s38(1)(b) [redacted]
Mental Health, Social Care
and National Care Service Directorate

15 July 2026

Cabinet Secretary for Health and Care
Minister for Mental Wellbeing, Public Health, Sport, Alcohol and Drugs

LEARNING DISABILITY, AUTISM AND NEURODIVERGENCE (LDAN) BILL

Purpose and Priority

Priority: Routine

Purpose: To seek your agreement on the approach to a Learning Disabilities, Autism and Neurodivergence (LDAN) Bill, in the absence of a manifesto commitment to progress legislation in the current Parliamentary session.

s29(1)(a) [redacted]

Context and Issues

Programme Alignment: Delivering a stronger NHS and public services

1. We understand that the Minister for Parliamentary Business will shortly issue a follow-up note to all Cabinet Secretaries requesting more information on the recent legislative programme commission which asked Ministers to set out their priorities for this Parliamentary Session. s29(1) [redacted]

2. S30(b)(i) [redacted]

3. In 2021 a manifesto commitment was made to create a LDAN Commissioner and to better protect and promote the rights of individuals through an LDAN Bill. In 2024, the Bill's introduction was delayed with a PfG24 commitment to publish draft Bill provisions instead. In 2025 Parliament opined presuming against new Commissioner roles. That PfG24 commitment was met with a March 2026 publication (via a policy document with one set of legal provisions). The publication made clear it did **not** commit any future Government to progress the Bill. s29(1) [redacted] The SNP's 2026 manifesto for the Holyrood elections did not commit to an LDAN Bill.

4. s29(1)(a) [redacted]

5. s29(1)(a) [redacted]

6. s29(1)(a) [redacted]

7. s29(1)(a) [redacted]

Consideration and assessment of options

8. s29(1)(a) [redacted]

9. s29(1)(a) [redacted]

10. s29(1)(a) [redacted]

11. s29(1)(a) [redacted]

12. The actions being taken forward around ND policy are outlined below:

- The focus on system change for people with ND is intended to ensure people's support needs are met, that they can access the support they need to allow them to play an active part in society, education and the economy. The approach to achieve this will involve significant system change and engagement across a range of public services. It is a long-term change programme that requires significant investment to meet the rapid growth in demand for services and support that has arisen in recent years.
- Earlier in 2026, the then Minister for Mental Wellbeing hosted two cross-party Summits on neurodevelopment, bringing together stakeholders from health, education, local government, academia, and the third sector to consider the future of neurodevelopmental support in Scotland. Discussions highlighted growing demand for support, the need for a more coordinated whole-system response, and the importance of ensuring people can access timely, consistent and neuro-affirming support based on need rather than diagnosis alone.
- The Manifesto commitment to progress the recommendations from the Royal College of Psychiatrists' for a 4-step model of support for neurodivergent adults is intended to bring significant change to where and how people receive support. The aim is to ensure people get access to the support they need more quickly and in the right setting, including diagnosis where required (e.g. to access ADHD medications). Alongside this, there is ongoing work on children and young people's ND that offers a blueprint for how we progress adult ND system change.
- Work is progressing to deliver the actions set out following the review of implementation of the ND Specification for children and young people, with support of the cross-sector CYP ND Taskforce. This includes work to strengthen needs-based, neuro-affirming support, improve clarity of roles and responsibilities across the system, and support better outcomes for neurodivergent children, young people and their families, irrespective of diagnosis.
- Additionally, the 2026-27 budget provided for an additional £7.6m of funding for neurodevelopmental support for your people. This funding is currently progressing

through spend control processes and a separate submission has been provided on its potential uses setting out a proposal to direct funding to local authorities to expand and strengthen holistic ND support.

- The statutory definition of additional support needs (ASN) includes, but is not limited to, neurodevelopmental conditions Work to establish a clear timeline and route-map to deliver a national approach to staged intervention in Scotland for children and young people who have an ASN is currently underway. Whilst this will focus more broadly on ASN for children and young people in the education setting (including but not exclusively about ND), Officials are seeking opportunities for collaboration and enhanced joint working between the CYP ND Taskforce and the workstream leading the development of a national Staged Intervention model, as it develops.

13. There is also a range of work being taken forward in relation to learning disability (LD) policy. Key priorities are set out below:

- The ongoing roll out of LD Annual Health Checks to people aged 16+ is a key preventative measure that seeks to address long-standing health inequalities and in 2025-26 over 5,000 checks were completed resulting in 3,287 onward referrals for health, care and other support. NHS Boards' feedback is that checks are reducing the likelihood of hospital admissions. You will receive a separate submission on 2025-26 performance data.
- Changing Places Toilets (CPT) Fund. £10 m has been provided for 2025-26 and 2026-27. The 2026-27 budget announced a further £10 m over the next 3 years. We propose to launch a second round of funding in later Summer/early Autumn. CPTs help individuals, families and carers live well by providing safe and dignified toilet facilities.
- The Coming Home Action Plan published in March 2026 with 15 strategic aims and 34 actions to ensure that people with learning disabilities and complex needs can live in their community and to prevent the breakdown of community placements. Implementation is supported by £20 m this year, with a manifesto commitment to recurring funding. A pilot of a National Support Panel to improve support and accountability is underway to inform national arrangements, including whether future legislation is required e.g. through an LDAN Bill.

14. We are also improving availability and quality of data on LD and ND populations, with the aim (resource depending) of developing into a more strategic programme over the next couple of years.

15. s29(1)(a) [redacted]

16. s29(1)(a) [redacted]

S30(b)(i) [redacted]

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18. s29(1)(a)

s36(1)

19. s36(1)

Parliamentary and Comms handling Issues

22. s29(1)(a)

23. s29(1)(a)

24. s29(1)(a) [redacted]

25. s29(1)(a) [redacted]

26. s29(1)(a) [redacted]

27. Officials will develop a proportionate stakeholder-handling plan following Ministers' decision, including consideration of future engagement arrangements with Lived Experience Advisory Panel participants and communication of any change in approach.

Next Steps

28. Subject to your agreement, and the First Minister's should you wish to seek his views, officials will:

- Develop and finalise the outline delivery and communications plan (**Annex D**), setting out a clear roadmap for ND & LD reform, including review points to assess whether primary legislation becomes necessary
- Prioritise resources on implementation of ND and LD policy
- Engage stakeholders, including lived experience representatives

Conclusion

29. While the objectives of an LDAN Bill remain important, the conditions for successful legislation are not currently in place. A sequenced programme of policy and administrative reform will deliver earlier progress, reduce risk, be affordable and provide a stronger foundation in the event legislation is pursued in future.

JO FARROW/ GAVIN GRAY
MENTAL HEALTH, SOCIAL CARE AND NATIONAL CARE SERVICE DIRECTORATE

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Minister for Mental Wellbeing, Public Health, Sport, Alcohol and Drugs	X			
Deputy First Minister and Cabinet Secretary for Finance and Local Government		X		
Cabinet Secretary for Health and Care	X			
Cabinet Secretary for Education, Culture and Gaelic		X		
Minister for Parliamentary Business and Veterans		X		

Officials Copy List
s38(1)(b) [redacted]
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ANNEX A

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ANNEX B

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2026 Political Manifesto summaries **ANNEX C**

Party	LDAN Bill Commitment	Summary of related commitments/ comments in Manifesto
• **SNP**	None	• Improving ND diagnosis and pathways with or without diagnosis. • Integrate this work with a new approach to ASN in education.
• **Scottish Labour**	No direct commitment to Bill, but to learn from LDAN Bill consultation, for an accessible information standard for Scotland, such as easy-read, provided on request.	• Deliver health checks for people with LD and improve uptake • New training on ND and additional needs for school and healthcare staff. • New national ND pathway instead of inappropriate mental health waiting lists.
• **Scottish Conservative and Unionists**	Criticism of lack of progress, but no commitment that they would take a Bill forward if elected.	• "The SNP failed to deliver a LDAN Bill in the last session of parliament, which would have offered increased support for children with ASN... any revised proposals must include the redevelopment of pathways for diagnosing children..."
• **Greens**	Legislative commitment (wider than previous LDAN Bill proposals in some areas)	• Legislation to underpin rights and support for people with LD, autism and ND. • Mandatory autism and ADHD training for health and social care staff, teachers and other relevant education staff, and justice. • Drive down waiting times by roll out of community hubs for assessment, diagnosis and post-diagnostic support."
• **Scottish Liberal Democrats**	Legislative commitment (wider than previous LDAN Bill proposals in some areas)	• Take a variety of cross-government approaches to tackling discrimination faced by ND children and adults, including publishing waiting times; speeding up assessments; working with NHS Scotland and GPs to establish a protocol for shared care for ADHD diagnoses; establishing national standards for assessments for ND conditions; produce national guidelines on schools and education institutes and employers for use without formal diagnosis; • Stop inappropriate and costly inpatient placements
• **Reform UK**	• None	• None

S30(b)(i) [redacted]

ANNEX D

[NOTE- initial outline provided here and to be developed further with comms officials]

s30(b)(ii) [redacted]

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Background

- Government has already begun a programme of reforms, starting with our 100 days ND commitment.
- We will utilise evidence, include from lived experience, gathered as part of the LDAN Bill process to date.
- We will retain the option of future legislation if evidence demonstrates it is required.
- Immediate legislation would not be the fastest or most effective route to delivering change.
- We commit to regular review points to consider if policy reforms are making real change or if primary legislation is needed
- We will continue to engage with both LD and ND communities

Key stakeholders

- Third sector charities covering Learning Disabilities and Neurodivergence, including those represented on the Stakeholder Bill Advisory Panel:
    - Charities: National Autistic Society Scotland, Scottish Autism, Down's Syndrome Scotland, Scottish Commission for Learning Disabilities (SCLD), People First, ENABLE Scotland, Dyslexia Scotland, The Assembly, ARC Scotland, Inspiring Scotland, PAMIS, Salvesen Mindroom, FASD Scotland, the Donaldson Trust, Scottish Independent Advocacy Alliance (SIAA), Mental Welfare Commission, and others.
    - Small APOs (Autistic Peoples Organisations): Stronger Together for Autism and Neurodivergence (STAND), Scottish Women's Autism Network (SWAN), Autism Rights Group Highland (ARGH), Autistic Mutual Aid Society Edinburgh (AMASE), Autistic Knowledge Development, Scottish Ethnic Minority Autistics (SEMA), and Autistic Flair.
- Public Sector delivery partners, including those represented on the Stakeholder Practitioner Advisory Panel – NHS, COSLA, Councils, Royal College of Psychiatrists in Scotland (RCPsych), Queen's Nursing Institute for Scotland (QNIS), Royal College of Occupational Therapists, Law Society of Scotland, Police Scotland, Scottish Prison Service, and other justice bodies.

- Academic Bodies – National Autism Implementation Team, Scottish Learning Disabilities Observatory (SLDO)
- Lived Experience Bill Advisory Panel members engaged in LDAN Bill process
- Members of the public

s30(b)(ii) [redacted]

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ANNEX E

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