

**Forces Children Scotland supports children and young people from serving personnel, reservist and veteran families to reach their potential and thrive. We achieve this by working collaboratively across sectors to drive improvements which reflect and support the unique challenges they face. We amplify their voices, ensuring they are heard and influence the development of policy and practice.**

## **Part 1: Reach and Definitions: who should the Bill Include?**

### **1. Which of the proposals do you agree with? Please tell us why.**

We believe this bill must cover those who may not have an official diagnosis for it to align with the social model. It is also important that those awaiting diagnosis or those who have challenges accessing assessment are not forgotten in this bill. This is of particular importance to children and young people from armed forces and veteran families as they frequently move, and this may cause a delay in assessments. They should not lose out on anything in this bill due to not having an official diagnosis.

*“When I lived in England I was getting tested for dyslexia - I was around 4 or 5 years old. Then we moved to Scotland - information was lost and I was only diagnosed at the end of P7. Then they forgot about it in high school - no support when I moved up here”*

Children and young people should receive support even if there is no official diagnosis. Some wait years and it will add additional pressure if they cannot access support until a diagnosis.

*“Stress of waitlists especially for autism and ADHD”*

Nothing in this bill looks at the issue of waiting lists for diagnosis and how the Scottish Government can work to tackle this. Without addressing this, those without a diagnosis may continue to struggle if the bill only assists those with a diagnosis.

This bill is an opportunity to legislate for maximum waiting times for assessment specifically for children and young people. Some are waiting well over two years for an assessment, and this delay can cause frustration for children, young people and their families. Depending on the timing of the diagnosis, the waiting times can also have a significant negative effect on educational attainment due to a limitation on what supports can be put in place during formal assessments. This must be addressed within this bill if it is to be effective in tackling issues that concern those with a learning disability or who are neurodivergent.

We also consider that this bill is missing an opportunity to address the wider barriers to attainment for this group of children and young people. We acknowledge that improved communication methods and staff training will assist children in their education journey, however their ability to remain in education, employment or training post school requires the school environment, curriculum and assessment processes to be addressed. The preamble to the consultation says that the bill will take a social model approach. This requires barriers to participation to be addressed and as such does not go far enough in its ambitions. The Bill creates the potential to address some of the implementation gaps identified in the review of the Additional Support for Learning Act and other pertinent challenges currently in school education.

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

**3. Is there anything else that we should consider about the reach of the Bill?**

## **Part 2. Section 1: Statutory Strategies for Neurodivergence and Learning Disabilities**

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

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

**3. Is there anything else that we should consider about strategies?**

## **Section 2: Mandatory Training in the Public Sector**

**1. Do you agree with the proposal? Please tell us why.**

We do agree that mandatory training would give some benefits. However, this training must be coproduced as stated and be applicable to the sectors it is directed at. Co-production of the training about children and young people must involve neurodiverse children and young people in its development. It is not enough to hear from neurodiverse adults about what children may need.

Many of the professions mentioned are already struggling to keep up with training due to the high demands of their job, so they must be given specific time to do training and have this time protected. It would not be ideal to have this training be something that people can simply skip through quickly and it become a “tick box exercise”. To support the embedding of training, it needs to not be a one off but continuous and clearly linked to performance indicators. There need to be clear measurable outcomes and feedback loops developed to ensure the training is delivering the desired effect.

**2. Do you not agree with the proposal? Please tell us why.**

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### 3. Is there anything else that we should consider about Mandatory training?

## Section 3: Inclusive Communications

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

We agree that communications should be inclusive for those with a learning disability or are neurodiverse. However, these communications should be available to anyone upon request, regardless of why they require them.

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

### 3. Is there anything else that we should consider about Inclusive communications?

## Section 4: Data

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

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

### 3. Is there anything else that we should consider about Data?

## Section 5: Independent Advocacy

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

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

### 3. Is there anything else that we should consider about Independence advocacy?

## Section 1: Health and Wellbeing

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

We agree that the proposed solutions would be helpful, especially the Patient Passport. We do not think that these passports should be limited to those with Learning Disabilities or who are neurodiverse. We believe that they should be available to all who think they would benefit from them. For example, we would encourage the use of these passports across local authorities in Scotland for children and young people from armed forces families as they may be moving around frequently and have gaps in their healthcare due to difficulties in accessing GPs and other healthcare

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professionals. This would help families feel assured that everything is transferred easily and quickly so as not to delay any treatment or support required.

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

**3. Is there anything else that we should consider about Health and wellbeing?**

## **Section 2: Mental Health and Capacity Law**

**1. Do you agree with the proposal? Please tell us why.**

## **Section 4: Housing and Independent Living**

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

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

**3. Is there anything else that we should consider about Housing and Independent living?**

## **Section 5: Complex Care – Coming Home**

Should there be a statutory duty upon the relevant public body or bodies to hold a Dynamic Support Register? For example Health Boards or Local Authorities,

Proposal 1  Yes  No

Please tell us more?

Which of the options for the National Support Panel do you think has the most benefits?

Proposal 2.  Option A  Option B  Option C

Please tell us more?

Are there any other options that you think we should consider?

## **Section 6: Relationships**

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

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

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**3. Is there anything else that we should consider about Relationships?**

### **Section 7: Access to Technology**

- 1. Which of the proposals do you agree with? Please tell us why.**
- 2. Which of the proposals do you not agree with? Please tell us why.**
- 3. Is there anything else that we should consider about access to technology?**

### **Section 8: Employment**

**Do you agree with the proposal? Please tell us more.**

### **Section 9: Social Security**

- 1. Which of the proposals do you agree with? Please tell us why.**
- 2. Which of the proposals do you not agree with? Please tell us why.**
- 3. Is there anything else that we should consider about Social security?**

### **Section 10: Justice**

- 1. Which of the proposals do you agree with? Please tell us why.**
- 2. Which of the proposals do you not agree with? Please tell us why.**
- 3. Is there anything else that we should consider about Justice?**

### **Section 11: Restraint and Seclusion**

**Do you agree with the proposal? Please tell us more.**

### **Section 12: Transport**

- 1. Which of the proposals do you agree with? Please tell us why.**
- 2. Which of the proposals do you not agree with? Please tell us why.**

### 3. Is there anything else that we should consider about Transport?

#### Section 13: Education

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

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

##### 3. Is there anything else that we should consider about Education?

Whilst we support all the proposals, this does not go far enough for children and young people with learning disabilities or who are neurodiverse. Within the paper it recognises one of the key issues with the Additional Support for Learning legislation is not the policy itself, but the implementation gap. This bill does not address this problem so this group of children and young people will continue to not receive the support they need to thrive in education. Furthermore, we are concerned as we do not believe that the current Additional Support for Learning Legislation is compatible with the United Nations Convention on the Rights of the Child (UNCRC). Reliance on the current legislation means that those with a learning disability or who are neurodiverse may not have their rights fully upheld under the UNCRC. The bill must look to increase support for young people and add additional rights to advocacy for children and young people of all ages when it comes to ASL legislation.

*“It took a long time for teachers to realise and listen to me when I talked about my worries it took thirteen years for my skills to realise I have dyslexia and for me to get tested for dyscalculia”*

The quote above illustrates the issues that persist in education despite Additional Support for Learning legislation. Children and young people are not receiving the support they have been promised by law promptly, which in turn may affect their education and lifelong outcomes. Children and young people from armed forces families are even identified in the Additional Support for Learning Guidance, yet we hear time and time again they are failing to be supported.

*“When I lived in England I was getting tested for dyslexia - I was around 4 or 5 years old. Then we moved to Scotland - information was lost and I was only diagnosed at the end of P7. Then they forgot about it in high school - no support when I moved up here”*

The school environment may impact children and young people with learning disabilities or who are neurodiverse. This bill is an opportunity to legislate to make changes to the physical school environment so that it benefits those who are neurodiverse. Changes to how we learn, and qualifications are also vital so that education is as inclusive as the Scottish Government aims for it to be. These changes would allow for higher levels of attainment and a more positive learning



experience for those who have learning disabilities or who are neurodiverse leading to better outcomes and destinations as adults.

## Section 14: Children and Young people – Transitions to Adulthood

**1. Do you agree with this proposal? Please tell us why.**

**2. Do you not agree with this proposal? Please tell us why.**

This proposal does not do anything to assist young people in their transition to adulthood. As we know, many children and young people from armed forces and veteran families have experienced many different transitions and it can be a difficult time. This bill does not do much to improve this. We would encourage the Scottish Government to take a closer and more urgent look at transitions and how it can support those with learning disabilities and who are neurodivergent to achieve better outcomes in their adulthood.

**3. Is there anything else that we should consider about Children and young people: Transitions to adulthood?**

### Part 4: Accountability

**1. Which of the 5 options do you think would best protect, respect and champion the rights of neurodivergent people and people with learning disabilities?**

You can choose more than one option if you like. Option 1  Option 2  Option 3  Option 4   
Option 5

**2. Please give the reason for your choice or choices**

We do not support the creation of a new commissioner. The commissioner space is already crowded, and the creation of further commissions runs the risk that further gaps are created rather than more people protected. We believe this group's needs are well covered by the roles of the Scottish Human Rights Commission and the Children and Young People's Commissioner for Scotland and would be better served by further resourcing of these roles rather than the financing of a new role and associated staff.

We further support the use of Champions and Advocates within public bodies, better resourcing for existing organisations, particularly those in the third sector and the supporting of good practice through the co-production of standards, guidance and practical tools. We do not think that the choice needs to be an either or. Addressing the implementation gap for the Additional Support For Learning Act and other pieces of policy and legislation, which are intended to support the needs of this group, require options 2, 3, 4 and 5 all to be in place.

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**3. Are there any other options to protect the rights of neurodivergent people and people with learning disabilities that you think the Scottish Government should consider? Please give details**

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