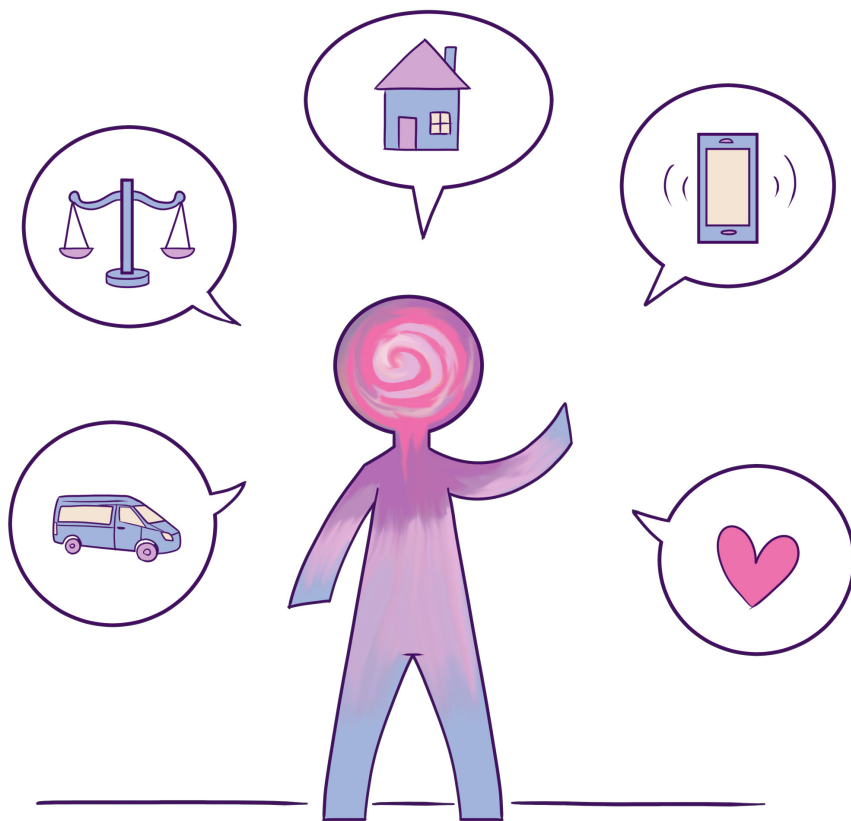


Learning Disabilities, Autism and Neurodivergence Bill: **Independent Advocacy**



Learning Disabilities, Autism and Neurodivergence (LDAN) Bill

Independent Advocacy



Easy Read



Independent advocacy can help people secure their human rights.



Advocacy means getting support from another person to help you express your views and wishes, and help you understand your rights.



Independent advocacy is a way for people's voice to be heard, and not being influenced by the views of others. It helps people have more control over their own lives.



An **independent advocate** can help neurodivergent people and people with learning disabilities when they are having problems with services and support.



An **independent advocate** is a person trained in independent advocacy to help you.

What have the Scottish Government heard?



The Scottish Government know neurodivergent people and people with learning disabilities often do not know what their rights are.



Neurodivergent people and people with learning disabilities can be unsure how to access their rights.



Neurodivergent people and people with learning disabilities can struggle to be heard.



Independent advocacy can help some people understand and access their rights.



The Scottish Government know neurodivergent people and people with learning disabilities want their rights to get independent advocacy.

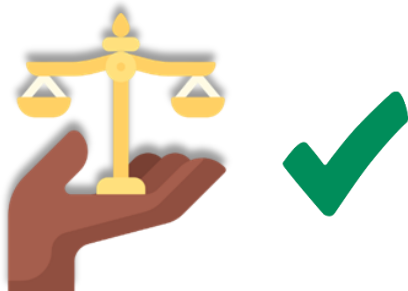


It should be easier for neurodivergent people and people with learning disabilities to get advocacy in Scotland.



Other things which are also important to understand and **uphold rights**:

- accessible communications
- complaints systems
- Workers who are trained in working with neurodivergent people and people with learning disabilities
- Access to legal services.

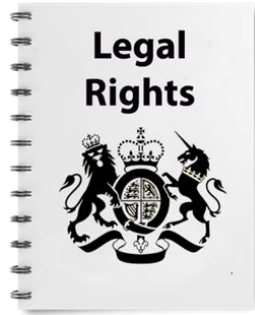


Uphold rights means to protect, respect and fulfil your rights.

What did 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.



The LEAP thought that a right to advocacy would help people secure other rights.



The LEAP said the Bill should give neurodivergent people and people with learning disabilities the right to advocacy in some areas.

Some examples are:



- Health and social care



- Education and training



- Employment



- Housing



The LEAP said that advocates should all have training in learning disability and autism awareness.



The LEAP said the type of advocacy should be individual advocacy and not collective advocacy.



LEAP said if there is going to be a Commissioner they should make sure that there is an advocacy service for neurodivergent people and people with learning disabilities.

Where do the Scottish Government want to get to?



The Scottish Government want neurodivergent people and people with learning disabilities to know what their rights are.



Accessible

The Scottish Government want neurodivergent people and people with learning disabilities to get all information in a way that is inclusive and accessible to them.



The Scottish Government want neurodivergent people and people with learning disabilities to get support from an independent advocate when they need it.



What rights do neurodivergent people and people with learning disabilities have now?



Neurodivergent people and people with learning disabilities have some **legal rights** to free independent advocacy in Scotland.



A **legal right** is a right under law.



Everyone who has a mental disorder under the Mental Health Act 2003 has the right to free independent advocacy.



In this law learning disability is defined as a mental disorder.



The law means people with learning disabilities already have a right to free independent advocacy, when they need it for any health or care issues.



The NHS and local councils have a **duty** to make sure people with learning disabilities have access to independent advocacy.



A **duty** is a law which says an organisation or group must do something.



Though people with learning disabilities have this right, it can be difficult to get an independent advocate.



The Scottish Government know there are not enough independent advocates available for all the people who need them.



Only around 1 out of every 20 people who have the right to independent advocacy use it.



This means around 19 people out of 20 who have the right to an independent advocate do not use it.



Example of **duties** in place for independent advocacy in Scotland include:



- A **duty** on local authorities to provide information about available advocacy services.



- A **duty** on Scottish Ministers (MSPs) to publish advocacy service standards.



Independent advocates are available to children and young people with **additional support needs** in school aged 12-15 under the “My rights, my say” plan.

Needs			
1	<input checked="" type="checkbox"/>	6	<input checked="" type="checkbox"/>
2	<input checked="" type="checkbox"/>	7	<input checked="" type="checkbox"/>
3	<input checked="" type="checkbox"/>	8	<input checked="" type="checkbox"/>
4	<input checked="" type="checkbox"/>	9	<input checked="" type="checkbox"/>
5	<input checked="" type="checkbox"/>	10	<input checked="" type="checkbox"/>



Additional support needs is when people need a bit more support to help them live a good life.

What can the Scottish Government do about it?



The Scottish Government is looking at how they can uphold peoples' rights through the availability of independent advocacy.



Some ways the Scottish Government could make more independent advocacy available is:



- The creation of a National Care Service.



- The Scottish Government response to the Scottish Mental Health Law Review.



The Scottish Government has the power to set rules about how independent advocacy should be provided by services offered by the National Care Service.



The Scottish Government will work with the Scottish Independent Advocacy Alliance, other organisations and people with lived experience to look at how best to provide independent advocacy.



The Scottish Government want to involve people with lived experience to help them make advocacy work better for everyone who needs it.



Independent advocacy is included in work all across the Scottish Government.



The Scottish Government will make sure that this work includes the rights of neurodivergent people and people with learning disabilities.



The Scottish Government are not thinking about adding a general right to independent advocacy for neurodivergent people and people with learning disabilities in this Bill.



How the Scottish Government **legislate** for advocacy for people with learning disabilities will depend on the changes made to mental health legislation.



This includes whether having a learning disability remains within the definition of mental disorder.



Legislate means changing a law or making a new law.

What can the Learning Disabilities, Autism and Neurodivergence (LDAN) Bill do about it?



The Scottish Government could add a power in the Bill that says how independent advocacy is provided to neurodivergent people and people with learning disabilities.



The Scottish Government will also look at how to improve access to independent advocacy.



The Bill could place a duty on public organisations to make sure that all neurodivergent people and people with learning disabilities have the right information about independent advocacy.



This would include information about how neurodivergent people and people with learning disabilities can choose and appoint their own advocate to support them.



The Scottish Government could see if the Bill could give some legal rights for free independent advocacy in certain situations.



For example, where neurodivergent people and people with learning disabilities are reporting gender-based violence, or when they are trying to get a house.

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?