

## **SUBMISSION FROM TURNING POINT SCOTLAND**

1. Turning Point Scotland provides person centred support to adults with a range of complex needs. We work with people who have a learning disability or an autism spectrum disorder (ASD), and those who find themselves in the criminal justice system or experiencing homelessness, substance misuse or mental ill health. We learn from service users and seek to influence social policy.

### **General comments**

2. We are broadly supportive of this Bill. There is no question that a more consistent approach to services for people with autism is needed. Good practice does exist, but all too often people have to fight for the support they need, or are unable to access the support at all.
3. We agree that a legislative requirement on the Government to produce a national ASD strategy would be helpful. Passing such a Bill would make a statement that this Government is serious about improving services for people with ASD, and shine a spotlight on the issue, raising awareness that people with ASD need services specific to their needs.

### **Duties**

4. Our primary concern is that this Bill could be passed, and the Government could fulfil its duties, without any difference being made to the lives of people with ASD. The majority of the services that need to be improved for people with ASD are not the direct responsibility of central government; they are devolved to health boards and local authorities. Although section 3 of the Bill includes a duty on these bodies to “have due regard” to the guidance issued by the Government under Section 2, the concordat between central and local government in Scotland means that local authorities are under no obligation to implement the strategy, or to produce their own.
5. An ASD strategy would be welcome in setting the standards that our Government expect of these services, but this Bill does not go far enough to ensure that this strategy would be implemented, or that real change would be delivered.

### **Existing legislation**

6. The Disability Equality Duty came into force in 2006, and requires all organisations delivering public services to promote equality of opportunity for disabled people. A main aspect of this duty is the publication of a Disability Equality Scheme; anecdotal evidence suggests that even when this scheme has been published, very little has changed as a result, and that the enforcement mechanisms for this duty are not sufficient to achieve change.

7. The Education (Additional Support for Learning) Act 2004 introduced legal responsibilities to make reasonable adjustments and support disabled children and young people in mainstream education. The Act included the establishment of a tribunal system to resolve disputes, and even with this mechanism there remain considerable failings in the support for disabled children and young people.
8. Learning from the experience of these two Acts, we are concerned that this Bill, beyond raising the profile of and making a positive statement on standards for ASD services, will not achieve the change that we want to see.

## **Involvement**

9. There are many examples of services that could be delivered more effectively and efficiently if they fully understood the needs of people with autism. We hope that the proposed guidance, to be produced by the Scottish Government, would support the development and improvement of services.
10. We do not feel that there is sufficient involvement of people with ASD, their families and carers in the proposed process. There is a duty on Scottish Ministers to “consult and seek the participation of appropriate stakeholders” in the preparation of the autism strategy and in making any substantive changes to the strategy (section 1(6)), and before issuing or substantially changing guidance (section 2(6)).
11. Firstly, our view is that stakeholders should be involved in the preparation of the guidance, as they are in the preparation of the strategy, rather than merely consulted before it is issued. Secondly, the interpretation of “appropriate stakeholders” set out in section 4 does not include individuals with ASD, their families or carers.
12. The fundamental need to involve individual service users in service design, deliver and assessment is seen across the spectrum of social care policy, as well as equality legislation. We feel that the involvement of individuals should be central to this Act, and as it stands it does not go far enough.
13. We do support the involvement of organisations working with people with ASD. As a service provider, working directly with people and learning about what works and what doesn’t, we feel that we should play a more equal role in the design of services; for example, the importance of ensuring that people in shared homes are compatible – something that is obvious and common sense outside the world of social care.

## **Scope of the Bill**

14. People with autism face many barriers to engaging in their community, not all of which are in the full control of the local authorities and health boards tasked with delivering the Government’s strategy under this Bill.

A major barrier is the failure of the disability benefit system to allow for the mobility requirements of people with autism. While they may not be physically disabled, they are in great need of support, financial as well as practical, when they travel. For many, public transport is simply not an option. Scottish government, local government and health boards must work in partnership with the UK government to ensure that these issues are understood and addressed.

15. Finding appropriate housing for people is also a significant challenge, not only in terms of the building and surrounding environment, but in the attitudes of neighbours and communities. In addition, people that we work with have expressed concern at the way in which they have been treated by police officers and the wider criminal justice system. A lack of understanding and a great deal of stigma exist in our communities and social structures that must be tackled.

Turning Point Scotland  
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