



The Scottish Parliament
Pàrlamaid na h-Alba

Equalities, Human Rights and Civil Justice Committee

Maree Todd MSP
Minister for Social Care, Mental Wellbeing and Sport
Scottish Government

5 February 2025

Dear Minister

Learning Disabilities, Autism and Neurodivergence (LDAN) Bill

Thank you for attending the meeting of the Equalities, Human Rights and Civil Justice Committee on Tuesday 3 December 2024, at which you and your officials gave evidence in relation to the delayed LDAN Bill. This followed on from our previous session with stakeholders on 26 November.

The Committee appreciated your openness in acknowledging and sharing the disappointment held amongst stakeholders, people with learning disabilities, autistic people and neurodivergent people.

The Committee welcomes your stated commitment to continue to work with stakeholders on drafting provisions to bring about what you referred to as the “step change that is needed to allow neurodivergent people and people with learning disabilities to play a full part in their society and communities”.

You indicated you would be happy to update the Committee on matters discussed during the course of the evidence session and these are noted below.

Stakeholder meetings

You indicated that in the coming weeks you will be meeting jointly with the practitioner panel, stakeholder panel and the lived experience advisory panel (LEAP) to discuss the “delivery gap” and how that challenge can best be addressed.

In your opening remarks you reflected on the fact that some outcomes are particularly poor for people with learning disabilities and neurodivergent people, including, for example, that only 5% of people with learning disabilities live with a partner and that between 40 and 60% of parents with a learning disability will have their children removed from them. You also referred to other examples relating to the representation within the justice sphere of people with fetal alcohol spectrum disorder, and of impacts on educational and employment potential.

Contact: Equalities, Human Rights and Civil Justice Committee, The Scottish Parliament, Edinburgh, EH99 1SP.
Email EHRCJ.committee@parliament.scot. We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

Jacqueline Campbell referred to work being taken forward with People First and the Scottish Learning Disabilities Observatory to understand and draw out experiences of the removal of children from parents with learning disabilities, as an example of the specifics that will be explored.

The Committee would welcome updates on the various specific pieces of work that will be taken to address the particularly poor outcomes, and on the anticipated timescales.

Any additional public consultation

We discussed the reflections from our witnesses at the 26 November meeting about how burdensome, lengthy and complicated the consultation process was and whether there would be a need for a further consultation. We recognise that this will be further considered during your ongoing work with stakeholders including the three panels and would be grateful for an update once a decision has been made on the next steps in the process.

Gender-based violence

We heard that the proportion of women and girls with learning disabilities who are subject to gender-based violence is significant. As you noted, the understanding is that, “globally, around 90 per cent of women with learning disabilities will experience gender-based violence, and a huge proportion of them—68 per cent—will experience it before they turn 18. People with autistic traits are more likely to have experienced childhood sexual abuse and physical or emotional abuse compared with those who do not have those traits”.

You referred to the Delivering Equally Safe fund which provides “£38 million over two years to support projects that focus on early intervention, prevention and support”, which includes a specific commitment on gender-based violence against people with learning disabilities. You identified some of the areas in which the £38m is being allocated, including a steering group in partnership with People First and an action to, for example, strengthen people’s understanding of relationships, particularly in schools. You recognised there is a real vulnerability in this area and said there are a number of strands of work that are on-going. The Committee would welcome an update at key stages of these various strands of work as they develop.

Specifically, the Committee would be grateful to understand how you will measure success.

We also understand that disclosure checks for care workers are conducted at the point of recruitment. We are less clear, however, about what follow-up mechanism is in place to monitor the caring relationship and whether any such process is sufficiently robust. We would welcome any further information you are able to provide on this.

Annual health checks, delayed discharges and waiting times for assessments

We discussed in some detail the challenges across health boards, including: the lack of provision of annual health checks for people with learning disabilities, that is in spite of £4m of funding to health boards to deliver on that pledge; delayed discharges, as starkly highlighted by statistics released on 3 December showed that 85 out of 185 people in hospital were classified as delayed discharges, with 72 of those 85 having been in hospital for over six years; and the waiting times associated with accessing neurodivergence assessments and diagnosis, on which you noted that part of the rise (which can in some areas be a rise of 1500%) in seeking access to assessments could be attributed to a decrease in stigma.

We welcome your commitment to provide regular updates on these very significant issues and concerning figures.

Data

As you acknowledged during the evidence session, central to addressing the challenges identified above, is data including detailed disaggregated data. You identified this as a key piece of work that will be important to progress over the next couple of years.

The Committee is very keen to receive regular updates on work on gathering full, robust and disaggregated data and, within that, is keen to understand more fully how systems such as the dynamic support register might fit within this work.

Submission from People First

Further to these matters, I would draw your attention to this [supplementary submission received from People First on 3 December 2024](#). This was provided to the Committee in response to a couple of additional questions that were raised at our evidence session on 26 November which, at the time, they had not had an opportunity to fully consider and respond to. You will note that within this submission are questions directed to the Scottish Government and we will be grateful to receive your response to those questions.

Yours sincerely

Karen Adam MSP
Convener