

Learning Disabilities, Autism and Neurodivergence Bill: **Facilitator guide**



December 2023

Learning Disabilities, Autism and Neurodivergence Bill: Consultation

Facilitator Guide

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LDAN Bill – Consultation Facilitator’s Guide

Who is the pack for?

This pack intends to help people who are hosting a meeting or conversation to discuss the LDAN Bill consultation. It provides an overview of the consultation and potential questions for facilitation. If you require any further information or guidance, please get in touch with us at LDAN.Bill@gov.scot.

The following materials may be useful to those organising an event about the LDAN Bill and seeking to facilitate engagement with the consultation.

The full consultation

The full consultation document can be found [here](#). The purpose of the full consultation document is to allow people to learn about our proposals and tell us what they think so it can inform how we develop the Bill. Respondents can complete the consultation online [here](#).

The consultation guide

The consultation short guide can be found [here](#). The short guide sets out a plain-English overview of the LDAN Bill and intends to help participants understand the broad purpose of the Bill as they discuss each topic and answer the questions.

Alternative formats

The consultation document is also available in other formats [here](#):

- Easy Read documents addressing each section
- Audio files
- BSL video with subtitles
- Child-friendly guide and adult’s guide to support responses

You can also request paper copies of documents, and the respondent information and answer response form with the questions for your event. Please request these by email at LDAN.Bill@gov.scot

What to do after holding a session on the LDAN Bill Consultation

We welcome group discussions and events to talk about the LDAN Bill. Afterwards, to ensure your points are included as part of the consultation, you should aim to submit a group response online. Please add this to the online consultation [here](#).

If you are unable to use the online form you can use the downloadable respondent information form [here](#).

Any completed paper responses can be posted to:

FREEPOST – LDAN BILL

(simply put form in an envelope and add address above – 3 words – all in capital letters - to post your response free from any postage costs)

Or emailed to LDAN.Bill@gov.scot

ALL written responses MUST include a fully completed ‘About You’ section answering all questions marked with *.

To find out how we handle personal data, please see our privacy policy here: <https://www.gov.scot/privacy/>

Planning your meeting

As facilitator, we encourage you to build your meeting around the topics most relevant to your audience. We would welcome responses to any, or all, of our consultation questions. It may also be appropriate for you to focus on only the topics and questions most relevant to your group’s interests.

Format of meeting

A discussion meeting can be held online, in-person or a hybrid meeting which can accommodate both. Guidance is provided as follows for different types of sessions which you can follow to best suit your style of meeting.

Other helpful resources

This guide can be used to create presentations or provide context for discussions. If you require anything else, please email LDAN.Bill@gov.scot.

Guidance for conducting a meeting

As facilitator you may wish to formally chair your meeting. This means you will open and close the meeting, lead people through any information you want to share to support discussions, and help encourage your group to agree on things they would be happy to share as a group response to the consultation.

Guidance for online meetings

We have heard from other engagement work that there is a preference to use Zoom as an online meeting platform as this is most familiar to participants. Share your Zoom meeting link in an email as well as calendar invites (if being used) as not everyone uses electronic calendars.

Beginning of session

- The Chair should introduce themselves and open the session by welcoming everyone and thanking them for attending.
- Introduce any interpreters or other people supporting the meeting.
- Check if anyone has any particular requirements that could make the meeting more accessible and easier for people to participate. For example, written prompts in the chat can be useful and use of closed captioning where possible.
- Schedule a break if the session is any longer than one hour – make sure everyone knows when the breaks are and give a clear return time for when people should rejoin the meeting.
- Acknowledge the challenges of holding an event online: possible IT glitches and pauses between people speaking.
- Ask people joining the meeting to mute their microphones when they aren't speaking to reduce background noise.
- If you are planning to record the meeting you must tell people this in advance and give them the opportunity to put cameras off if they do not wish to be recorded, and provide an alternative way for them to comment on what they hear such as in the chat box.

Guidance on rules for discussion

- Use 'Raise Your Hand' options if available instead of interrupting the current speaker.
- If numbers are high and there is limited time for everyone to contribute, you could ask people to try to keep statements short so that everyone has a chance to be heard.
- Encourage people to post questions or comments in the chat box and make sure someone checks it throughout the meeting and can inform the wider group about what people are saying.
- Ask participants to be respectful of other peoples' views. You should acknowledge that the session may touch on topics that some may find difficult or sensitive to discuss – especially where participants are sharing their personal experiences. Ensure participants know that there is no obligation to discuss anything they don't want to share and that they can take breaks if they are finding the session difficult to cope with. Remind participants that if someone is sharing a personal experience, they are expected to be a kind and respectful listener.

Supporting documents or material

- You may wish to give time in your meeting to check that people have any documents or material you want to use to inform your discussion.
- You should always issue any such documents in advance of the meeting so that attendees have time to consider what will come up during the meeting and their responses.
- You may also wish to lead your group through the material before starting a discussion (or invite others to do this).
- Specifically you should present the group with consultation questions from the section(s) you wish to cover during your meeting.

Breakout rooms

- Where breakout rooms are being used, you will need to ask other people to be breakout room facilitators. They should keep a note of what is discussed and give feedback to the full group once the breakout session ends.

- You should be clear with participants how long the breakout discussion will last to ensure everyone gets a chance to speak and state when participants will return to the main room (most online meeting software can facilitate timed breakouts and then pull everyone back together).

Guidance for encouraging discussion

- It can be helpful if the speaker encourages discussion by using open-ended questions:
 - Can I ask you to expand on that?
 - Does anyone else have a view on that?
 - Have you any examples of how that might work?
- You may also wish to ask anyone who has not had a chance to speak if they would like to do so before the meeting ends.
- You may wish to give time near the end of the meeting to summarise key conclusions of your discussion.
- At the end of the session, you may wish to thank everyone for their time and encourage them to let other people know about the consultation.

Guidance for in-person meetings

Instructions should be issued in advance of the meeting on how to get to the venue, its full address and if possible photos of the venue's exterior and the route to the meeting room inside.

Consideration should be given to the sensory aspects of the meeting room, such as: can lighting be adjusted if too bright, is it free from distracting noises and sounds, is the room fully accessible and are facilities like toilets accessible and nearby?

An additional quiet room should be booked or made available to allow people who may need this to go somewhere peaceful away from the main meeting.

Beginning of session

- The Chair should introduce themselves and welcome everyone

thanking them for their attendance.

- The Chair should announce any health and safety guidance about the venue at the start, such as any fire drills, noting the location of fire exits and assembly points, where the toilets are, where the quiet room is and importantly, to state that people should feel free to come and go or move around the room as they need to. Some people may use fidget gadgets - make everyone aware that this may happen and people are welcome to use these.
- The Chair may wish to ask that mobile phones are silenced, but it should be noted that some neurodivergent participants may wish to text their views rather than speak in front of everyone. An app for sharing comments (such as Slido) could be used.
- Make sure you schedule a break if the session is any longer than one hour – make sure everyone knows when the breaks are and give a clear return time for people to rejoin the meeting.

Guidance of rules for discussion

- Participants should signal they wish to speak instead of interrupting the current speaker.
- You may wish to distribute coloured cards to show when people wish to speak or when they do not wish to speak or interact.
- If numbers are high and there is limited time for everyone to contribute, you could ask participants to try to keep statements short so that everyone has a chance to be heard.
- Ask participants to be respectful of other people's views. You may wish to acknowledge that the session may touch on some topics that some may find difficult or sensitive to discuss – especially where participants may be sharing their personal experiences . Ensure participants know that there is no obligation to discuss anything they don't want to share and that they can take breaks if they are finding the session difficult to cope with. Remind participants that if someone is sharing a personal experience, it is helpful to be a kind and respectful.

Supporting documents or material

- You may wish to display information as slides on a screen. You will

wish to ensure you have booked the necessary audio/visual equipment.

- You will have shared documents in advance of the meeting so that attendees have time to consider what will come up and how they will respond.
- You may also wish to lead your group through the material before starting a discussion (or invite others to do this).
- Present the group with consultation questions from the section(s) you wish to cover in your meeting.

Breakout rooms and smaller group discussions

- Where breakout rooms are being used, you will need to ask other people to be breakout room facilitators. They should keep a note of what is discussed and give feedback to the full room once the breakout session ends.
- Where smaller group (or table) discussions are being used you will also need other people to be group facilitators who can keep a note of what is discussed and give feedback to the full room once the group/table discussion ends.

Guidance for encouraging discussion

- During the discussion, it can be helpful if the speaker encourages discussion by using open-ended questions:
 - Can I ask you to expand on that?
 - Does anyone else have a view on that?
 - Have you any examples of how that might work?
- You may also wish to ask anyone who has not had a chance to speak if they would like to do so before the meeting ends.
- You may wish to give time near the end of the meeting to summarise key conclusions of your discussion.
- At the end of the session, you may wish to thank everyone for their time and encourage them to let other people know about the consultation.

Guidance for hybrid meetings

This is a combination of online attendance and in-person attendance. The key to a successful hybrid meeting is using good video conferencing technology and ensuring that people who are online feel a part of the meeting although they are only there virtually.

You will want to use a combination of recommendations set out in the online and in-person guidance above.

Submitting a response to the consultation

- If your group plans to submit a joint response to the consultation, you should give time to ensure everyone agrees on the points from the discussion that should form the basis for the response.
- You may wish to remind people that they are free to submit individual responses to the consultation. We welcome their responses on the consultation document [here](#) or if they are unable to navigate the online questionnaire, they can respond by email to: LDAN.Bill@gov.scot.
- Paper copies of the questions can be downloaded [here](#) and posted to:

FREEPOST – LDAN BILL

(simply put form in an envelope and add address above – 3 words – all in capital letters - to post your response free from any postage costs)

LDAN Bill - what is being proposed?

People with learning disabilities and neurodivergent people can be amongst the most vulnerable and disadvantaged in our society. The objectives of this Bill are to better protect, respect and champion the rights of these groups, to build a fairer Scotland for everyone.

From the available data, we estimate that 10-15% of the population are neurodivergent or have learning disabilities. Neurodivergence is a term that is being used more and more but is not set out in law. There is also not universal agreement to the people and conditions covered by it. We know that there are different views and wish to be as respectful and as inclusive as possible. When speaking of neurodivergence, we use identity-first language such as 'neurodivergent person' and when speaking of learning disabilities, we use person-first language such as 'people with learning disabilities' as these terms were preferred by the majority of such people with whom we interacted during our scoping work for the Bill.

When we use 'neurodivergent people' this refers generally to: people with learning difficulties such as dyslexia, autistic people, and a wide variety of people who have Attention Deficit Hyperactivity Disorder (ADHD), Fetal Alcohol Spectrum Disorder (FASD), and other conditions.

We know that not everyone is comfortable with the word neurodivergence. Some people with learning disabilities have particularly told us this. That is why we use the term 'neurodivergent people and people with learning disabilities' throughout this paper. This term should also be understood as referring to all age groups, including children and young people as well as adults.

Some examples of the disadvantage and inequalities faced by these groups include:

- People with learning disabilities die on average 20 years earlier than the rest of the population, which is largely preventable;
- Autistic people die on average 16 years earlier than the rest of the population and are 9 times more likely to die by suicide;
- People with ADHD are five times more likely to attempt suicide, which rises to 1 in 4 for women with ADHD;
- People with FASD who are not diagnosed early in life have an estimated life expectancy of 34 years;
- Global rates of gender-based violence suggest that 90% of women with learning disabilities have been subjected to sexual abuse;

- People with learning disabilities and neurodivergent people are drastically less likely to be in employment, even compared to wider disabilities groups; and,
- many people with learning disabilities and autistic people have experienced bullying, discrimination and harassment at much higher rates than the rest of the population.

Many people have more than one condition.

The proposals in the paper have been developed with three panels including the Lived Experience Advisory Panel (LEAP) comprising of 25 people with lived experience of neurodivergence and learning disabilities. You will see their comments throughout the consultation document.

This work fits with other work the Scottish Government is taking forward including: the incorporation of UN human rights treaties into Scots law within the limits of devolved competence (including the Human Rights Bill and the UNCRC (Incorporation) (Scotland) Bill), the establishment of a National Care Service, the Mental Health and Capacity Law Reform Programme, and the Public Sector Equality Duty Review.

There are some key categories within the consultation that you are being asked to comment on:

- Who should be included in the scope of the Bill? Options are provided. The Scottish Government and LEAP want this to be about all neurodivergent people and people with learning disabilities;
- Overarching key themes – there are proposals around statutory strategies, mandatory training, inclusive communications, data and independent advocacy;
- Specific themes – there are proposals dealing with many specific areas of life like education, justice, housing, transport and others, that you might be interested in;
- Accountability – there are proposals on improving accountability including a new commission/commissioner and several other options.

The Scottish Government and LEAP see this Bill as a unique opportunity to really make change happen. The consultation looks at all ages and areas of life. There may be things that you think are missing – you can provide your views on that too as part of this consultation exercise.

The more people who provide their views the better as this will help up to

understand what is important to you, and inform our thinking on what to do next.

We look forward to hearing what you have to say and learning from your experiences.

What to do next - responding to the consultation

We hope you will respond to this consultation after participating/holding a session about the LDAN Bill.

Responses to the consultation must be received by **Sunday 21st April 2024**.

You may only answer the questions or sections you find most relevant to your event or group. We encourage you to submit a response, regardless of how many questions you choose to answer.

Respond online:

Responses to this consultation should be submitted using the Scottish Government's consultation hub, Citizen Space. Access and respond to this consultation online [here](#).

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted by 10pm on the closing date of 21 April 2024.

Responding in writing:

If you are unable to respond online, please complete the Respondent Information Form. Pages 1 to 4 of this form must be completed where you are replying as an organisations or supporting individual responses. The remainder of this document allows for responses to each of the consultation questions for each of the sections. You do not have to complete all sections (except the About You on pages 1-4).

Once you have completed the form, you can send it to us by email at LDAN.Bill@gov.scot or post to us free of charge at: FREEPOST LDAN BILL (all capitals).

You can also submit a response in any written format so long as you

provide answers to the About You questions in pages 1-4 of the respondent information form and follow the flow of the questions, answering the questions as they are set out. Email this to LDAN.Bill@gov.scot or post to us free of charge at: FREEPOST LDAN BILL (all capitals).

Responding by audio or video:

You are welcome to submit a response in an audio clip, video, or BSL video file – please email these to LDAN.Bill@gov.scot.

As part of your response, you must include answers to the About You questions in pages 1-4 of the respondent information form so that we can accept your response. Please always supply a way to contact you so we can reach you if anything is missing and so that your responses can be accepted.

Handling your response

If you respond online using Citizen Space, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will not publish it.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise. However, we would never disclose any personal information.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered. Responses will be published where we have been given permission to do

so. An analysis report will be made available approximately 6 months following the end of the consultation.

Comments and complaints

If you have any comments about how this consultation exercise or wish to make a complaint, please visit: [Make a complaint - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.