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Clare Haughey MSP
Convener
Scottish Parliament
Health, Social Care and Sport Committee
Hscs.committee@parliament.scot

4 September 2024

Dear Convener

I am writing to inform you of the next steps that we will be taking to develop the proposed Learning Disabilities, Autism and Neurodivergence (LDAN) Bill.

I am pleased to advise that the final consultation analysis report has now been published and is available [here](#). With nearly 900 responses the consultation demonstrates the Bill's importance to many people and organisations across Scotland, and indeed the need for change. We continue to carefully consider all of the consultation responses alongside the analysis report to help shape our policy for the Bill.

With regards to the next steps for the Bill's development, you will be aware that the Scottish Government's Programme for Government (PfG) 2024-25 was published today announcing our key priorities between now and September 2025. The Legislative Programme section notes our commitment to continuing to develop proposals for the Bill and that we will publish draft Bill provisions. It is our intention to publish these provisions in order to seek people's views on our finalised proposals and how the legislation will be framed.

I know that some stakeholders are likely to feel disappointed at this news. I would like to provide you and Committee Members with more information about next steps.

I believe, and it is clearly evidenced, that much more needs to be done to better ensure equality for, and the protection of the rights of, people with learning disabilities and neurodivergent people. I am eager that we make the progress that is needed. However, it is also clear from the consultation analysis that there remain strong and diverse views on some key issues which we need to continue to work through before making final decisions. The LDAN Bill is also developing in an evolving landscape with the proposed Human Rights Bill and the National Care Service (Scotland) Bill, as well as any recommendations from the Scottish Parliament's Inquiry into the Commissioner Landscape in Scotland. I have therefore concluded that the best approach is to further refine our proposals and publish draft Bill provisions.

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We will develop the draft Bill provisions taking account of the wealth of additional insights and intelligence gathered from the consultation and thereafter publish and invite views on those. We will also continue to take a human rights-based approach with the three Bill Advisory Panels continuing to guide and influence our work, with lived experience being at the heart of our process.

As you will know, draft Bill provisions are not commonly published for views, with the final content and wording of a Bill not usually being available until it is introduced in Parliament. However, given that the consultation proposed a variety of measures, and alternative options in some instances, I believe this approach will enhance openness and transparency in our process and provide additional opportunities for input and collaboration on the Bill's more refined and finalised proposals.

The consultation analysis report also notes that the length and detail of the consultation document meant that some respondents were not able to comment on all of the proposals within the four-month consultation period. Instead, some respondents chose to focus on the sections that had been most important to them. Some respondents were concerned that valuable feedback could therefore be missing. In light of this feedback, it is our intention to provide a longer period of time for people to provide their views on the draft Bill provisions.

Whilst the LDAN Bill presents a unique and world-leading opportunity to help create a society where being neurodivergent or having a learning disability is as accepted as being neurotypical, legislation in and of itself is not enough to make the changes that are needed. In the meantime, therefore, we continue to prioritise other vital work in partnership with COSLA and local authorities, the NHS, other agencies and the third sector. This includes:

- Continuing the roll out of annual health checks for people over 16 with a learning disability, whilst exploring opportunities to introduce these in additional settings such as the State Hospital and prisons.
- A national launch of the lived experience resources created to support people with learning disabilities and autistic people to gain better access to supports and services within health and mental health settings. This will include a period of promotion across health and social care services to raise awareness of the resources and to support professionals to understand and be aware of these and their professional roles in improving practice and outcomes.
- Continued action towards supporting implementation of the recommendations from the Adult Neurodevelopmental Pathways report, accepted by the Scottish Government in full.
- The Autism Adult Support Fund continues to fund 14 organisations in the financial year 2024/25 with an additional 15 organisations receiving financial support via Inspiring Scotland for Adult Autism Support.
- With regards to our work on Coming Home relating to delayed discharges and out of area placements:

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- Healthcare Improvement Scotland (HIS) will continue to progress the Practitioner Support Network. An expert reference group has been established and the network is due to launch in October.
- Public Health Scotland will continue to collect and publish data from the Dynamic Support Registers.
- We have established a working group focused on improving Learning Disability, Mental Health, and Adults with Incapacity delays to discharge. Meeting weekly, it is chaired by a Chief Social Work Officer and the Scottish Government's Associate Chief Nursing Officer.
- The working group aims to deliver short, medium and long term improvements, reporting to the Cabinet Secretary for Health and Social Care and Councillor Kelly, COSLA's Health and Social Care Spokesperson, on a weekly basis.

I hope that this information is helpful.

Kind regards



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

Copied to:-

Audrey Nicoll MSP, Convener, Criminal Justice Committee,
 Karen Adam MSP, Convener, Equalities, Human Rights and Civil Justice Committee,
 Kenneth Gibson MSP, Convener, Finance and Public Administration Committee,
 Sue Webber MSP, Convener, Education, Children and Young People Committee
 Ariane Burgess MSP, Convener, Local Government, Housing and Planning Committee
 Edward Mountain MSP, Convener, Net Zero, Energy and Transport Committee
 Collette Stevenson, MSP, Convener, Social Justice and Social Security Committee

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