

Learning Disabilities, Autism and Neurodivergence Bill: **Adult's guide**



December 2023

Learning Disabilities, Autism and Neurodivergence Bill: Consultation

**Adult's Guide to support children and
young people participate in this
consultation**

**To be used with Children and young
people's guide**

December 2023

What is the purpose of the adult's guide?

This guide intends to help parents, family members, carers and adult helpers to have a conversation with children and young people to discuss the Learning Disabilities, Autism and Neurodivergence (LDAN) Bill consultation. It provides an overview of the consultation and potential questions to help children and young people to express their views. It is designed to be used by adult helpers alongside the children and young people's guide. If you require any further information or guidance, please get in touch with us at LDAN.Bill@gov.scot.

The following materials may be useful in finding out about the LDAN Bill and facilitating engagement with the consultation:

The children and young people's guide to the consultation

The children and young people's guide to the consultation can be found [here](#). This version summarises the sections of the consultation that are most relevant to children, in a child-friendly language and format.

The consultation short guide

The consultation short guide can be found [here](#). The short guide sets out a plain-English overview of the LDAN Bill and could help participants understand the broad purpose of the Bill as they discuss each topic and answer the questions.

The full consultation

The full consultation document can be found [here](#). The purpose of the consultation is to allow people to learn about our proposals for the Bill and tell us what they think so it can inform how we develop the Bill.

Respondents can complete their consultation response online [here](#).

Alternative formats

The consultation document is also available in other formats [here](#):

- Easy Read versions of all the sections in the consultation
- Audio files
- BSL video with subtitles

You can also request paper copies documents and the question form. Please request these by email at LDAN.Bill@gov.scot

Preparing for a conversation

As an adult helper, we encourage you to build your conversation around the topics most relevant to the child you are supporting. We would welcome responses to any, or all, of our consultation questions. Although, it is fine to focus on only the topics and questions most relevant to the child's interests.

Guidance for encouraging discussion

- It can be helpful to use open-ended questions:
 - Can you tell me more about that?
 - What has made things worse?
 - What could make things better?
- It can be helpful to think about specific experiences that a child has had to get them thinking and talking.
 - For example, for the transport section, you could ask them to think about a time when they have been making a bus journey. You could ask them to tell you about a time something has gone well, or badly. You can then ask them what made things go well, or what could have helped them to make things go better another time.
- You may wish to acknowledge that the session may touch on some topics that some may find hard to discuss – especially when talking about things that have happened to them. Ensure the child knows that there is no obligation to discuss anything they don't want to share and that they can take breaks if they are finding the conversation difficult to cope with.

Supporting documents or material

- You may wish to lead the child through the children and young person's guide of the consultation before starting a discussion.

LDAN Bill - What is being proposed?

People with learning disabilities and neurodivergent people can be amongst the most vulnerable and disadvantaged in our society. The objectives of this Bill are to better protect, respect and champion the rights of these groups, to build a fairer Scotland for everyone.

From the available data, we estimate that 10-15% of the population are neurodivergent or have learning disabilities. Neurodivergence is a term that is being used more and more but is not set out in law. There is also not universal agreement to the people and conditions covered by it. We know that there are different views and wish to be as respectful and as inclusive as possible. When speaking of neurodivergence, we use identity-first language such as 'neurodivergent person' and when speaking of learning disabilities, we use person-first language such as 'people with learning disabilities' as these terms were preferred by the majority of such people with whom we interacted during our scoping work for the Bill.

When we use 'neurodivergent people' this refers generally to: people with learning difficulties such as dyslexia, autistic people, and a wide variety of people who have Attention Deficit Hyperactivity Disorder (ADHD), Fetal Alcohol Spectrum Disorder (FASD), and other conditions.

We know that not everyone is comfortable with the word neurodivergence. Some people with learning disabilities have particularly told us this. That is why we use the term 'neurodivergent people and people with learning disabilities' throughout our papers. This term should also be understood as referring to all age groups, including children and young people as well as adults.

Some examples of the disadvantage and inequalities faced by these groups include:

- People with learning disabilities die on average 20 years earlier than the rest of the population, which is largely preventable;
- Autistic people die on average 16 years earlier than the rest of the population and are 9 times more likely to die by suicide;
- People with ADHD are five times more likely to attempt suicide, which rises to 1 in 4 for women with ADHD;
- People with FASD who are not diagnosed early in life have an estimated life expectancy of 34 years;
- Global rates of gender-based violence suggest that 90% of women with learning disabilities have been subjected to sexual abuse;
- People with learning disabilities and neurodivergent people are drastically less likely to be in employment, even compared to wider

disabilities groups; and,

- many people with learning disabilities and autistic people have experienced bullying, discrimination and harassment at much higher rates than the rest of the population.

Many people have more than one condition.

The proposals in the paper have been developed with three groups of people, including the Lived Experience Advisory Panel (LEAP) which comprises of 25 people with lived experience of neurodivergence and learning disabilities. You will see their comments throughout the consultation document should you look at these other documents.

This work fits with other work the Scottish Government is taking forward including: the incorporation of UN human rights treaties into Scots law within the limits of devolved competence (including the Human Rights Bill and the UNCRC (Incorporation) (Scotland) Bill), the establishment of a National Care Service, the Mental Health and Capacity Law Reform Programme, and the Public Sector Equality Duty Review.

There are some key categories within the consultation that you and the person you are supporting are being asked to comment on:

- Who should be included in the scope of the Bill? Options are provided. The Scottish Government and LEAP want this to be about all neurodivergent people and people with learning disabilities;
- Overarching key themes – there are proposals around statutory strategies, mandatory training, inclusive communications, data and independent advocacy;
- Specific themes – there are proposals dealing with many specific areas of life like education, justice, transport and others, that you or the person you are supporting might be interested in;
- Accountability – there are proposals on improving accountability including a new commission/commissioner and several other options.

The Scottish Government and LEAP see this Bill as a unique opportunity to really make change happen. The consultation looks at all ages and areas of life. There may be things that you think are missing – you can provide your views on that too as part of this consultation exercise.

The more people who provide their views the better as this will help us to understand what is important to you, and inform our thinking on what to do next. We look forward to hearing what you have to say and learning from your experiences.

What to do next - Responding to the Consultation

We welcome children's views on the LDAN Bill and encourage parents, family members, carers and adult helpers to have conversations with them about it. Afterwards, to ensure the child's opinions are included as part of the consultation, you should submit a response on their behalf using their name details. You are also welcome to share your own views and experiences in a separate response which gives your own details.

Some sections of this consultation may be more relevant to particular individuals than others. Therefore, children may wish to only answer the questions or sections that they find most relevant. We encourage them to submit a response, regardless of how many questions they would like to answer. The questions are the same for all the sections for simplicity.

We are inviting responses to this consultation by **10pm on Sunday 21 April 2024**.

Here are the different ways to submit a response. Please note that **all** written responses **MUST** include a fully completed 'About You' section answering all questions marked with *.

Responding online:

If you are able to, please respond using Citizen Space, the Scottish Government's online consultation hub. Here you will be directed to the 'About You' page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will not publish it.

The LDAN Bill consultation on Citizen Space can be found [here](#).

Responding in writing:

If you are unable to respond online, please complete the Respondent Information Form (which can be found [here](#)) and send with your completed questionnaire either:

By Post: FREEPOST – LDAN BILL
(simply put the papers in an envelope and add the above address – 3 words all in capital letters - to post your response for free)

Or by email: LDAN.Bill@gov.scot

You can submit any written form of response this way too, so long as you have provided answers to the About You questions on pages 1-4 of the Respondent Information Form, particularly your publication preference, and followed the flow of the questions, answering the questions as they are set out.

Responding by video or audio:

You are welcome to submit a response in an audio clip, video or BSL video file – please email these to LDAN.Bill@gov.scot. If you wish to submit a response in another format such as an audio or video file please provide a response to the 'About You' questions in pages 1-4 of the Respondent Information Form. Please always supply a way to contact you so we can reach you if anything is missing and so we can accept your response.

How your response will be handled

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. However, personal data would never be disclosed.

To find out how we handle your personal data, please see our privacy policy: [Privacy - gov.scot \(www.gov.scot\)](http://www.gov.scot).

Comments and complaints

If you have any comments about how this consultation exercise or wish to make a complaint, please visit: [Make a complaint - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy

- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered. Responses will be published where we have been given permission to do so. An analysis report will be made available approximately 6 months following the end of the consultation.