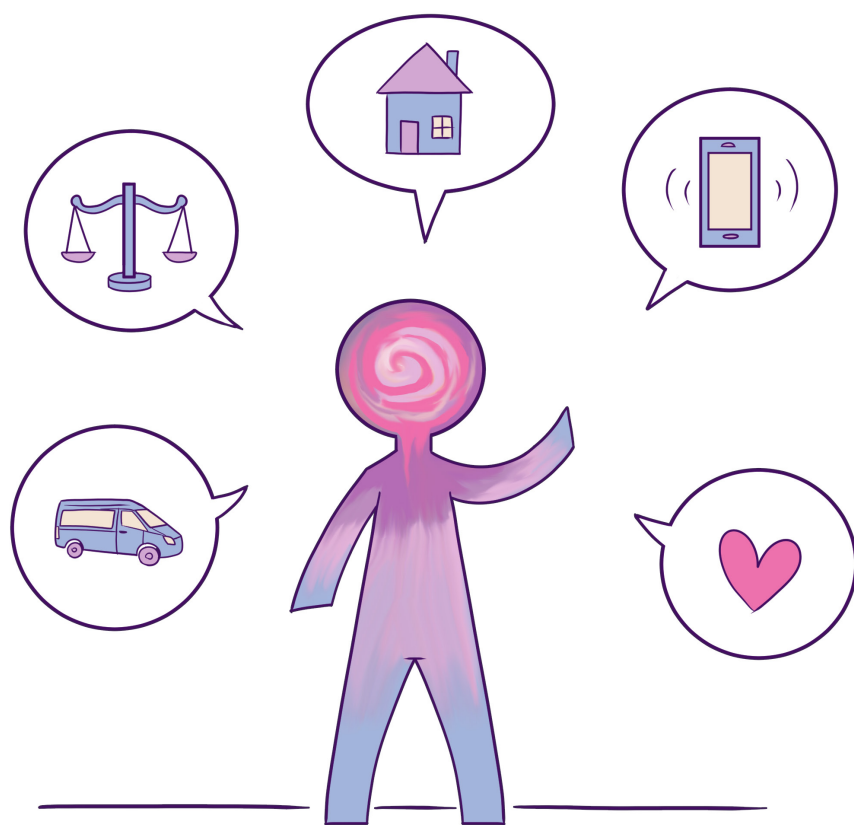


Learning Disabilities, Autism and Neurodivergence Bill: **Justice**



Learning Disabilities, Autism and Neurodivergence (LDAN) Bill

Justice



Easy Read



The **justice system** includes all these things:

- The police
- The courts
- Tribunals
- Prison



The Scottish Government is already doing a lot to help young people under 18 who are in the **justice system**.



The Scottish Government want to make sure that young people have support for trauma and abuse and that young people can get that support as early as possible.



A group has been set up to make these things happen.

This group is called the **Youth Justice Improvement Board**.



This group will look at **inclusive communication**, so all children are able to better understand their own needs and how and why they feel and act in certain ways.



Inclusive communication is sharing information in ways that everyone can understand.



They want to make sure that everyone's communication needs are respected.



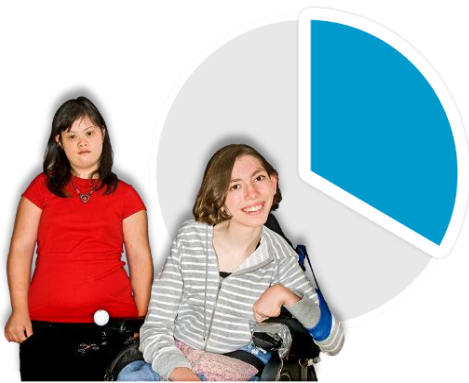
There is a guide for workers in the justice system to help them know if young people need this kind of support or have any other needs.



There are different ways that children and young people can take part in meetings and get the information they need.



Some young people in the justice system have to live in secure buildings that are kept locked. This is for their own security and the security of others.



3 out of 10 of these young people have a disability.



The Scottish Government have paid for training for the staff in these secure places so that they can support young people who are neurodivergent or have a learning disability.

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.



LEAP members thought prisons should tell us how many neurodivergent people and people with learning disabilities are in prison.



LEAP members thought justice organisations should be changed so that autism and learning disabilities are not called mental disorders.



LEAP members thought Mental Health law should be changed so that autism and learning disabilities are not called mental disorders.



There is not enough information about neurodivergent people and people with a learning disability in the justice system.



People who have bad experiences as children are more likely to be involved in the justice system.



This includes neurodivergent people and people with learning disabilities.



It can be harder for these people to get the information and support they need and this causes more problems.



Members of **SOLD (Supporting Offenders with Learning Disabilities)** say that they often feel confused and anxious because they do not understand what is going on when they have contact with the justice system.



Neurodivergent people and people with learning disabilities have said there is a need for more **advocacy** in the justice system.



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



They have said difficult ways of behaving are often caused by not understanding or not being understood.



More than a third of people in prison have a learning disability or learning difficulty.



Around a quarter of people in prison could be neurodivergent.



A report told the UK Government what they need to do to make things better and they have started work on this.



The Equality and Human Rights Commission wrote a report about what happens to neurodivergent people and people with learning disabilities when they are accused of a crime.



They said four things need to happen to make things better:

- More information about people accused of crimes
- Better health checks
- Better information-sharing with health and social care
- Better staff training.

Where do the Scottish Government want to get to?



The justice system is better at identifying neurodivergent people and people with learning disabilities.



Neurodivergent people and people with learning disabilities get **accessible information** at all stages of their contact with the justice system.



Accessible information is information that is easy to understand.



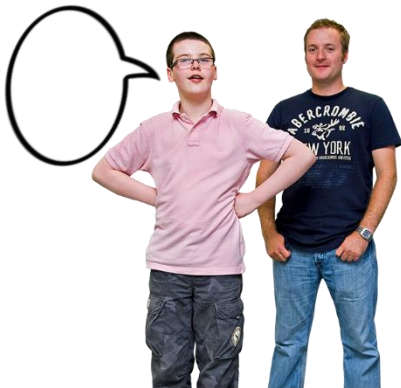
Neurodivergent people and people with learning disabilities are confident that they can get an **Appropriate Adult** and an **Independent Advocate** if they want one.



An **Appropriate Adult** is someone that can be with you when you are being questioned by the police.



They can give you advice and help you understand what the police are saying and make sure you are treated fairly.



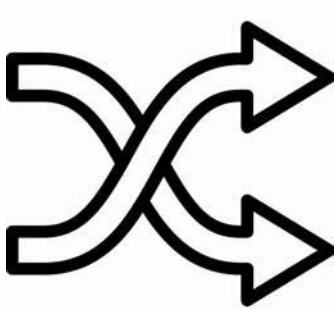
An **Independent Advocate** is someone who can help you speak up and help you decide what you want to do, but they do not give you advice.



People that work in the justice system understand what it means to be neurodivergent or have a learning disability.



Some people should not go through the justice system even when they have done something wrong.



Some neurodivergent people and people with learning disabilities can go through a different system that meets their needs and stops them offending again.



Staff in the justice system get the training they need to identify neurodivergent people and people with learning disabilities and can work well with them.

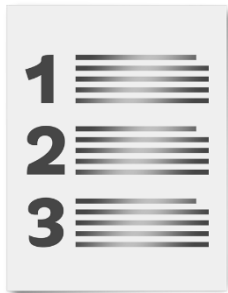
What happens now?



The Scottish Government have written a report about making Scotland fair and safe for everyone.



This report says it is important to improve the wellbeing of neurodivergent people and people with learning disabilities.



This means doing 3 things:

- Getting people the right help and support rather than going to prison.
- Making sure there is help and support close to where people live.
- Making sure services providing help and support are accessible.



The law says the justice system has to think how to get rid of **discrimination**.



Discrimination is unfairly treating a person or group differently from other people.

It can be based on things like race, disability, gender, sexuality, and age.



There are helpful guides on working with neurodivergent people and people with learning disabilities.



There is not enough information about neurodivergent people and people with learning disabilities when they have contact with the justice system.



It is often up to police officers to identify that people are neurodivergent or have a learning disability.

This is not always easy to do.



The police should ask for an Appropriate Adult if they think somebody is finding it difficult to understand what is happening or finding it difficult to communicate.



Local authorities must make sure there are enough Appropriate Adults.



A witness with a learning disability can have a Supporter in court when they are giving evidence.



The Supporter is different from the Appropriate Adult.

Needs	
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The police should do a test to see if someone needs an Appropriate Adult.



Neurodivergent people and people with learning disabilities should be able to get an Independent Advocate.



This does not always happen and workers do not always know about Independent Advocacy.



An Independent Advocate is different from an Appropriate Adult. Sometimes both are needed.



Sometimes lawyers can ask for a **Diversion from Prosecution** for someone that is accused of an offense.



Diversion from Prosecution means that person will get support or treatment instead of going to prison.



Neurodivergent people and people with learning disabilities do not have to be in court to give evidence if this is too difficult for them.



Instead, they can use a TV link from a different room or record their evidence in advance.

What can the Scottish Government do about it?



There needs to be a better way to identify neurodivergent people and people with learning disabilities in the justice system.



That way we can improve the support they get.



If the support is better, then people's mental health will be better too.



The Scottish Government is making a new law to improve the experiences of victims and witnesses.



This new law will help protect the rights of victims and witnesses.



It will make it easier for victims of sexual assault to give evidence.



It will make sure organisations in the justice system understand trauma better.



Victims of some crimes now get told when the offender is going to be released from prison or secure mental health services.



People with learning disabilities should be able to serve on **juries** with support.



Juries are a group of people who are chosen to listen to all the facts in a trial in court and decide if a person is guilty or not guilty.



There is training and learning resources like videos to help staff understand the support needs of neurodivergent people and people with learning disabilities.



Every prisoner is asked about their healthcare needs on their first day in prison.



It is important that prisoners say at this point if they are neurodivergent or if they have a learning disability so that they can get the right support.



Everyone with a learning disability over 16 should be offered a health check every year.



People in prison and mental health services should still get these health checks.



A report has said there should be more use of **Diversion from Prosecution** for neurodivergent people and people with learning disabilities.



Better information on people should be sent by police to the court.

More people found guilty of crimes should be given this option and the process should be made easier.



Some people with learning disabilities say this is not always a better option than going to prison.



Some people with learning disabilities say that there are more rights in the justice system than when they are taken out of it.

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



Write a big plan for neurodivergent people and people with learning disabilities in the justice system.



This is to make sure that everyone in the justice system across Scotland is working on the same things.



Make it easier to identify neurodivergent people and people with learning disabilities at different points in the justice system so that they can get the right support.



Make sure easy read versions of documents are available, including letters.



Make it so that people can ask for a different kind of communication that works better for them, for example a phone call instead of a letter.



Make all staff in the justice system get training in neurodivergence and learning disability awareness.



The Bill could make it easier for police to identify neurodivergent people and people with a learning disability.



The Bill can make sure there is more use of the Diversion from Prosecution option so less neurodivergent people and people with learning disabilities go to prison.



This option can work better for neurodivergent people and people with learning disabilities and the justice system.

With the right support people can get the help they need and may be less likely to commit another crime.



The Scottish Government do not think they need to put anything new into the Bill about Advocacy.



This is because they are doing a review on Advocacy and might put this into a different law.



Though the Bill could make sure all staff get training on Independent Advocacy and Appropriate Adults.

What do you think?



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



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



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