

Response ID ANON-Y5NQ-W1B5-C

Submitted to Learning Disabilities, Autism and Neurodivergence Bill: consultation
Submitted on 2024-04-21 19:58:36

About you

Are you responding as an individual or an organisation?

Organisation

What is your name?

Name:

Sumar Williams

What is your organisation?

Organisation:

LEx Scotland

What is your postcode?

postcode:

G42 8DT

What is your email address? (if you do not have an email address please enter na for not applicable in this box)

email address:

info@lexscotland.org

If you are responding as an organisation, please tell us which of the following categories best describes you?(select all that are appropriate) Third sector organisation, Disabled persons/Neurodivergent-led/Autistic-led organisation

Other (please say):

If you are responding as an individual please tell us which of the following categories best describes you?(select all that apply) Not applicable - responding as an organisation (see previous answer)

Which ethnic group best describes you?

Not Applicable – responding as an organisation

What was your age last birthday?

Not Applicable – responding as an organisation

Which local authority area you live in (or operate in if an organisation - tick all that apply)? Individuals should select only one.

Glasgow City

Which of these options best describes how you think of yourself?

Not Applicable – responding as an organisation

Which gender identity best describes you?

Not Applicable – responding as an organisation

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

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Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. I consent

Reach and definitions: who should the Bill include?

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 2: Neurodivergent People

While "Neurodivergent" appears to be the most suitable term for inclusion in the LDAN Bill, it requires further refinement to ensure clarity and inclusivity. (To be honest, there is not yet a suitable term in the English language for what is trying to be defined here.) It's essential to recognise that the term encompasses individuals with a wide range of conditions, including long-term mental health conditions, brain injuries, and other differences that may not align with the bill's intended scope. By listing specific conditions, there is a risk of inadvertently excluding individuals with rarer differences, thereby undermining the bill's effectiveness in addressing the diverse needs of neurodivergent communities. The LDAN Bill should be designed to remain flexible and adaptable to accommodate emerging conditions and changing societal understandings of neurodiversity.

Furthermore, we strongly advocate for the integration of the LDAN Bill with the Mental Health and Wellbeing Strategy and Delivery Plan. While neurodivergence is not inherently a mental health issue, neurodivergent individuals are at a higher risk of experiencing mental health challenges and often face significant challenges in accessing mental health services and support.

Additionally, it's crucial to ensure that the voices of neurodivergent individuals are actively involved in shaping the LDAN Bill. This includes meaningful representation from neurodivergent individuals on advisory panels, such as the Diverse Experience Advisory Panel (DEAP), to provide insights and perspectives that reflect the lived experiences of the community. One of our own Directors sits on the DEAP panel.

In conclusion, while the term "Neurodivergent" presents a promising starting point for inclusion in the LDAN Bill, further refinement is necessary to ensure inclusivity, flexibility, and alignment with existing mental health strategies. Only by actively engaging with neurodivergent communities and integrating their perspectives into the legislative process can a bill be developed that effectively addresses the diverse needs of neurodivergent individuals in Scotland.

Additionally, it is crucial that affirming language be used throughout the bill when speaking about neurodivergent people. Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to this topic?

Please give us your views:

Statutory Strategies for Neurodivergence and Learning Disabilities

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 1, which advocates for the introduction of a requirement for a national strategy on neurodivergence and learning disabilities, is crucial for providing overarching guidance and direction at the national level. Additionally, Proposal 2, suggesting the introduction of requirements for local strategies by public bodies such as health and social care partnerships and local authorities, recognises the importance of tailored approaches to meet the diverse needs of communities across Scotland.

Proposal 3, focusing on the introduction of guidance covering a range of topics to be included in national and local strategies, is essential for ensuring consistency and clarity in strategy development. Moreover, Proposal 4, which suggests a requirement to review strategies at regular intervals, will ensure that strategies remain relevant and responsive to evolving needs and priorities.

While Proposal 5 underscores the importance of involving individuals with lived experience in the development of strategies, it falls short in clarifying what meaningful involvement entails. Mere consultation or token representation is insufficient; instead, neurodivergent individuals must be empowered to occupy positions of decision-making authority. This requires redefining "involvement" to encompass genuine participation in shaping policies and initiatives, rather than merely providing input that may be disregarded. Unfortunately, far too often we are just ignored.

To achieve meaningful involvement, processes must be established to ensure the representation of a diverse range of neurodivergent voices, including those traditionally marginalised or overlooked. The inclusion of panels such as the Diverse Experience Advisory Panel (DEAP) serves as a model for promoting diversity and authenticity in decision-making processes. It is imperative that these panels include individuals who reflect the full spectrum of neurodivergent experiences, rather than solely those who align with government perspectives or possess privilege.

Furthermore, strategies should undergo regular review by individuals with lived experience to ensure ongoing relevance and responsiveness to the needs of the neurodivergent community. These reviews should be transparent, with clear mechanisms for accountability and documentation of changes made in response to feedback.

In addition to involving individuals with lived experience in strategy development and review processes, there is a pressing need for comprehensive disability awareness training across the public sector. Specific training tailored to neurodivergence and learning disabilities is essential to ensure that frontline staff possess the knowledge and sensitivity required to effectively support neurodivergent individuals. Once again, the input of individuals with lived experience is invaluable in shaping the content and delivery of such training.

In conclusion, while Proposal 5 represents a step in the right direction, it is imperative to redefine "involvement" to encompass genuine participation and decision-making authority for individuals with lived experience. Only by prioritising diversity, transparency, and accountability, can strategies be developed that truly reflect the needs of the neurodivergent community in Scotland.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to strategies?

Please give us your views:

Mandatory Training in the Public Sector

Do you agree with this proposal, please tell us why?

Please give us your views:

Mandatory training is indispensable across all public services, particularly within critical sectors such as criminal justice and healthcare. However, to ensure its effectiveness and relevance, it must be driven by lived experience and co-produced in collaboration with individuals from the neurodivergent and learning disability communities. Training programs should not only be led by individuals with lived experience but also provide opportunities for paid involvement, recognising the value of their expertise and contributions. It is imperative that training initiatives prioritise an affirming approach, steering clear of harmful deficit models, which can perpetuate stigmatisation and exclusion.

Furthermore, training programs must adopt a trauma-informed approach that acknowledges and addresses the unique needs and experiences of neurodivergent individuals and those with learning disabilities, as well as individuals from diverse cultural backgrounds. Central to this approach is shifting the focus from pathologising individuals to understanding and meeting their support needs. Training should empower workers to recognize and respect the autonomy and agency of neurodivergent individuals and individuals with learning disabilities, emphasising collaborative and person-centered approaches to support.

In conclusion, while mandatory training is crucial across all public services, it must be underpinned by principles of lived experience leadership, co-production, and affirmation. By prioritising trauma-informed approaches and person-centered practices, training programs can foster environments that are inclusive, respectful, and supportive of the diverse needs and identities of all individuals accessing public services.

Do you not agree with this proposal, please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to mandatory training?

Please give us your views:

Inclusive Communications

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Inclusive communication lies at the heart of ensuring equitable access to information and services for neurodivergent individuals and those with learning disabilities. Recognising that people understand and express themselves in diverse ways, inclusive communication encompasses various modes such as written information, online platforms, telephone, and face-to-face interactions. Furthermore, inclusive communication plays a crucial role in enabling neurodivergent individuals and those with learning disabilities to understand and assert their rights, achieve independence, and engage fully in various aspects of life. The emphasis on inclusive communication within the LDAN Bill is paramount in ensuring equitable access to information and services for neurodivergent individuals and those with learning disabilities. Inclusive communication not only facilitates the exercise of rights and independent living but also fosters meaningful participation in society.

Proposal 1 advocates for providing neurodivergent individuals and those with learning disabilities with the option to request alternative means of communication, such as online or telephone meetings, and access to practitioners with specialist training in complex systems like healthcare or the

criminal justice system. By recognising and accommodating diverse communication needs, public authorities can empower individuals to engage effectively with support services and exercise their rights.

Proposal 2 focuses on better access to easy-read versions of public-facing communications and documents, essential for promoting accessibility and comprehension. The LDAN Bill should include provisions for a broad duty to make easy-read versions available on request, with automatic provision in certain circumstances. This could significantly enhance access to information for neurodivergent individuals and those with learning disabilities, particularly in critical settings such as healthcare, legal proceedings, and police interactions.

While these proposals are crucial steps towards inclusivity, it's essential to acknowledge that easy-read materials alone may not fully address the diverse communication challenges faced by neurodivergent individuals. It fails to acknowledge that neurodivergent people without learning impairments can face significant challenges around being believed, seen as rude, failing to understand verbal information, and be misunderstood which can lead to harmful and potentially deadly misunderstandings and barriers to accessing healthcare and more.

Proposal 3 underscores the need for broader training and awareness initiatives around communication differences, led by individuals with lived experience and co-produced, to ensure effectiveness and relevance. The LDAN Bill can integrate inclusive communication practices into training initiatives, ensuring that public-facing staff are equipped to engage effectively with diverse communication needs.

Lastly, Proposal 4 highlights the importance of establishing an enforceable Accessible Information Standard for Scotland. By formalising requirements for implementation and review, the LDAN Bill can elevate accessibility standards across public services, promoting consistency and accountability in the provision of accessible information.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to inclusive and accessible communication?

Please give us your views:

Independent Advocacy

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 1 rightly underscores the importance of consistency and inclusivity in advocacy practices, recognizing the diverse needs and challenges faced by these communities. The bill should include advocacy around health and social care, education, employment, benefits and housing and more. By actively involving individuals with lived experience in the design process, we can ensure that advocacy services are tailored to address their specific requirements effectively and address issues like accessible communications and an accessible complaints system.

However, it's crucial to recognize the potential limitations of Proposal 2. While the intention to provide rights for specific groups is commendable, there is a risk of inadvertently excluding individuals who do not fit within predefined categories. Non-binary individuals, who are disproportionately represented within neurodivergent communities, may face heightened barriers to accessing advocacy services under such criteria. Therefore, it's imperative to adopt an inclusive approach that ensures advocacy rights are accessible to all members of the neurodivergent community, regardless of gender identity or other factors. Infantilisation must also be avoided at all costs.

Moreover, the integration of lived experience in decision-making processes should be prioritised throughout the development of advocacy initiatives. Tokenistic gestures at the end of the process do little to address the systemic barriers faced by neurodivergent individuals and those with learning disabilities. Instead, meaningful engagement and collaboration with individuals with lived experience from the outset can ensure that their voices shape the direction and implementation of advocacy efforts, leading to more effective and relevant outcomes.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to independent advocacy?

Please give us your views:

Health and Wellbeing

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

The LDAN Bill presents a critical opportunity to address the significant health disparities experienced by neurodivergent individuals and those with learning disabilities. These disparities result in below-average life expectancies and increased rates of preventable conditions, highlighting the urgent need for targeted interventions to improve health outcomes. Additionally, bad health means neurodivergent people and people with learning disabilities

might not be active in their communities, get a job or have relationships.

Proposal 1: Neurodivergent and Learning Disabilities Strategies

Legislative requirements for national and local strategies are crucial for ensuring that the health needs of neurodivergent individuals and those with learning disabilities are effectively addressed. By involving individuals with lived experience in the design process, we can ensure that strategies are tailored to meet the diverse needs of these populations, including considerations for healthcare workforce planning and service delivery. Additionally, embedding mechanisms for accountability within these strategies will ensure that public bodies are held responsible for the implementation and outcomes of these initiatives, fostering transparency and driving continuous improvement in healthcare provision for neurodivergent individuals and those with learning disabilities.

Proposal 2: Mandatory Training for the Health and Social Care Workforce

While mandatory training for health and social care professionals is essential, it must be led by individuals with lived experience and co-produced to avoid harmful deficit models. Training should focus on understanding communication differences and providing affirming support.

Proposal 3: Inclusive Communications and Accessibility

While proposals for inclusive communication are commendable, we must recognise that easy-read materials alone may not address all communication challenges faced by neurodivergent individuals. Training and awareness initiatives on communication differences for neurodivergent people without learning impairments are essential and should be led by those with lived experience. It needs to consider communication methods, such as calls early in the morning, having to call/email, and not just content.

Proposal 4: Patient Passports

Patient passports could offer valuable insights into individuals' needs and preferences, improving healthcare outcomes and reducing barriers. However, the creation and ownership of passports must be co-designed and controlled by individuals themselves, with proper independent support provided as needed and only shared if the individual chooses to. It is important that these passports be used to improve healthcare and not to discriminate against the individual.

Proposal 5: Annual Health Checks

Extending annual health checks to include autistic individuals, as well as those with Attention Deficit Hyperactive Disorder (ADHD), is essential given their poorer health outcomes. Annual health checks should be embedded as a specific legal duty in the LDAN Bill to ensure equitable access to preventive healthcare measures.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to health and wellbeing?

Please give us your views:

Mental Health and Capacity Law

Do you agree with this approach?

Not Answered

Please tell us why?:

Firstly, the LDAN Bill should prioritise establishing clear processes and deadlines for addressing these issues. The evidence is already in. The current ambiguity leaves room for uncertainty and delays in implementing necessary changes. Additionally, involving mental health lived experience, particularly through a panel like the DEAP panel, can provide invaluable insights into the lived realities and needs of individuals affected by these legislative frameworks.

Furthermore, it's crucial to recognize the distinction between mental health and neurodivergence or learning disabilities. While there may be overlaps, not all neurodivergent individuals or those with learning disabilities experience mental health issues—despite the horrifying comorbidity of mental illness with neurodivergence/learning disabilities because of trauma, poor access to social, mental health care, housing etc. (People can be covered by both acts IF NEEDED.) Therefore, separating these categories in legislation and refraining from pathologising language is imperative to ensure accurate representation and appropriate support.

Supported Decision Making should also be prioritised within the LDAN Bill, empowering individuals to make choices about their own care and treatment whenever possible. This approach respects autonomy and dignity, aligning with the principles of inclusion and self-determination.

Moreover, there's a clear consensus that neurodivergent individuals and those with learning disabilities should not be classified under the term 'mental disorder.' Life-long conditions like autism and learning disabilities cannot be treated in the same manner as mental illnesses. Therefore, revising the language used in legislation to reflect this understanding is essential for promoting respect and accurate representation.

Social Care

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 1: Neurodivergent and Learning Disabilities Strategies

Legislative requirements for national and local strategies are indeed vital, as they provide a structured framework for addressing the diverse social care needs of neurodivergent individuals and those with learning disabilities. Care and support services play a crucial role in keeping people connected and helping them live fuller, happier, and longer lives. People need social care that caters to their individual needs, empowering them to achieve their goals

and aspirations. Without adequate support, individuals can be excluded from society, highlighting the importance of accessible and inclusive care services.

By involving individuals with lived experience in the design process, we ensure that strategies are not only comprehensive but also sensitive to the unique challenges faced by these communities. Everyone should be given the information they need to choose their preferred support option, ensuring autonomy and agency in decision-making. Moreover, embedding mechanisms for accountability within these strategies is essential. This ensures that public bodies are held responsible for the implementation and outcomes of these initiatives, fostering transparency and driving continuous improvement in social care provision for neurodivergent individuals and those with learning disabilities. Additionally, these strategies should encompass provisions for inclusive workforce planning and training, emphasising the importance of diversity and inclusion in social care delivery. Ensuring there are enough staff who are well-trained is crucial for providing high-quality care and support services.

Proposal 2: Mandatory Training for the Health and Social Care Workforce

While mandatory training is indispensable in social care, it must be driven by lived experience and co-produced in collaboration with individuals from the neurodivergent and learning disability communities. It's crucial that training programs are not only led by individuals with lived experience but also provide opportunities for paid involvement, recognising the value of their expertise and contributions. Training initiatives should prioritise an affirming approach, steering clear of harmful deficit models that perpetuate stigmatisation and exclusion.

A trauma-informed approach to training is imperative, acknowledging and addressing the unique needs and experiences of neurodivergent individuals and those with learning disabilities. By shifting the focus from pathologising individuals to understanding and meeting their support needs, training programs can empower workers to provide collaborative, person-centred and inclusive care. People must be given enough time to understand information and make decisions about their support, which includes access to well-trained professionals who understand their specific needs.

Proposal 3: Inclusive Communication and Accessibility

Inclusive communication lies at the heart of ensuring equitable access to information and services for neurodivergent individuals and those with learning disabilities. Recognising the diverse ways in which people understand and express themselves, inclusive communication encompasses various modes such as written information, online platforms, telephone, and face-to-face interactions. To address communication challenges effectively, the LDAN Bill should advocate for providing neurodivergent individuals and those with learning disabilities with the option to request alternative means of communication.

Additionally, better access to easy-read versions of public-facing communications and documents is essential for promoting accessibility and comprehension. People must have enough information to understand what support is available to them, and this includes having access to information in formats that are accessible and easy to understand. While these steps are crucial, it's important to acknowledge that they may not fully address all communication challenges faced by neurodivergent individuals. Neurodivergent individuals without learning impairments may encounter substantial hurdles in being taken seriously, perceived as impolite, struggling to comprehend verbal information, and being misunderstood. These challenges can result in harmful misunderstandings and create barriers to accessing social care services and other essential supports.

Therefore, broader training and awareness initiatives around communication differences, led by individuals with lived experience and co-produced, are necessary to ensure effectiveness and relevance. People must be allowed to ask questions and disagree with anything about their support service, which includes expressing their communication preferences and needs.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to social care?

Please give us your views:

Housing and Independent Living

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 1:

Adequate housing advice, support, and advocacy are essential components in enabling neurodivergent individuals and those with learning disabilities to access their rights to suitable housing and independent living. Housing systems and processes must be streamlined and made more navigable for

individuals with diverse needs. Clear and accessible information about housing rights and support services is crucial, empowering individuals to make informed decisions and exercise their rights effectively.

Neurodivergent individuals and those with learning disabilities face unique challenges in navigating housing systems and accessing appropriate accommodations. Unsuitable housing can exacerbate these challenges, impacting mobility, mental health, and employment opportunities. It is imperative that housing advice and support services are tailored to the specific needs of these individuals, ensuring that they can access suitable housing options that promote independence and well-being.

Moreover, the provision of specialist advocacy services for housing support is essential. These services can provide individuals with the necessary guidance and support to navigate complex housing systems, assert their rights, and access appropriate accommodations. By establishing specialist advocacy services, we can ensure that neurodivergent individuals and those with learning disabilities have access to the support they need to secure safe and suitable housing options, enabling them to live independently and participate fully in their communities.

Proposal 2:

Legislative requirements for national and local strategies are indeed vital, as they provide a structured framework for addressing the diverse housing needs of neurodivergent individuals and those with learning disabilities. By involving individuals with lived experience in the design process, we ensure that strategies are not only comprehensive but also sensitive to the unique challenges faced by these communities. Everyone should be given the information they need to make housing decisions, ensuring autonomy and agency in decision-making. Moreover, embedding mechanisms for accountability within these strategies is essential. This ensures that public bodies are held responsible for the implementation and outcomes of these initiatives, fostering transparency and driving continuous improvement in social care provision for neurodivergent individuals and those with learning disabilities.

Proposal 3:

While mandatory training is indispensable in housing, it must be driven by lived experience and co-produced in collaboration with individuals from the neurodivergent and learning disability communities. It's crucial that training programs are not only led by individuals with lived experience but also provide opportunities for paid involvement, recognising the value of their expertise and contributions. Training initiatives should prioritise an affirming approach, steering clear of harmful deficit models that perpetuate stigmatisation and exclusion.

A trauma-informed approach to training is imperative, acknowledging and addressing the unique needs and experiences of neurodivergent individuals and those with learning disabilities. By shifting the focus from pathologising individuals to understanding and meeting their support needs, training programs can empower workers to provide collaborative, person-centred, and inclusive care. People must be given enough time to understand information and make decisions about their housing needs, which includes access to well-trained professionals who understand their specific needs.

Proposal 4:

What data is being collected and where from? Are you looking at intersectional barriers?

Data collection on housing and independent living is crucial for understanding the specific needs and challenges faced by neurodivergent individuals and those with learning disabilities. It is essential to go beyond mere numbers and ensure that lived experience voices are heard, providing insight into the barriers and challenges encountered in accessing suitable housing options. Data collection efforts should encompass a wide range of perspectives, including those who may be unable to access services for various reasons. This approach will facilitate a more comprehensive understanding of housing needs and inform the development of targeted interventions to address existing gaps in support services. Moreover, relevant public bodies, such as local authorities, should improve the way data is collected and shared on the requirements of neurodivergent individuals and people with learning disabilities.

Proposal 5: Inclusive communications

Inclusive communication is foundational to ensuring equitable access to housing information and services for neurodivergent individuals and those with learning disabilities. Recognising the diverse ways in which people understand and express themselves, inclusive communication encompasses various modes such as written information, online platforms, telephone, and face-to-face interactions. To address communication challenges effectively, the LDAN Bill should advocate for providing neurodivergent individuals and those with learning disabilities with the option to request alternative means of communication.

Additionally, better access to easy-read versions of public-facing communications and documents is essential for promoting accessibility and comprehension. People must have enough information to understand what support is available to them, and this includes having access to information in formats that are accessible and easy to understand. Easy-read materials utilise simplified language, clear layout, and visual aids to enhance comprehension, ensuring that

While these steps are crucial, it's important to acknowledge that they may not fully address all communication challenges faced by neurodivergent individuals. Neurodivergent individuals without learning impairments may encounter substantial hurdles in being taken seriously, perceived as impolite, struggling to comprehend verbal information, and being misunderstood. These challenges can result in harmful misunderstandings and create barriers to housing supports. Therefore, broader training and awareness initiatives around communication differences, led by individuals with lived experience and co-produced, are necessary to ensure effectiveness and relevance.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to housing and independent living?

Please give us your views:

Access to Technology

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

The LDAN Bill acknowledges the crucial role that digital access plays in the lives of neurodivergent individuals and those with learning disabilities. In an increasingly digital world, staying connected with family, friends, and communities, as well as accessing learning and employment opportunities online, is integral to fostering independence and inclusion. However, many individuals within these communities face barriers to accessing digital devices and using digital services, placing them at risk of being digitally excluded. This is an area in which conflating neurodivergency and learning disabilities can be deeply problematic, because the needs of the two could be vastly different.

Proposal 1: These programs should be designed with input from individuals with lived experience to ensure relevance and effectiveness. By providing accessible and supportive training, people can learn to navigate digital platforms confidently and safely, thereby enhancing their digital literacy and independence.

Proposal 2: Data collection efforts should go beyond mere numbers and ensure that lived experience voices are heard, providing insight into the barriers and challenges encountered in accessing and using technology. This approach will facilitate a more comprehensive understanding of digital access needs and inform the development of targeted interventions to address existing gaps in support services. Relevant public bodies, such as local authorities, should improve the way data is collected and shared on the digital requirements of neurodivergent individuals and those with learning disabilities.

Research into neurodivergent tech needs are essential—how they are used, how they can help people overcome barriers (online events, working from home).

Proposal 3: To address the barriers (cost, permission, availability, usability, etc) to digital access faced by neurodivergent individuals and those with learning disabilities, the LDAN Bill could advocate for the provision of additional support services specifically tailored to assist individuals in accessing and using technology. This support may include assistance with device setup and configuration, guidance on using accessibility features, and training on online safety practices. By making such support services more readily available, we can empower individuals to harness the benefits of digital technology and participate more fully in society.

Furthermore, it's essential to consider the intersectional barriers that may impact digital access, such as age, location, and socio-economic status. Accessible software and assistive technologies that cater to the diverse needs of neurodivergent individuals and those with learning disabilities should be widely available. Moreover, as digital technologies advance, developments must consciously address the needs of those who are already digitally excluded, including people with learning disabilities.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to access to technology?

Please give us your views:

Employment

Do you agree with this approach? Please tell us why?

Please give us your views:

While existing legislation (Equality Act, employment legislation, ACAS guidance etc.) provides a strong framework for promoting equal employment opportunities, there remain persistent barriers faced by neurodivergent individuals and those with learning disabilities in accessing fair and sustainable employment. To address these barriers, the LDAN Bill could work collaboratively with trade unions to ensure that they understand and effectively support their neurodivergent members. Many neurodivergent individuals face challenges in the workplace due to non-inclusive recruitment processes, lack of reasonable adjustments, and fear of losing benefits. Providing guidance to employers on existing legislation and reasonable adjustments is crucial to creating more inclusive workplaces. Moreover, partnerships with neurodivergent individuals can help identify specific barriers faced in the workplace and inform strategies to address them effectively.

Training for job coaches on neurodivergence and learning disabilities in the workplace is essential for providing appropriate support to individuals seeking employment. The professionalisation of the supported employment workforce should prioritise equipping job coaches with the knowledge and skills to effectively support neurodivergent individuals and those with learning disabilities. This includes understanding the specific needs of individuals and facilitating the implementation of reasonable adjustments to ensure their success in the workplace.

Reviewing the language within impairment level data collected by the Scottish Government on employability is essential to ensure consistency with the language used by individuals and professionals. This will help accurately reflect the experiences and challenges faced by neurodivergent individuals and those with learning disabilities in accessing employment services and support. Additionally, disaggregating data on employability services and employment support will provide valuable insights into the effectiveness of existing initiatives and inform future interventions. Once again, this data should not be entirely number based. Lived experience voices need to be listened to in order to truly understand the barriers and challenges that neurodivergent and learning disabled people experience.

Social Security

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 1: Requiring Social Security Scotland to report on, and evaluate, how its inclusive communication strategies have taken into consideration the needs of people with learning disabilities and neurodivergent people is a crucial step towards ensuring equitable access to social security benefits. Effective communication strategies are essential for empowering individuals to understand their rights and access the support they need. However, it's important to recognize that communication differences extend beyond individuals with learning disabilities to include neurodivergent individuals who may not have a learning disability. This often neglected group faces unique challenges, as they may appear 'capable' in interviews but struggle with communication in other contexts. Therefore, inclusive communication strategies should encompass a broad spectrum of communication needs, ensuring that all individuals, regardless of their neurodivergence or learning disability status, can access information and services effectively.

Proposal 2: Mandatory training for social security staff is indispensable for ensuring that individuals with learning disabilities and neurodivergent people receive the support and assistance they require. However, training initiatives must be driven by lived experience and co-produced in collaboration with individuals from these communities. Training programs should not only be led by individuals with lived experience but also provide opportunities for paid involvement, recognizing the value of their expertise and contributions. Moreover, a trauma-informed approach to training is imperative, acknowledging and addressing the unique needs and experiences of neurodivergent individuals and those with learning disabilities. Training should empower workers to provide collaborative, person-centered, and inclusive support, allowing individuals to make informed decisions about their social security needs.

Proposal 3: Data collection on neurodivergent and learning disabilities groups and their needs, including how many people are accessing social security benefits, is essential for understanding and addressing the specific challenges faced by these communities. It is crucial to collect disaggregated data that goes beyond mere numbers and includes lived experience voices, providing insight into the barriers and challenges encountered in accessing social security benefits. Furthermore, data reporting should be inclusive, encompassing a wide range of perspectives and considering intersectional barriers that may impact access to social security support. By improving the way data is collected and shared, relevant public bodies, such as Social Security Scotland, can better tailor their services to meet the diverse needs of neurodivergent individuals and people with learning disabilities, ensuring that everyone can access social security benefits and live with dignity, fairness, and respect.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to social security?

Please give us your views:

Justice

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 1: Establishing a single national strategy that addresses neurodivergence and learning disabilities in the civil and criminal justice systems is needed for improving outcomes for these communities. However, to ensure the strategy's effectiveness, it must be lived experience-led, with real decision-making power and inclusion. This approach should involve establishing decision-making panels that include neurodivergent individuals and people with learning disabilities, ensuring that their voices are heard and their perspectives inform policy development and implementation.

Proposal 2: Effective identification of neurodivergent individuals and people with learning disabilities within the justice system is crucial for ensuring that their needs are met appropriately. This includes using the right kind of communication adapted for neurodivergent individuals and people with learning disabilities, providing additional supports such as Appropriate Adults in criminal justice, and ensuring that key decision points consider their specific needs. To improve identification, the LDAN Bill could mandate public bodies such as the Police, COPFS, and the Scottish Prison Service to seek to identify neurodivergence and learning disabilities at key points of contact with the criminal justice system. Moreover, implementing a common screening tool across criminal justice agencies could facilitate more consistent identification and support provision. It's important that the identification process is not about diagnosing neurodivergence or learning disabilities but rather recognising the need for support and accommodations. This distinction is crucial for avoiding stigmatisation and ensuring that individuals feel comfortable disclosing their needs within the justice system.

Proposal 3: Inclusive communication is fundamental for ensuring that neurodivergent individuals and people with learning disabilities can fully understand information provided to them within the justice system. This includes making easy-read versions of public-facing communications and documents available, as well as providing alternative means of communication upon request. Additionally, mandatory training on neurodivergence and learning disabilities awareness should be extended to all staff in the civil and criminal justice systems, ensuring that they are equipped to provide inclusive and effective support to individuals with diverse communication needs. It's extremely important that the communication differences of neurodivergent people be recognised and understood by those within the justice system. Neurodivergent individuals without learning impairments may encounter substantial hurdles in being taken seriously, perceived as impolite, struggling to comprehend verbal information, and being misunderstood. These challenges can result in harmful misunderstandings. Therefore, broader training and awareness initiatives around communication differences, led by individuals with lived experience and co-produced, are necessary to ensure effectiveness and relevance.

Proposal 4: Mandatory training for people working in the justice system is vital for ensuring that individuals with learning disabilities and neurodivergent

people receive the support and assistance they require. However, training initiatives must be driven by lived experience and co-produced in collaboration with individuals from these communities. Training programs should not only be led by individuals with lived experience but also provide opportunities for paid involvement, recognizing the value of their expertise and contributions. Moreover, a trauma-informed approach to training is imperative, acknowledging and addressing the unique needs and experiences of neurodivergent individuals and those with learning disabilities. Training should empower workers to provide collaborative, person-centered, and inclusive support, allowing individuals to make informed decisions about their needs.

Proposal 5: Advocacy plays a crucial role in ensuring that the rights and needs of neurodivergent individuals and people with learning disabilities are upheld within the justice system. While ongoing work on advocacy across the Scottish Government is commendable, it is essential that any efforts are informed by lived experience and take into account the specific needs of these communities. The LDAN Bill could empower Scottish Ministers to make necessary regulations on independent advocacy for neurodivergent individuals and people with learning disabilities, ensuring consistent access to advocacy support across the justice system.

Proposal 6: Diversion from Prosecution (DfP) can be an effective alternative for neurodivergent individuals and people with learning disabilities who are alleged to have committed offences. However, better identification of needs and training for professionals within the justice system are necessary to ensure that DfP is appropriately utilised for these groups. This includes providing training on neurodivergence and learning disabilities awareness for professionals working in COPFS, as well as ensuring that support needs are accurately communicated through the Standard Prosecution Report (SPR). Additionally, increased awareness of the role of support in reducing re-offending among neurodivergent individuals and people with learning disabilities is essential for promoting more consistent decision-making around DfP.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to justice?

Please give us your views:

Transport

Which of these proposals do you agree with (if any), please tell us why?

Please give us your views:

Proposal 1 emphasises the importance of developing national and local strategies to address the specific needs of neurodivergent individuals and people with learning disabilities in the context of transportation. By requiring Regional Transport Partnerships (RTPs) to incorporate considerations for neurodivergent individuals and people with learning disabilities into their transport strategies, the LDAN Bill can help ensure that transportation systems are more inclusive and accessible. Additionally, mandating the inclusion of disability awareness training for transportation staff in these strategies can further enhance the accessibility and quality of transportation services for neurodivergent individuals and people with learning disabilities. However, to ensure the strategies' effectiveness, it must be lived experience-led, with real decision-making power and inclusion. This approach should involve establishing decision-making panels that include neurodivergent individuals and people with learning disabilities, ensuring that their voices are heard and their perspectives inform policy development and implementation.

However, to truly address the barriers faced by neurodivergent individuals and people with learning disabilities in transportation, it is essential to go beyond mere strategy development. Proposal 2 suggests introducing mandatory training for transportation staff in Scotland, extending the requirement for disability awareness training to this sector. This training should be comprehensive and tailored to address the specific needs and challenges faced by neurodivergent individuals and people with learning disabilities when using transportation services. To ensure its effectiveness and relevance, it must be driven by lived experience and co-produced in collaboration with individuals from the neurodivergent and learning disability communities. Training programs should not only be led by individuals with lived experience but also provide opportunities for paid involvement, recognising the value of their expertise and contributions. It is imperative that training initiatives prioritise an affirming approach, steering clear of harmful deficit models, which can perpetuate stigmatisation and exclusion.

Furthermore, training programs must adopt a trauma-informed approach that acknowledges and addresses the unique needs and experiences of neurodivergent individuals and those with learning disabilities, as well as individuals from diverse cultural backgrounds. Central to this approach is shifting the focus from pathologising individuals to understanding and meeting their support needs. Training should empower workers to recognize and respect the autonomy and agency of neurodivergent individuals and individuals with learning disabilities, emphasising collaborative and person-centered approaches to support.

Additionally, there is a need for further research to better understand the specific barriers faced by neurodivergent individuals and people with learning disabilities in transportation. This research should involve meaningful engagement with neurodivergent individuals and people with learning disabilities to ensure that their voices and perspectives are central to the investigation. By gaining a deeper understanding of these barriers, policymakers and transportation providers can develop more targeted and effective interventions to improve accessibility and inclusivity in transportation services.

Furthermore, it is crucial to involve support workers, carers, and advocacy organisations in transportation initiatives to ensure that neurodivergent individuals and people with learning disabilities receive the support they need to navigate transportation systems effectively. Providing training and resources for support workers and carers can empower them to assist neurodivergent individuals and people with learning disabilities in accessing transportation services and advocating for their needs.

It is essential that Transport Police are involved in this.

Which of these proposals do you not agree with (if any), please tell us why?

Please give us your views:

Is there anything else that we should consider in relation to transport?

Please give us your views:

Accountability

Which of the 5 options set out above do you think would best protect, respect and champion the rights of neurodivergent people and people with learning disabilities? You can select multiple options if you wish.

Option 1, Option 3, Option 4, Option 5

Please give the reason for your choice(s).

Please give us your views:

Option 1 A Commission is probably the best choice. To ensure its effectiveness and relevance, it's crucial that the appointments process for this Commission involves meaningful consultation and involvement of neurodivergent individuals and people with learning disabilities. Additionally, the Commission should actually be lived experience-led, and not just an advisory board. Neurodivergent and learning disabled people should sit on the board and hold real decision-making power. The Commission could also be overseen by a diverse board that includes representatives from these communities (like DEAP), ensuring that their voices and perspectives are central to its operations and decision-making processes. The Commission also needs to hold real power, such as being able to carry out investigations and the ability to protect people's rights.

Option 3 Champions or Advocates within public bodies could be useful to raise awareness of rights and promote a culture of inclusivity and respect. While this option may facilitate greater accountability within public bodies, it is essential to ensure that these Champions or Advocates are selected through a transparent process that prioritises the representation of neurodivergent individuals and people with learning disabilities. Moreover, their role should encompass not only advocacy but also active engagement with these communities to understand their needs and preferences fully. These Champions/Advocates need to represent the intersectional and diverse community of neurodivergent and learning disabled people.

Option 4 Additional funding to existing Disabled People's Organizations (DPOs) is much needed to support their advocacy efforts on behalf of neurodivergent individuals and people with learning disabilities. While increased funding for DPOs is undoubtedly beneficial, it's imperative to ensure that these organisations have meaningful representation and decision-making power within the broader disability rights framework. This includes involvement in the development and implementation of policies and initiatives that directly impact their communities.

Option 5 It is important that support of good practice through standards, guidance, and practical tools is improved, as well as investing in co-production with neurodivergent individuals and people with learning disabilities. While these efforts are valuable, it's essential to prioritise the involvement of diverse voices and perspectives, ensuring that initiatives are inclusive and representative of the broader community. Additionally, public transparency and accountability mechanisms should be put in place to monitor progress and ensure that the rights of neurodivergent individuals and people with learning disabilities are upheld effectively.

In conclusion, while each option presents unique opportunities to enhance accountability and uphold the rights of neurodivergent individuals and people with learning disabilities, what's essential in all of them is to prioritise lived experience-led approaches and meaningful involvement of these communities in decision-making processes. By centering their voices and perspectives, Scotland can create a more inclusive and equitable society where the rights of all individuals are respected and protected.

Are there any other options we should consider? Please give details.

Please give us your views:

Evaluation

How did you hear about the Learning Disabilities, Autism and Neurodivergence Bill and our consultation?

how did you hear about consultation:

In addition to being a Co-Director of a third sector organisation, I work part-time for an APO.

What format did you use to learn more about the Learning Disabilities, Autism and Neurodivergence Bill consultation?

Short guide, The easy read documents

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Very dissatisfied

Please enter comments here.:

We appreciate the opportunity to provide feedback on the recent consultation process. However, we must express our deep disappointment with several aspects of the approach taken.

First and foremost, we participated in this consultation process in good faith, investing considerable time and energy to engage meaningfully with the materials provided. However, despite our best efforts, we encountered a multitude of barriers that severely hindered our ability to contribute effectively.

We find it concerning that, after spending over a year consulting on how to run the consultation, only a few months were allocated for disabled individuals, especially those with learning disabilities and autism, to respond. While it is commendable to invest time in ensuring a robust consultation process, it is disheartening that this consideration did not extend to allowing sufficient time for those of us with disabilities to engage thoughtfully with the content and draw upon our lived experiences. Given the additional time and energy required for us to engage with such processes, this timeframe was inadequate.

Moreover, the lack of accessibility measures in place was deeply concerning. The questionnaire provided was not designed to accommodate individuals who require EasyRead formats or alternative accessibility measures, effectively excluding a significant portion of the population from participating meaningfully. Additionally, critical information was buried within lengthy documents, making it exceedingly difficult to locate and comprehend. The question formats were also convoluted and challenging to follow, leaving me feeling exhausted and disheartened by the end of the process, and to be honest, felt very leading for the most part. We also struggled to use the formatting for the answers and ultimately just put all of our responses in the first box of each section.

Beyond the accessibility shortcomings, there are broader concerns regarding the consultation's inclusivity and transparency. The absence of clear links to the issues discussed within the questionnaire, coupled with the lack of transparency regarding the funding source, raises questions about the consultation's legitimacy and purpose. Without clarity on where the money is coming from and how it will be utilised, it is challenging to trust in the integrity of the process.

Furthermore, the consultation process itself felt undemocratic and exclusionary, failing to prioritise the voices and experiences of those directly affected by the issues under consideration. As someone with lived experience, we felt wholly disenfranchised by the inaccessible nature of the process, which further underscores the importance of centering lived experiences in such initiatives. The consultation's flaws extend beyond mere inconvenience; they represent a fundamental failure to include and prioritise the voices of those most affected. Overall, we believe that the consultation fell short of its intended objectives and failed to engage with its target audience effectively.

Moreover, the consultation process felt like tokenism (and very difficult tokenism at that), lacking genuine engagement with affected communities and ultimately undermining the credibility and effectiveness of the entire endeavour. Moving forward, we urge you to reconsider your approach and prioritise inclusivity and accessibility in all future consultations. This means actively involving individuals with lived experience in the design and implementation of consultation processes, ensuring that their voices are heard and valued.

As people who are university-educated and professionals in this field, the consultation process nearly broke us. The sheer volume of information provided, coupled with its inaccessible nature and lack of explanation in simple terms, made meaningful engagement incredibly challenging.

In conclusion, we urge you to reevaluate your approach to consultation processes and prioritise inclusivity, accessibility, and transparency moving forward. This means actively involving individuals with lived experience in the design and implementation of consultation processes, ensuring that their voices are not only heard but valued and acted upon. We NEED to be more than a tick box exercise yet again.

Thank you for considering our feedback. We sincerely hope that you will take the necessary steps to address these concerns and ensure that future consultations are truly inclusive and accessible to all, centering the lived experiences of those most affected.

-Nothing About Us, Without Us

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?: Neither satisfied nor dissatisfied

Please enter comments here.: