

SUBMISSION FROM FIFE COUNCIL

1. We are supportive of the idea of a national strategy, but are not convinced of the need for legislation beyond that already in existence, and as identified in the accompanying memorandum. We believe that existing education legislation is able to meet the concerns identified in the Policy Memorandum and consideration should be given as to how this might be enforced, if this is considered necessary. In our view the broad concept of Additional Support Needs (ASN) enables us to effectively plan for and respond to the needs of a broad range of pupils within a coherent shared network which supports inclusion and deploys resources as equitably and efficiently as possible. We believe there is a real danger that parallel legislation in relation to a specific group might undermine this.
2. Furthermore we would have very real reservations about the capacity of such legislation to effectively regulate the behaviour of a wide range of public agencies.
3. The establishment of legislation in relation to a specific group may disadvantage people with additional support needs who are not within that group, through for example the preferential allocation of resources, or an emphasis on training and interventions in relation to autistic spectrum disorders (ASD) at the expense of other areas of need.
4. Autism is a syndrome, defined through observation and analysis of a range of behaviours; there is no clinical test of 'autism'. Diagnosis is therefore notoriously problematic, and indeed no definition of 'Autism' is offered by the Bill. If legislation were to be established a perceived advantage attached to having a diagnosis of autism might lead to a significant increase in disputes regarding the use of this label, and this would be highly consuming of professional time and money.
5. 'Diagnosis' is a medical term, and its use implies that the process of identification will be led by health professionals. It may prove difficult to reconcile this with best multi-agency practice and the aims of Getting it Right for Every Child (GIRFEC) to provide speedy and local services.
6. We believe that one important advantage of a strategy over legislation would be that the former would more readily incorporate an evaluative framework, which could include an element of external scrutiny for example by HMIE or other public bodies.

7. In conclusion, for the reasons outlined above, our clear and strong advice to the Committee is supportive of a national strategy for autism but not supportive of autism-specific legislation separate from the Education (Additional Support for Learning) (Scotland) Acts 2004 and 2007.

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Head of Education (North)
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