

Learning Disabilities, Autism and Neurodivergence Bill: **Children and young people's guide**



December 2023

Learning Disabilities, Autism and Neurodivergence Bill: Consultation

Children and young people's guide

**This document can be used in conjunction with the
Adult's guide for supporting children and young people
participate in this consultation.**

December 2023

The Scottish Government want to ask all the people in Scotland what they like about a new Learning Disabilities, Autism and Neurodivergence Bill, or LDAN Bill for short



The words we will use

In this booklet you will see the following words being used, this is what they mean:

People with learning disabilities -

A person with a learning disability finds it more difficult to learn, understand and do things compared to other people of the same age.

They may need support to do things day to day and they may also have other medical conditions such as epilepsy or Down's Syndrome.

Neurodivergent people -

A person whose mind works in different ways to the minds of other people.

Autistic person -

A person who is diagnosed with autism or who is being assessed.

Bill -

A Bill is an idea for a new law.

Consultation -

A consultation is when the government ask for people's thoughts and ideas on a particular subject. In this case, we are asking for people's ideas on the Bill.

Who has written this booklet:

This booklet was written by Children in Scotland and the Scottish Government.

What is this booklet about?

The Scottish Government has some ideas for a new Learning Disabilities, Autism and Neurodivergence Bill. They want to know what children and young people think about these ideas to help them write the Bill.

A Bill is an idea for a new law. It is written down so that politicians in the Scottish Parliament can talk about and agree what changes might be needed before the Bill can be made into a law.

This booklet talks about the Scottish Government's ideas and what people have been telling us, and we have some questions for you to think about.

Share your views!

What you say is important. It will help the Scottish Government decide what to write in the Bill. The Scottish Government wants to hear from you and for you to tell us what you think.

We have included the information from the consultation that is most helpful for children and have left out the bits that are not.

You can use this booklet in whatever way feels best for you. You don't need to answer all of the questions, if you don't want to.

You can just go straight to the sections that are most important to you.

We will talk about the following subjects in this booklet:

- Introduction
- Inclusive communication
- Health and Wellbeing
- Relationships
- Access to digital technology
- Getting a job
- Justice
- Restraint and seclusion
- Transport
- Going to Nursery and School
- Becoming a Grown Up
- Accountability
- What to do next
- How to send your answers

Introduction

In Scotland neurodivergent people and people with learning disabilities are often treated differently and unfairly compared to other people. This Bill wants to make sure that neurodivergent people and people with learning disabilities are treated in the same way and have the same opportunities as everyone else.

What do we know about neurodivergent people and people with learning disabilities?

We think that there are between 10% and 15% of people living in Scotland who are neurodivergent or have a learning disability.

Neurodivergent people and people with learning disabilities are being treated differently and it's not fair.

What we would like the Bill to do

We want the Bill to make a difference to how neurodivergent people and people with learning disabilities are seen and treated.

We want the Bill to help make life easier for neurodivergent people and people with learning disabilities.

We want the Bill to make different areas of life better for neurodivergent people and people with learning disabilities.



Areas we want the Bill to help with:

Inclusive communication

Inclusive communication means sharing and receiving information in a way that everybody can understand. This could be a video, it could be an Easy Read paper or it could be pictures.

Inclusive communication is important in helping neurodivergent people and people with learning disabilities to know and understand their rights, to live independently and to join in with life as much as they want to.

What we would like the Bill to do

- For Scotland to be a place where everyone is able to get the information they need in the way that they want and understand.
- To make sure that experts (for example teachers and doctors) understand and are confident when communicating with neurodivergent people and people with learning disabilities.
- To make sure that neurodivergent people and people with learning disabilities can choose different ways to get information. This could be Easy Read papers with information, speaking to someone on the phone, or have a meeting on the computer.



Questions for you

1. Why do you think our ideas for inclusive communication are good?
2. Why do you think our ideas for inclusive communication are not good?
3. Is there anything else you would like to tell us about communication that is important to you?



Health and Wellbeing

For health it might be helpful for you to think about a time when you have seen the doctor or a nurse, or when you haven't been feeling well.

Neurodivergent people and people with learning disabilities get sick more often than other people. This can be because health care is not created for their needs.

It is important that neurodivergent people and people with learning disabilities are healthy so they can live happy lives. Being sick makes it difficult to get a job, make friends and do things in your local area.

What we would like the Bill to do

- Make sure that neurodivergent people and people with learning disabilities have better health and wellbeing, live longer lives and are can choose to be active members of society.

- Make sure that the health and social care workers have learned information and skills about treating neurodivergent people and people with learning disabilities.
- Make sure that neurodivergent people and people with learning disabilities can get help and support with their health without feeling worried or scared.
- Make sure that neurodivergent people and people with learning disabilities get all the right information about their health so they understand and can make the right decisions about their health.

Questions for you

1. Why do you think our ideas for health are good?
2. Why do you think our ideas for health are not good?
3. Is there anything else you would like to tell us about health that is important to you?



Relationships

A relationship is a close connection between people. It may be with your family or it may be with your friends.

Neurodivergent people and people with learning disabilities can find it harder to make friends or spend time with other people. This means they can feel lonely and on their own, it can make them feel sad and upset.

What we would like the Bill to do

- Make sure that neurodivergent people and people with learning disabilities get help to make friends and have opportunities to do things with family and friends in their community.
- Make sure that neurodivergent people and people with learning disabilities get information about relationships, what different relationships will be like and how to stay safe.

Questions for you

1. Why do you think our ideas for relationships are good?
2. Why do you think our ideas for relationships are not good?
3. Is there anything else you would like to tell us about relationships that is important to you?



Access to digital technology

Digital technology means the computer systems and devices we use in our lives – for example smartphones, the internet, computers and social media like Facebook and Instagram.



Digital access has become very important to the way we live. Education and job opportunities, dealing with money and transport all need us to have access to digital technologies like smartphones and the internet.

Technology also helps us all keep in touch with our family, friends and community.

Neurodivergent people and people with learning disabilities are at risk of not being able to access digital technologies. It is also important that support is available about how to use technology safely.

As new digital technologies are developed all the time, we need to make sure that neurodivergent people and people with learning disabilities are able to use them.

What we would like the Bill to do

- Make sure that neurodivergent people and people with learning disabilities in Scotland can use digital technology and get training on using it safely.
- Make sure that neurodivergent people and people with learning disabilities who might be in danger online feel safe and confident when using digital technology.

- Think about how to make sure support is in place to help neurodivergent people and people with learning disabilities use and access technology.

Questions for you

1. Why do you think our ideas for digital technology are good?
2. Why do you think our ideas for digital technology are not good?
3. Is there anything else you would like to tell us about technology that is important to you?



Getting a job

Getting a job will mostly be for adults, but teenagers might want to think about getting a job too.

Having a job can be important as it gives you money. It can also help you to live more independently and is one way that people can feel important and that they are doing something good.

Neurodivergent people and people with learning disabilities can find it hard to get a job.

We also know that many places where people work don't do enough to make sure the place it is comfortable and somewhere neurodivergent people or people with learning disabilities can enjoy working.

What we would like the Bill to do

There is a lot of work already happening to help people get a job, so we would want to keep doing that. But, we would like to add some things in the Bill:

- Make sure that places where people work are more helpful to neurodivergent people and people with learning disabilities. That people are listened to when they ask for support.
- Work towards getting more neurodivergent people and people with learning disabilities a job that they want to do.

Questions for you

1. Why do you think our ideas for getting a job are good?
2. Why do you think our ideas for getting a job are not good?
3. Is there anything else you would like to tell us about getting a job that is important to you?



Justice

Justice is to do with when people break the law. The justice system includes: the police, courts, and prison.

We know that neurodivergent people and people with learning disabilities are more likely than others to come into contact with the criminal justice system, both as victims (people who are hurt by someone who has broken the law) and witnesses (people who see the law being broken), and as offenders (people who break the law).



It can be very difficult for neurodivergent people and people with learning disabilities to get the right support and to understand the legal process.

Youth justice is an important and separate area within the justice system. Scotland is already doing a lot to address issues for younger people:

- Working towards a youth justice system that follows the guidelines of the United Nations Convention on the Rights of the Child.
- Scotland's Youth Justice Improvement Board is looking at children's rights within the youth justice system.
- Some areas within Scotland are developing youth courts.
- The Scottish Children's Reporter's Administration has developed a disability toolkit that can help find out if a child in the children's hearing system has additional support needs.

What we would like the Bill to do

- Make sure that neurodivergent people and people with learning disabilities are supported if they become involved with the justice system in any way.
- Make sure that neurodivergent people and people with learning disabilities are given the right information about the justice system in a way they understand.
- Make sure that people working in the justice system have a better understanding about the issues that neurodivergent people and people with learning disabilities face every day.

Questions for you

1. Why do you think our ideas for justice are good?
2. Why do you think our ideas for justice are not good?
3. Is there anything else you would like to tell us about justice that is important to you?



Restraint and seclusion

Restraint means being held physically by one or more other people.

Seclusion means making a person spend time on their own, even if they don't want to.

We know that neurodivergent people and people with learning disabilities, of any age, can have experiences where restraint or seclusion is used in the wrong way in places like schools, hospitals, and care settings.

What we would like the Bill to do

- Make sure that neurodivergent children and young people and those with learning disabilities in schools have their needs met by people who are trained and understand how to change the environment to minimise distress.
- Make sure that neurodivergent people and people with learning disabilities are not restrained or secluded unless it is the last option to keep themselves or others safe.

Questions for you

1. Why do you think our ideas for restraint and seclusion are good?
2. Why do you think our ideas for restraint and seclusion are not good?
3. Is there anything else you would like to tell us about restraint and seclusion that is important to you?



Transport

Transport means getting from one place to another.

It may be helpful to think about being in a car, or on the bus or a train when you think about transport.



Being able to get out and about can help people enjoy a happy life and feel less on their own.

Transport is also important in making sure people can get to school or to work, get to health appointments and to meet friends.

However, neurodivergent people and people with learning disabilities in Scotland can find it difficult to use different ways to travel.

What we would like the Bill to do

- Make sure that all disabled people, including neurodivergent people and people with learning disabilities, can travel with the same freedom, choice and respect as other people.
- To make sure that neurodivergent people and people with learning disabilities are more involved in making transport better.
- Make sure that everyone who provides transport information and services will help make it easier for neurodivergent people and people with learning disabilities to travel.
- To make sure that neurodivergent people and people with learning disabilities feel comfortable and safe using public transport and are not bullied or feel scared when travelling.

Questions for you

1. Why do you think our ideas for transport are good?
2. Why do you think our ideas for transport are not good?
3. Is there anything else you would like to tell us about transport that is important to you?



Questions

1. What do you think about it?

Good

Bad

Not sure

Going to School and education

Neurodivergent children and young people, and children and young people with learning disabilities, should be able to go to nursery and school with the support they need to be successful and live happy lives.

We know that many neurodivergent children and children with learning disabilities feel that they don't always get the support they need in school.

What we would like the Bill to do

- Make sure that all children and young people have the same opportunity to be successful in school, including those who are neurodivergent or have learning disabilities.
- Make sure that teachers and other people who work in nurseries and schools are well trained to teach neurodivergent children and young people, and children and young people with learning disabilities.

Questions for you

1. Do you think our ideas for going to school are good?
2. Do you think our ideas for going to school are not good?
3. Is there anything else you would like to tell us about going to nursery and school that is important to you?



Questions

1. What do you think about it?

Good

Bad

Not sure

Becoming a Grown Up

Growing up and becoming an adult means different things to different young people.

It's not just leaving school, but something that happens over a number of years and involves many changes to your feelings and your body.

We know that the planning and support for neurodivergent young people and young people with learning disabilities becoming grown-ups could be better.

More needs to be done to support neurodivergent young people, and young people with learning disabilities, to help them become grown-ups. We sometimes call this transitions into adulthood.

Support is often taken away as soon as a young person leaves school.

We were also told that there is not enough support for neurodivergent young people, and young people with learning disabilities to go to college or university.

What we would like the Bill to do

There are a lot of laws already in place to support young people to become grown-ups, but there is more we can do.

As a lot of work is already happening, we are not thinking about any new laws.

What the Bill can do to help is:

- The Bill can ask for inclusive communications and training for professionals.
- We can think about how we collect information to better understand how neurodivergent young people and young people with learning disabilities experience becoming grown-ups.

Questions for you

1. Do you think our ideas for becoming a grown up are good?
2. Do you think our ideas for becoming a grown up are not good?
3. Is there anything else you would like to tell us about becoming a grown up that is important to you?



Accountability

Accountability means to be responsible and take ownership of the things that you do. Accountability means that there are ways of making sure that people do the things that they have to do, for example what the law says.

We know that most people with learning disabilities and other neurodivergent people agree that they often have trouble knowing and accessing their rights.

Most people would like to see more accountability to make sure their rights are not ignored.

The neurodivergent people and people with learning disabilities who have helped us write this booklet support the idea of creating a new Commission.

A Commission is a group of people who are asked by the government to make sure a piece of work is carried out.

A Commission for neurodivergent people and people with learning disabilities would be able to work to make the lives of neurodivergent people and people with learning disabilities better.

A Commission could have the power to carry out investigations, and make sure people's rights were respected.

However, some people do not feel a Commission would be the best thing to do and think that it might be better to add experts on learning disabilities and neurodivergent people to an organisation that is already working to support people's rights.

What we would like the Bill to do

- Make sure neurodivergent people and people with learning disabilities know what their rights are.
- Ensure neurodivergent people and people with learning disabilities have confidence that their rights will be respected when they need supports or services.
- People and organisations that provide support, services or information always make sure they are accessible to neurodivergent people and people with learning disabilities and respect their human rights.
- When rights are not respected there are clear ways for people to make a complaint.



Questions for you

1. Do you think our ideas for accountability are good?
2. Do you think the ideas for accountability are not good?
3. Is there anything else you would like to tell us about accountability that is important to you?

Questions

1. What do you think about it?

Good

Bad

Not sure

What to do next

Everyone should have the chance to tell us what the Bill should do. So this can happen the Scottish Government is having a public consultation between December 2023 and April 2024. Everyone must reply to us by 21 April 2024.



We plan to hold lots of local discussion events across Scotland and online. We will meet with neurodivergent people and people with learning disabilities, and we will work with organisations that represent these groups. There are different versions of the consultation proposals to make sure that as many people as possible can get involved. You can find the main document along with a shorter version and easy read versions of all the sections we are asking for views on.

How to send your answers

We would like you to respond and you can answer as many questions on whatever sections you like. But it is important to complete the 'About you' section either online or on the paper form, or read out your answers if responding another way.

Online

If you are able to, please use Citizen Space, the Scottish Government's online consultation hub. Here you'll find the 'About You' page – please complete this fully.



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

In writing

If you are unable to respond online, you can download and print the Respondent Information Form, fill it in and send it to:



By Post: FREEPOST – LDAN BILL
(write this address on your envelope – 3 words all in capital letters -
to post for free)



Or by email: LDAN.Bill@gov.scot

You can respond in writing this way too, so long as you have provided answers to the 'About You' questions on pages 1-4 of the Respondent Information Form, and follow the flow of the questions.

An audio or video file

You are welcome to send a response in an audio clip, video, or BSL video file – please email these to LDAN.Bill@gov.scot.

As part of your audio or video message, you must include answers to the 'About You' questions (pages 1-4 of the respondent information form) so we can accept your response. We would only contact you if anything is missing and so that your responses can be accepted.

Please say if you are happy for your response to be published. If you ask for your response not to be published, we will not share your information.



How we handle your response

If a request is made to the Scottish Government under the Freedom of Information (Scotland) Act 2002 then we might have to make your response available but we'd never share your personal information.

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

If you give us permission for your response to be made public - and after we have checked that the information you have shared is not going to harm anyone - then it will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

After the closing date, all responses will be studied and a report will be made available in a few months.

For information on how to make a complaint please visit: [Make a complaint - gov.scot \(www.gov.scot\)](http://www.gov.scot/make-a-complaint)

Thank you for taking the time to think about the LDAN Bill and we looking forward to hearing from you!