



THE DONALDSON TRUST

Response to the SSBLR Committee's Review of the
Scottish Parliamentary Corporate Body Supported Bodies
Landscape.

February 2025

About Neurodiversity

Neurodiversity describes the diversity of humans' brains and minds. A person who is, for example, autistic is neurodivergent; they are in the neuro-minority, not the neuro-'typical' majority.

Other neurodivergences include: ADHD, dyscalculia, dyspraxia, dyslexia, dysgraphia, misophonia, Tourette's Syndrome, or differences in cognitive function.

About Us

Our work is built on an understanding that neurodiversity is not a medical construct; rather, it lies at the intersection of culture, mind, identity formation, and socio-political action.

The Donaldson Trust envisages a society in which neurodivergent people are understood, accepted, treated fairly, and valued.

Though there is much work to be done, we believe there are genuine opportunities to change society for the better. We aim to be at the forefront of driving that change – and making a difference *with and for* neurodivergent people and their families.

As the *National Body for Neurodiversity*, we will seek to lead by example. We exist to strengthen the public's understanding of neurodiversity, develop excellence in practice, and help neurodivergent people find their voice.

Alongside neurodivergent people and our partners across the third sector and academia, we write, campaign, and persuade in order to shape the policies being made on the issues most important to neurodivergent people and families.

We improve outcomes and representation via *Connect*. Our training and consultancy is accessed by organisations looking to build a culture of neuro-inclusion. We continue to develop our free, online information, support, and guidance resources to neurodivergent people, families, and professionals alongside it.

We continue to support children, young people, and adults through a variety of services based at our Linlithgow campus, where we enable every neurodivergent person to realise their goals & aspirations:

- **Sensational Learning Centre (SLC)**

We offer individualised, skills-based learning to young people with Additional Support Needs, including sensory / communication differences, at our Grant-Aided Special School.

- **Vibe**

Our wellbeing service for neurodivergent people ages 12-18, Vibe offers warm, low arousal spaces for neurodivergent young people to thrive and achieve their personal goals. The service focuses on reducing anxiety, developing life skills, literacy, numeracy, and growing self-esteem / resilience.

Vibe's activities mirror the interests and skills of the young people enrolled with a wellbeing framework and personal programme of skills development.

- **Gate**

Donaldson's skills development and training offer for neurodivergent adults, Gate has been co-designed with those who benefit from it and offers a friendly environment where neurodivergent adults can relax and be themselves. Similar to other services, Gate takes an individualised approach to ensure trainees get the most from their time with us and achieve agreed goals and ambitions.

Trainees can learn skills through activities, or enrol in a vocational and accredited course, delivered by specialist staff / tutors. This includes art, cooking, and cybersecurity.

- **Treehouse**

Treehouse is a specialist wellbeing service offering bespoke, low-arousal environments to improve wellbeing and independence. Support is centred around individual studios, with the 'home-style' settings offering individualised spaces tailored to every person's needs. That allows people we support to participate in activities they co-design alongside their Wellbeing Practitioners.

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Established in the 1850's, The Donaldson Trust (formerly Donaldson's School) has provided supported education and care throughout its history and has now established itself in the neurodivergence space.

The full range of services offered by the Trust is found here:

<https://www.donaldsons.org.uk/>

**Together, we'll
find your *voice*.**

Overview

The Donaldson Trust welcomes the creation of this Committee on Supported Bodies and the heightened interest in the role of extra-parliamentary bodies in governance and society in Scotland.

At its heart, this interest in the Commission(er) method of scrutiny, from third sector stakeholders, at least, is the product of a growing disillusionment with the status quo – and a desire to shift the dial towards real progress for those marginalised communities we support. Neurodivergent people, for example, experience some of the poorest outcomes in health, employment and social care of any group in society, a harsh reality that will only persist so long as a contrast between decision makers’ policy ambition and the implementation of these policies does, also. Failing to act decisively to remedy this would be a false economy, not to mention a departure from commitments made over several years by parties and the Scottish Government ^{1 2}.

In common with partner charities and the majority of neurodivergent people and people with learning disabilities in Scotland ^{3 4}, we see the creation of a Commission(er) as a positive and necessary step towards ensuring that the systemic injustices neurodivergent people and families face are addressed head-on. A figurehead, and supporting office, dedicated to advocating with and for these communities can provide the focus required to make material and attitudinal change across the public sector and society a reality.

Though the focus of this Review remains on the broader strategic framework for these Supported Bodies, we will, given its importance to our work and the people we support, reference the proposed *Learning Disabilities, Autism and Neurodivergence Bill* and proposed Commission(er) across our response. At a point when system-level changes are absolutely necessary, it is important

¹ SNP 2021 Election Manifesto, P.23

² 2023, “SNP leadership candidates answer questions on disability issues”, *The National*

³ 2023, Scottish Autism / NAS, *Closing the Accountability Gap*

⁴ 2024, SG, *Learning Disabilities, Autism and Neurodivergence Bill: Consultation Analysis*

that decision-makers consider the transformative impact that such change will have for neurodivergent people alongside any consideration of strategic frameworks meant to combat a perceived lack of structure / coherence. Any perceived inadequacies in the wider Supported Body landscape to-date are not arguments against the creation of future bodies for which there is a clear case to be made.

It is important to make clear that we do not see a Commission(er) as a 'quick fix' for the systemic challenges neurodivergent people and families face, nor is it our place to make a 'case' for the efficacy of this model of accountability in any context other than the neurodivergence and learning disability space in which we operate. We support the Commission(er)'s creation in the 'LDAN' context as:

- **Outcomes for neurodivergent people and families are among some of the worst of any group in Scotland today.** This is especially true with respect to employment, mental health care, experiences in education, and discrimination and stigma. This quite simply has to change – and a fresh approach is badly needed.
- **Outcomes are improving far too slow**, or not at all. In some cases, we know the picture is actually getting worse; for example, the substantial increase in waiting times for neuro-developmental assessment. There is a need for a figurehead with a lived experience of neurodivergence to raise the profile of neurodivergence in a way that a government can not. It should be a courageous voice for those whose human rights are most at-risk.
- **It is financially beneficial for the Scottish Government.** The disjointed approach to supporting neurodivergent people that we have currently sidelines early intervention in favour of crisis management, restricting funds available to support the growing number of people who require support in order to live life well. The cost of appointing and maintaining a Commission(er) is insignificant in comparison to the cost of current

practices; for instance, the Scottish Government's own data outlines a £2.3bn 'cost' (comprising services and economic productivity) related to autism alone ⁵. Investment means inclusion.

- Many proposals contained within the *Learning Disabilities, Autism and Neurodivergence* ('LDAN') Bill (especially the five core themes ⁶) will be **ineffective remedies and inadequately scrutinised if proposals for a Commission(er) do not go forward**. It is a core piece of the legislation and foundational to its long-run success. For instance, every proposal specific to statutory strategies in the 'LDAN' consultation paper of 2024 references work (preparation of guidance, engaging lived experience, drafting, scrutiny, etc.) for which it would be most appropriate for that new Commission(er), independent and in touch with the communities who would benefit from actions and progress, to undertake. The same can be said of proposals re. data, communications and training.

Effective accountability and scrutiny mechanisms

The Session 2 report says SPCB Commission(er)s should have "*clear, simple, robust, and transparent lines of accountability appropriate to the nature of the office*" ⁷. We agree. A parliamentary model of accountability, where MSPs scrutinise office-holders through Committee, would suffice, at least in cases of Commission(er)s with investigatory and/or rights-focused roles, such as the proposed LDAN Commission(er).

The scrutiny mechanism proposed by National Autistic Society Scotland and Scottish Autism in their joint report, *Closing the Accountability Gap*, provides a useful template for a human rights-based Commission(er) that we would generally endorse ⁸:

⁵ 2018, SG, *The Microsegmentation of the Autism Spectrum*

⁶ Statutory strategies for learning disability and neurodivergence; mandatory training in the 'public sector'; Inclusive Communications; data, and independent advocacy.

⁷ 2006, SP_FC, *Inquiry into Accountability and Governance*

⁸ 2023, Scottish Autism / NAS, *Closing the Accountability Gap*

Office-holders should be:

- Subject to interview prior to their assuming a role, conducted by a panel comprising individuals with an interest in their work.
- Approved by a vote of MSPs in The Scottish Parliament, and reporting annually to the relevant Committee of The Scottish Parliament.
- Fully independent of the Scottish Government.
- Publishing an annual 'Strategic Plan' that is co-produced with, and scrutinised by, people with an interest in their work.
- Making publicly available its financial account.

Criteria for creating new supported bodies and remit / powers of Commissioners

4. *What do you consider the purpose of an SPCB supported Commissioner to be? How does this differ from the role of Ministers, MSPs, or other bodies?*

The current Supported Body landscape has investigatory, regulatory, policy, and human rights-focused roles. Most of these share key common features (aside from policy-focused roles which naturally sit close to policy-makers); namely, an independence from the Scottish Government and accountability to The Scottish Parliament. Where they often diverge is in the motivation for their creation. The growth in rights-based (what some may call issue-based roles) is the product of the growing disillusionment with the status quo – and a desire to obtain real progress for marginalised communities.

The purpose of Commission(er)s is rightly varied and a response to the need of the social / political contexts in which they sit. It is important their creation remains in the gift of the Scottish Government, and that future governments are not bound by strict criteria set-out by governments before them. As we have articulated elsewhere in this response, a call for – and the cross-party support of – an LDAN Commission(er) is borne out of the systemic inequality of outcome experienced by neurodivergent people, coupled with a real lack of progress towards improving on these outcomes. There is an appetite and a real need for this fresh approach.

In general, we believe a human rights-focused Commission(er) should have three areas of work: investigations, opinion gathering, and publicising issues of importance to the communities they are tasked with representing.

6. *Criteria were developed by the Session 2 Finance Committee to help guide decisions on whether to create a new commissioner.*

These criteria are considered by the Scottish Government and Members when proposing Commissioner related bills. Are these criteria currently adequate and how could they be improved?

We believe the criteria developed for the Session 2 report are adequate, and that any criteria should be intentionally broad so to allow the government of the day to establish, or reform, as they see fit. The Session 2 criteria achieves this, and takes a 'neutral' stance on the principle of Supported Bodies in ways that the Ministerial Control Framework, MCF, does not⁹. Five of the six criteria outlined in the report would be realised more effectively if the existing office-holders are supported to realise the sort of collaboration mentioned in their own response to the Finance Committee's report of 2024¹⁰. On the sixth, how to deliver accountability, please refer to our response re. accountability.

Eliminating or not establishing Commission(er) on the pretext of criteria that are designed to limit the number of Supported Bodies in principle is a flawed approach. For this reason we support the existing criteria and would not add to them. Collaboration amongst office-holders and common accountability to Parliament should always be the main focus.

Barriers to sharing services and offices

8. *What should the optimal operational model and structure for commissioners look like, and what key features should it include?*

Whilst we would defer to existing office-holders on this issue, we believe that the key issue here is duplication of function. The creation of a Memorandum of Understanding that governs relationships between each Supported Body

⁹ 2024, SG Cabinet Secretary for Finance, [Letter to FPAC Convener](#)

¹⁰ 2024, [Statement from the Independent Scottish Parliamentary Officeholders](#)

would deliver clarity on both the location of investigations in common areas of interest and efficiency in resource allocations; for example, an agreement between the CYPCS and proposed LDAN Commission(er) concerning school exclusion rates amongst neurodivergent children / young people.

Co-location, too, is an effective way to drive efficiency. We welcome the proactive approach from 4 of the 7 existing Commissioners ¹¹ on this. There is no reason why this cannot be extended to cover more of the office-holders over time, including those yet to be established. That would also aid collaboration between office-holders.

Finally, we would stress that the focus should be on outcomes for the people who will benefit from the change in direction Commission(er)s should bring. A preoccupation with efficiencies, especially given that current spending on Supported Bodies comprises just 0.03% of public sector spending in Scotland ¹², would eventually inhibit office-holders' ability to work across all areas they wish. The growing focus on 'complementarity' as a route to streamlining the remit of Supported Bodies neglects the fact the Session 2 report mentions a need to eliminate any gaps alongside overlaps - not just the latter.

¹¹ 2024, SP_FPAC, *Scotland's Commissioner Landscape: A Strategic Approach*, P.13

¹² 2024, *Statement from the Independent Scottish Parliamentary Officeholders*



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