new legal powers are being proposed. However, some overarching proposals are relevant here including our proposals around inclusive communications and mandatory training.

EDUCATION

The Bill could consider whether to create a new requirement for education authorities and schools to include in their plans and reports an articulation of how the specific needs of neurodivergent pupils and pupils with learning disabilities have been considered and are being met.

TRANSPORT

The Bill could explore Regional Transport Partnership's (RTPs) to strengthen the planning and delivery of regional transport. It could also consider extending the mandatory training requirement to transport staff in Scotland.

RESTRAINT AND SECLUSION

The Scottish Government is currently developing new rights-based non-statutory guidance on the use of restraint in schools and, if necessary, legislative options will be considered. For adults, the Mental Health and Capacity Reform Programme will scope work to reduce the use of coercion and restrictive practices.

JUSTICE

The Bill could help bring together a single national strategy to deal with people with learning disabilities and neurodivergence in justice.

SOCIAL SECURITY

Social Security is a human right and is essential to the realisation of other human rights. Many of the concerns raised by LEAP members cannot be addressed by the Scottish Government as they are reserved powers for Westminster, others are already being actioned through the new Social Security system for Scotland.

A key part of the bill is to make sure that the additional rights and provisions outlined within it are enforced. Most neurodivergent people and people with learning disabilities agree that they often have trouble knowing and accessing their rights. Most people would like to see more accountability to make sure rights are not ignored. The main models proposed are:

