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Equalities, Human Rights and Justice Committee
The Scottish Parliament
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18 March 2025

Dear Convener,

Petition PE1787: The use of Makaton sign language in the legal system

On 24 February 2025 you wrote to the Minister for Equalities seeking an update on the issues raised in Petition PE1787..

As referred to in your letter, an update from officials was provided to the Committee in April 2024. This set out measures the Scottish Government is taking and planning to address the communications issues raised by the Petition. Measures explained included:

- The Appropriate Adults Scheme.
- The publication of an accessible Letter of Rights.
- The Public Sector Equality Duty.
- Human Rights Bill for Scotland
- The consultation to inform the Learning Disability, Autism and Neurodivergence (LDAN) Bill

You have asked for a further update particularly in the light of the two Bills not progressing in the last 12 months.

Appropriate Adult Scheme

In our response in April 2024 we advised that a review and assessment of Appropriate Adults and independent advocacy was being undertaken in response to the recommendation 5.1 of the Scott Review which was outlined in that response. .We continue to be involved in discussions with partner organisations in the delivery of Appropriate Adults services to agree a data set to inform a review. The National Oversight Group met on 3 March for the first time this year and discussed progressing the work to collectively agree a data set and identify a

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suitable data platform. Collectively, that Group recognise the importance of robust data to inform an understanding of how the service is used and how important it is to build a consensus on what that data set looks like. We anticipate developing the detail of our approach with partners in the coming months to underpin our work on this. We are also in the process of updating the statutory guidance document for Local Authorities and hope to publish it in the coming months.

Letter of rights

The update provided to the Committee in April 2024 confirmed that the [Letter of Rights](#) was published on our website in April 2023.

Public Sector Equality Duty

The update provided to the Committee in April 2024 explained the Scottish Government is taking a phased approach to improving how the Public Sector Equality Duty (PSED) operates in Scotland.

As announced by the Minister for Equalities in August 2024, we are focusing on enhancing public authorities' understanding and use of inclusive communication through the procurement and dissemination of new guidance, tools, and training which we intend to roll out this summer.

The guidance, tools and training will reflect the lived and living experiences of people with diverse communication needs. The people leading on these developments include a Speech and Language Therapist and six Co-Producers (to be appointed), to include people who have sensory loss or have a learning disability and who have experienced communication exclusion

Human Rights Bill for Scotland

The Scottish Government is committed to protecting, promoting and advancing human rights in Scotland. This includes work to progress our incorporation agenda, which seeks to build on the range of rights already in law by embedding further international standards. We will use the remainder of the session to work collaboratively with stakeholders to further develop and strengthen proposals for the Human Rights Bill, with the intention of taking forward legislation in the next Parliamentary session.

We are developing a suitable product that we could share externally which would help to outline our thinking on the Bill overall to date, to support constructive engagement with a range of stakeholders. We want to use this to build on the vital input and important work of civil society, public bodies and rights-holders that has helped move proposals to this point in time. As part of this, we want to continue to test and refine proposals to ensure that a future Bill can achieve what we want it to – and what rights-holders need it to.

We will also continue to develop and deliver a number of activities aimed at embedding human rights awareness and practices in our public services, preparing for eventual Bill introduction and commencement. While development of the Bill continues, we will work with

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civil society and those delivering public services to advance human rights – both now and to lay the groundwork for future duties to be effectively implemented.

In particular, we want to progress actions that help to build the capability of the public sector to increasingly embed rights in everything we do. We are also working on the development of an accessible tracker tool to monitor and support the implementation of international treaty body recommendations. This will include work on the actions that were identified in the development of Scotland's Second National Action Plan on Human Rights, which provide a path for us to follow in developing the human rights culture in Scotland that we all desire. We will take this forward in a way that recognises the human rights of women, disabled people and people experiencing racism as protected by the international treaties, complementing our wider work to embed equality in all we do.

LDAN Bill

The public consultation closed in April 2024 and received nearly 900 responses during the four months that it was open. This demonstrates the relevance and importance of this legislation for the people of Scotland. It was clear from the consultation analysis that there is overwhelming support for the broad principles and proposals for the LDAN Bill. It is our intention to continue working closely with stakeholders, including the Lived Experience Advisory Panel (LEAP) to refine proposals for the Bill, including those around the justice and inclusive communications topics, ahead of publication of the draft provisions.

The Programme for Government, published on 04 September 2024, committed that we will publish draft provisions for a Learning Disabilities, Autism and Neurodivergence (LDAN) Bill.

In the meantime we are funding the SOLD Network (“Supporting Offenders with a Learning Disability”) to produce a set of principles that can be applied to people with a communication support need within the justice system. As part of this we will consider the use of Makaton alongside other tools for ensuring the accessibility of communication.

As stated in the previous updates provided to the Committee, we are committed to taking a person centred approach in terms of meeting the communication needs of those coming into contact with the justice system ensuring the most appropriate communication support is available to everyone who needs it, at a level that reflects the needs of the individual, and at the most appropriate point for anyone engaged with the legal system in Scotland.

Yours sincerely,

ANGELA CONSTANCE

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