

Learning Disabilities, Autism and Neurodivergence Bill (Scotland) Consultation

Some Suggested Questions

This is a guide to helping those with lived experience to answer the consultation.

To be used alongside '**Planning Your Part**' document

LDAN Bill Consultation

As you may be aware Scottish Government has recently launched their consultation on the [LDAN Bill](#).

This Bill is to “**better protect, respect and champion the rights of people with learning disabilities, autistic and neurodivergent people**”.

This is a **once in a life time opportunity** for **people with learning disabilities, autistic people** and **people with neurodivergence** to form how Scotland supports and protects them in future years.

This document will help you think about what questions to ask those with lived experience.

Starting the Consultation

A response is only counted if you have filled in the [‘About You’](#) Section correctly. If this isn’t properly filled in, your response won’t be used. Please make sure you respond to every question that has (required) next to it.

If you are completing on behalf of someone online, there is a box to check to confirm this.

Suggested questions

We know that easy read documents are most useful when people use them as a basis for a conversation and would encourage you to do that. There is a link at the heading of each section. Please download the Easy Read explanations if you want to use them with this document.

These are suggested ideas or questions that may help you think about how you help families, carers and those people with lived experience think through what the LDAN Bill could mean for them. If the person or people you support has had experiences in the criminal justice system, or has experienced homelessness, you may also wish to go to those specific sections.

These questions are for you to put in **your own words** as you know best the person or people you support.

Once you have the questions answered, go to the heading/ theme and answer them and think about how you can fit the conversation into:

1. Which of the proposals do you agree with?
2. Which of the proposals don’t you agree with?
3. Is there anything we should consider? (This is where you can add your own thoughts).

The answers will help build the content of the Bill in law, or not!

Please use the Easy Read versions to help with an explanation and background. Click on the headings for the links.



REACH AND DEFINITIONS [Easy Read Link](#)

There are three communities mentioned in LDAN, Learning Disability, Autistic and Neurodivergent. These names mean something different to everybody. Any law that is decided needs to be clear about who it is about.

There are many people who have a learning disability and are also autistic and/or are neurodivergent.

- How do you describe yourself, or the person you are caring for?
- Is it important to you that you or the person you are caring for are described as having learning disabilities, or an autistic person or a neurodivergent person?
- Do you think you or the person you are caring for should be included even if they haven't been diagnosed?
- What don't you want to be called?



STATUTORY STRATEGIES [Easy Read link](#)

Statutory Strategies are big plans that Scottish Government and local government bodies (such as NHS, social work, schools and police) would have to put into place for the LDAN community.

- Do you think a plan for the LDAN Community from the Scottish Government would help you or the person you are caring for? What difference might it make?
- Do you think a plan for people who make decisions in local public organisations (NHS, schools and police in your area) would help you or the person you are caring for? What difference might it make?
- What don't you like about the plan?



MANDATORY TRAINING [Easy Read Link](#)

This training could help the people from NHS, social work, schools and police across Scotland to understand more about you if you have learning disabilities, are autistic or neurodivergent. A suggestion is that part of this training is to be trauma-informed.

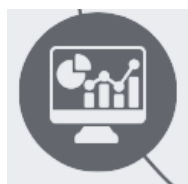
- Can you think of times you wanted people who you have meetings with to understand you better?
- Is there anything that shouldn't be included in training?
- Do you think that people with lived experience should be part of producing the training?



INCLUSIVE COMMUNICATION [Easy Read Link](#)

- Are there places you go where you can't understand the information you are given? What about at the doctor surgery, or if you have had to talk to the police?
- What difference would it make to you if you could have easy to understand information? Where would it help you most?
- What don't you like about a plan for making communication inclusive? Is there anything that concerns you?

The proposal would mean that all public authorities would have to provide information that you can understand. This would be local authorities, schools, police, your doctor surgery or hospitals.

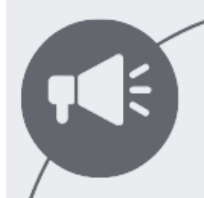


DATA [Easy Read Link](#)

There is very little information and numbers about people with Learning Disabilities, autistic people and neurodivergent people. This means when

government is making decisions it doesn't at the moment have enough information. This could be about people in work, or health issues.

- Do you think it is a good idea to collect more information about you and your community? Think about health, or knowing how many people from the LDAN community are in work?
- What don't you like about the idea of collecting more information about you and your community?



INDEPENDENT ADVOCACY [Easy Read Link](#)

An independent advocate can help neurodivergent people and people with learning disabilities when they are having problems with services and support. They help you to express your wishes and needs.

- Have you had times when you have wanted someone to express your wishes and needs to services you have used?
- When would it have been most useful for you?
- Is there anything about having an independent advocate that you don't agree with ?

All the questions follow the structure above. The additional themes below are included as they have special additional proposals.

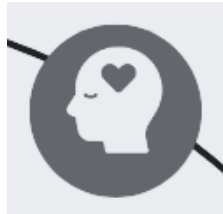


HEALTH AND WELLBEING [Easy Read Link](#)

People with Learning Disabilities and Autistic people die earlier than other people from preventable illnesses, especially when some people haven't been diagnosed. Scottish Government wants to stop this from happening. As well as

the proposals that are listed above, there are two other suggestions. Annual Health Checks and Patient Passports.

- Do you have **regular health checks** from your doctor?
- Would like to have your own **patient passport**? This has important information about how people in health care, such as doctors and nurses can communicate with you in a way that suits you?
- What else might help your mental or physical health?



MENTAL HEALTH AND CAPACITY LAW [Easy Read Link](#)

At the moment, people with learning disabilities and autistic people are described in the Mental Health Act as having a mental disorder. This can be distressing and can also lead to people being locked up under mental health law even if they don't have a mental health problem. Also medication is often given too quickly. Please do read the Easy Read explanation to give you a full background to this.

- What do you think about being thought of as having a mental health disorder?
- Do you think the Mental Health Act should take away all mention of people with learning disabilities and autistic people?
- or do you think they should just change the words of 'mental disorder' when discussing learning disability or autism? What could the words be changed to?



COMPLEX CARE - COMING HOME [Easy Read Link](#)

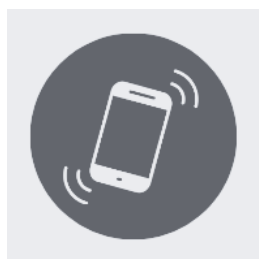
Many people, especially those with learning disabilities, experience delayed discharge in hospitals or are placed in care a long way from home. To stop this happening, Scottish Government would like a list of everyone with a learning

disability who is living away from home in a placement that doesn't suit them or in a delayed discharge situation. This is called a **Dynamic Support Register**. They would also like to develop a **National Support Panel** of people to make sure the Coming Home Plan works properly.

- Option 1 is a Panel with legal powers to look at individual cases
- Option 2 is a Panel with legal powers to do peer reviews of local areas
- Option 3 is a Panel with no legal powers to do peer reviews of local areas.

If you are in hospital for a long time or live far away from home would you like:

1. a Panel, or group of people looking at your situation its own?
2. a Panel to look at everybody's situation in the local area?
3. Would you like a Panel to be able to make decisions that legally have to be followed?



TECHNOLOGY - [Easy Read Link](#)

Scottish Government recognises that technology is important because we all use digital equipment much more in our lives.

- Would you like to be able to learn more about how to use computers and the internet, and online safety? Is this important to you?
- Do you like the idea of more information being kept on how many people can use computers and technology?
- Is there anything about a plan for technology that you don't like? for instance, information being kept on people with learning disabilities, autistic or neurodivergent people?



JUSTICE - [Easy Read Link](#)

The justice system includes all these things: the police, the courts, tribunals, prison. As well as training, national and local plans, data collection, advocacy and Inclusive Communication. Scottish Government wants to hear if 'Diversion from Prosecution' would work for the LDAN community. This would mean that if someone from the LDAN community was in the criminal justice system they could be taken out of it because they have learning disabilities, are autistic or neurodivergent. This would mean that less people from the LDAN community would go to prison.

- What would help you if you were arrested for something?
- Do you think that people shouldn't go to prison if they have learning disabilities, are autistic or neurodivergent?



ACCOUNTABILITY [Easy Read Link](#)

Accountability means that when someone says they will do something, someone makes sure it happens. There could be different ways to make this happen.

- Do you think having a person or people in charge is a good idea?
- Do you think including people with lived experience in this role is important?

1) How to Answer

After your conversations, you will then need to fit the answers into the questions below in order to respond. The questions are the same for each theme.

The questions have been kept as simple as possible

1. Which of the proposals do you agree with?
2. Which of the proposals don't you agree with?

3. Is there anything we should consider? (This is where you can add your own thoughts).

You **do not need to answer all of the themes** or all of the questions. By looking at the themes, you can plan which areas you want to respond to.

To find out the different ways to respond (online, email, audio, post) please read our '[Planning to Play your part guide](#)'

2) Plan your time

Make sure you have enough time to respond. The deadline for this consultation is **21st April 2024**. This might mean setting some time aside in your diary, or arranging some time with other support staff. If you are doing this with support staff, make sure they have time to plan as well. You will need at least an hour even if you decide just to reply in a couple of areas, especially if you need support to read and understand new material.

Think about the individual you are supporting. Think about what they might be most interested in.