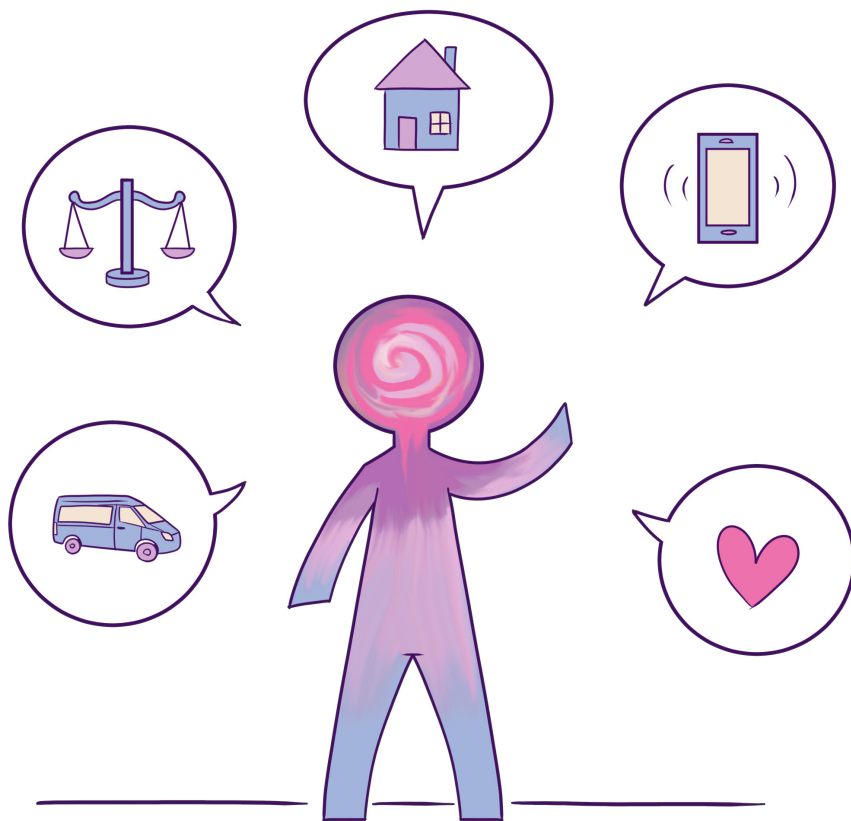


Learning Disabilities, Autism and Neurodivergence Bill: **Reach of the Bill and Definitions**



Learning Disabilities, Autism and Neurodivergence (LDAN) Bill

Reach of the Bill and Definitions



Easy Read



A **Bill** is a proposed new law.



A **Bill** is voted on in Parliament to become law.



A **Bill** has to say who it will apply to.



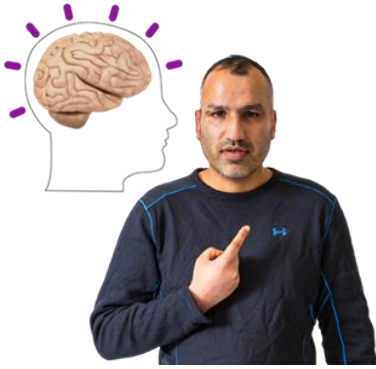
Saying who the Bill applies to is called the **Reach of the Bill**.



In the UK, people with disabilities, including **neurodivergent** people and people with learning disabilities, are protected against discrimination by the **Equality Act**.



The word **neurodivergent** is given to anyone whose brain works differently from what is considered normal.



Neurodivergence is a word used to describe someone who is neurodivergent.



Many neurodivergent people and people with learning disabilities say that they do not receive good enough support and protection from discrimination with the Equality Act.

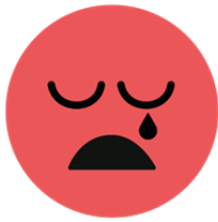


There are some laws to help some groups of neurodivergent people and people with learning disabilities for England and Wales only.

These laws include the Autism Act 2009 and Down Syndrome Act 2022.



Some definitions that are used in Scottish law may give a poor impression of neurodivergent people and people with learning disabilities.



An example is the Mental Health (Care and Treatment) (Scotland) Act 2003 lists 'learning disability' under its definition of 'mental disorder'.



This has led to people with learning disabilities being wrongly detained in medical units for people with mental disorders.



In 2019, there was an independent review on Learning Disability and Autism in Mental Health. This report was called the **Rome Review**.



The **Rome Review** said that learning disability should be removed from mental health law in Scotland, because it is not a mental health disorder.



The Mental Health Law Review Scotland said that the Mental Health Act should still include people with learning disabilities and autism.



The Scottish Government would like to have new legal definitions of terms such as Autism, Learning Disabilities and Down's Syndrome under Scottish law.

What have the Scottish Government heard?



The Scottish Government have held meetings with people who have lived experience of neurodivergence and learning disabilities to get their opinion.



Many people thought the Bill should be for all neurodivergent people and people with learning disabilities.



Most people thought the Bill should be for neurodivergent people with or without an official neurodivergence diagnosis.



Most people liked the terms 'neurodiversity' and 'neurodivergence'.



Some people with learning disabilities said they did not think the terms 'neurodiversity' and 'neurodivergence' applied to them.



People with learning disabilities thought we should say neurodivergent people and people with learning disabilities when we talk about who this Bill is for.

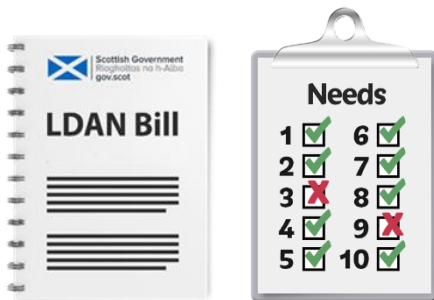
What does the Lived Experience Advisory Panel (LEAP) think?



The **Lived Experience Advisory Panel (LEAP)** is a group made up of neurodivergent people and people with learning disabilities to help advise the Scottish Government on this Consultation.



LEAP thought the term neurodivergence was a good term for many people, though people with learning disabilities did not see themselves in this term.



LEAP thought the Bill will not help many people if it only covers a few conditions. They said naming all the conditions the Bill should help would be better.



They thought the term Down's Syndrome should not be defined separately to learning disabilities.



People with Down's Syndrome are part of a bigger group of people who have a learning disability.



LEAP said we should talk about people in a way that shows what they can do, not what they cannot do.



LEAP thought we should also talk about the problems that stop neurodivergent people and people with learning disabilities from doing things.

Problems that get in the way of doing things are often called 'barriers'.



They thought the Bill should say clearly that it is for people with Down's Syndrome and people with Profound and Multiple Learning Disabilities (PMLD).

Where does the Scottish Government want to get to?



The Scottish Government want neurodivergent people and people with learning disabilities to be more visible in society.



The Scottish Government want the Bill to help neurodivergent people and people with learning disabilities to be seen more positively and treated better.



The Scottish Government want everyone to know who this Bill applies to.



The Scottish Government wants people without an official diagnosis of neurodivergence to know how this Bill could help them.



The Scottish Government wants everyone who provides a service or supports neurodivergent people and people with learning disabilities to know what the Bill says and what they have to do.

What definitions already exist?



A **definition** is important because it gives meaning to a word or term such as autism or learning disabilities.



Only the **Equality Act** gives legal definitions of different types of disability.



Other definitions are widely used though are not recognised in law.



The Scottish Government have used many definitions for neurodivergent people and people with learning disabilities which are not set in law.



Scottish Government
Riaghaltas na h-Alba

The Scottish Government's The keys to life Strategy defines learning disability as:



“a significant, lifelong, condition that started before adulthood, which affected their development, and which means they need help to:



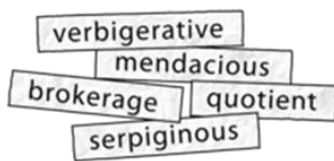
**The keys
to life**

- understand information
- learn skills
- and cope independently.”

The National Autism Implementation Team identified neurodivergence as:



Cognitive (brain) functions that fall outside of what is seen by society to be 'normal.'



Cognitive means being able to think.



There are medical definitions of learning disabilities and autism though these are also not set in law.

What can the Scottish Government do about it?



The Scottish Government think there are 3 different options for the new Learning Disabilities, Autism and Neurodivergence (LDAN) Bill.

1

Option 1: People who are Neurodiverse and Neurodiverse People.

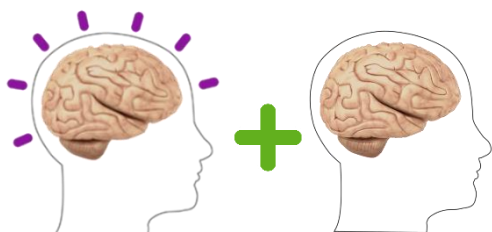


The word 'Neurodiversity' describes everyone, not just one person or a certain group of people.



Society is neurodiverse.

Society includes people who think in many ways.



The word neurodiverse would also cover people who are “**neurotypical.**”



The word **Neurotypical** describes everyone whose brain develops and works in a similar way to most people.



Neurotypical people make up most people in society.



The Scottish Government think if they use the word neurodiverse in the Bill it will cover too many people.



The Scottish Government therefore do not think **Neurodiverse** is a good description to use in the Bill.



2

Option 2: 'People who are Neurodivergent and Neurodivergent People'

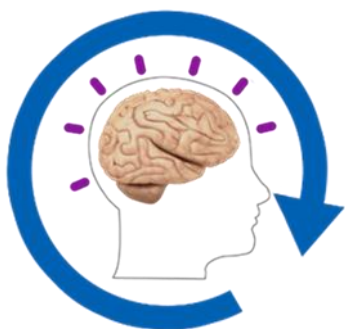


Neurodivergent is a word that would allow the Scottish Government to include a lot of people within the Bill.



Neurodivergent would include:

- People with learning disabilities
- Autistic people
- People with Down's Syndrome
- People with dyslexia
- People with dyspraxia
- People with attention deficit hyperactivity disorder (ADHD).



The Scottish Government think using neurodivergent as a wider term could be a positive step towards reducing discrimination and helping more disadvantaged groups.



Using neurodivergent in the Bill could also include people with **Acquired Brain Injuries**.



Acquired Brain Injury describes any type of brain damage that happens after birth.



The Scottish Government do not plan for this Bill to include people with **Acquired Brain Injury** or some other conditions such as Dementia.



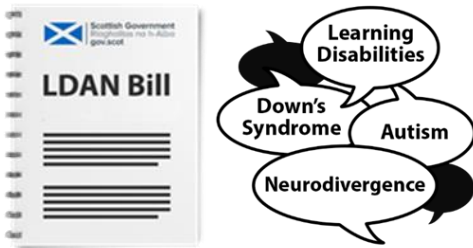
The Scottish Government need to think about how to better define who is neurodivergent in this Bill so it does not cover too many people.



Option 3: Highlighting specific conditions only in the Bill



The Scottish Government could name different conditions in the Bill separately.



The Bill could name people with learning disabilities and autism as well as ADHD (attention deficit hyperactivity disorder). Other conditions could also be named and added to the Bill.



The Scottish Government think by naming groups of people, it would not cover everyone who could benefit from the Bill.



The Scottish Government think this option could be difficult because many neurodivergent people often have more than one condition.



Some people have said they think Down's Syndrome should be separate from learning disabilities in the language we use.

What do you think?

Questions

1. What do you think about it?

Good

Bad

Not sure

1. Which of these proposals do you agree with? Please tell us why.

Questions

1. What do you think about it?

Good

Bad

Not sure

2. Which of these proposals do you not agree with? Please tell us why.

Questions

1. What do you think about it?

Good

Bad

Not sure

3. Is there anything else that we should consider which is relevant to this topic?