

AEP response to Scottish Government consultation on proposals for a Learning Disabilities, Autism and Neurodivergence Bill

The Association of Educational Psychologists (AEP) is the professional association and trade union for over 3,500 Educational Psychologists (EPs) across the UK. Our members are a highly skilled and essential element of the children and young people's workforce, working collaboratively with many other professionals to provide expertise across the education sector as well as offering a psychological understanding of education and child development in other sectors. The AEP seeks to promote the overall wellbeing of all children and young people to ensure that their holistic needs are met. Educational Psychologists have particular expertise with regard to additional support needs (ASN) as well as a key focus in promoting positive mental health and social wellbeing.

The AEP welcomes the vast reach of the current Learning Disabilities, Autism and Neurodivergence Bill and the government's commitment to engaging in meaningful consultation with all stakeholders.

The AEP believes that the Bill should have the broadest possible **reach**, while ensuring that the needs of all individuals can be met. It is our preference that the terms 'neurodivergent' and 'neurodivergence' are used with specific **definitions** to ensure that it is clear as to who would be covered by this term. EPs support and promote inclusion in education and within the wider society. It is therefore essential that anyone who might need additional support as outlined within the Bill has access to it, and that support is needs lead and not diagnosis dependent.

The AEP is supportive of robust, evidence-based **training** being made available for all public sector staff (not only those who are 'public facing'). Where this training applies to the children and young people's workforce, e.g. education, children's health and social care, youth justice, youth and community work, the AEP recommends the involvement of EPs in the design and delivery of said training. The AEP also asks that any training around additional needs is centred around the social model of disability and the ways in which barriers raised by society may be effectively overcome.

The AEP understands that any individual should have access to accessible **communication**, especially when this involves information relevant to or about them. This is a fundamental human right. It is therefore supportive of a national standard which is enforceable but also allows for appropriate levels of development and access to suitable tools and resources to enable bodies like local authorities to implement such standards.

The AEP believes that any **data** collected about individuals with additional needs must be done ethically and in the best interests of those communities and the people who serve them. Care therefore needs to be taken in establishing who should collect that data and under which auspices.

EPs are well placed to gather the views of children, young people and their families and act as advocates on their behalf where this is appropriate. The AEP is therefore supportive of **advocacy** services in principle, but with the proviso that these are ethically delivered by properly trained and supervised professionals, that these are never for profit and are fully

regulated. It is also important to note that the quality of the relationship and level of trust between an individual and their advocate is of utmost importance for the advocacy to be successful. Time to build such relationships must therefore be factored into any advocacy service provided.

In ensuring that neurodivergent people and/or those with learning disabilities enjoy good mental health **and wellbeing**, it is essential to consider what access they have to preventative and early intervention services. EPs are particularly well placed to deliver preventative and early intervention support within education settings – at an individual level but also by building a setting's capacity to understand and support mental wellbeing at a holistic and systemic level. In considering mental health and wellbeing, the Bill should allow for the resourcing and provision of appropriate specialists like EPs at the preventative and early intervention stage.

EPs are occasionally involved in assessing a person's mental health and/or mental capacity. As a rights promoting profession, the AEP is supportive of a review of the current laws around **mental health and mental capacity** to ensure that all individuals have their rights respected and are suitably protected and supported. The AEP recommends a commission to review existing legislation involving meaningful co-production with key stakeholders, including EPs as involved professionals.

Some neurodivergent presentations can be similar to those in people who have experience of developmental and relational trauma. Appropriate, effective and evidence-based training for workers in **social care** is therefore essential. This should be developed and delivered by suitably qualified professionals. In the case of children's social care, the involvement of EPs is urged.

The AEP is opposed to the use of unnecessarily restrictive practices like **restraint and seclusion**. It has commissioned research that indicates primarily negative impacts on the person restrained, bystanders and restrainers. It would urge any legislation to consider restraint and seclusion with care and agrees that this should be considered separately and as an outside of the norm, extreme response. However, the Bill should reference the importance of understanding behaviour as a communication and ensure that anyone working or living with neurodivergent people or those with learning disabilities is trained and supported to respond to behaviours which challenge in supportive, relational and attuned ways and never intentionally punitively.

In considering any duties to be imposed on **schools and education authorities** to articulate the ways in which the specific needs of neurodivergent students and students with learning disabilities are considered and met, due thought must be given to the resourcing needed to meet such duties and the specialists involved. The AEP foresees increased pressures on local authority EP services, who are already stretched, in the imposition of additional duties. Should there be further expectations from schools and education authorities, the AEP urges a review of the EP workforce, the implementation of any necessary expansions to services and the training of new EPs to meet need. The training course for EPs in Scotland at Dundee University is in the process of becoming a three year doctoral course. Trainees on this course should be in receipt of at least the real living wage. As a comparator, in England, those trainees who are employed are contracted under Soulbury terms and conditions (salary range: £29,872 - £37,473). The EP workforce would not only ensure that duties to students with ASN are adhered to, EPs would also be best placed to deliver the training outlined in the Bill to staff in education, youth justice, community, health and social care settings.

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EPs are key professionals in supporting **transitions** for all children and young people with ASN, whether this is earlier in life or for the transition into 'adulthood'. The AEP is supportive of further research into the experiences of transition for neurodivergent young people and young people with learning disabilities. It further recommends that EPs are engaged in this research, as participants as well as potential data gatherers. The AEP also urges that access to EPs to support transitions is prioritised as part of the Bill.