

SUBMISSION FROM STIRLING COUNCIL

Section 1

1. Stirling Council agree that the principle of providing a strategic response to the needs of all children and young people with additional support needs (ASN) is already encompassed within existing legislation and practice within Scotland. While additional guidance on a strategy for particular groups of children and young people might be helpful, we strongly disagree with further legislation which works against the spirit of the Additional Support for Learning Acts 2004 and 2009 and the Getting it Right for Every Child (GIRFEC) agenda.

Section 2

2. Section 2 refers to guidance being developed in relation to the diagnosis, planning, assessment and provision of services for children and young people with autistic spectrum disorders (ASD). We feel that better outcomes in relation to a strategy would be better met through working in a non-legislative environment.
3. It has already been acknowledged that local authorities need to work together to improve services for young people with ASD moving into adult services. However this is true for other groups of young people during transition and therefore a Bill to ensure services for one group effectively ring fences support for one group and not all. We feel that this goes against the spirit of the ASL Act, GIRFEC and the Equalities Act 2010.
4. In addition, the guidance which is suggested on the identification and diagnosis of ASD may be contrary to the good practice established by Stirling Council and others where we tailor provision for children who may not have a diagnosis but display similar behaviours.
5. It is recognised that young people who have had their needs met without a diagnosis of ASD within Children's services do not qualify for such support as they move into the adult world. We feel that this guidance would exacerbate this situation and not improve it.
6. We have concerns about the impact the guidance on training would have. At present we have a spectrum of training in response to a spectrum of needs and our concern would be that definitive guidance might narrow the breadth of support we currently offer, and access. Our philosophy is to build capacity within the team around the child and our training, therefore, is within a context which meets the needs of individuals and their families. We would resist the imperative to engage agencies or companies who offer "accredited training".

Section 3

7. As we do not agree that guidance should be legislated it follows that we do not agree with section 3. We also question how guidance which is the result of an Act of Parliament is not a legislative requirement rather than guidance.

Sections 4 & 5

8. No comment

Policy Memorandum

9. We appreciated the quality of the Policy Memorandum which has been developed to support this Bill. The policies which have been identified within the memorandum are relevant to the legislation already in place to meet additional support needs in the widest sense. However we would like to draw attention to more recent, current legislation which would also be relevant ie; Equalities Act 2010 and the Education (Additional Support for Learning) Act 2009 Code of Practice. Also, there is no reference to the GIRFEC agenda.
10. There are some aspects of the consideration of policy which we would question. In particular the assertion that local authorities do not have sufficient policy, planning and provision for children and young people with ASD is out of date and does not fit with our current practice. Stirling Council has a well developed and comprehensive system in place to meet the full range of needs of children and young people with ASD including those who do not have a formal diagnosis. We have well embedded processes which incorporate effective partnerships with NHS, partner agencies and parents/carers.
11. The statement on the references to the additional support needs tribunal for Scotland (ASNTS) for children and young people with ASD only indicates that there is a strong lobby within parent groups for their children, this cannot be said for other groups of children and young people with additional support needs ie; those with social, emotional and behavioural needs. In our view this mitigates against legislation solely for children and young people with ASD.
12. We would also question the points made with regard to the need to assess the implementation of the Toolbox. This resource is one response and it would not be appropriate to plan a strategy around one resource.
13. We would agree that transition to adulthood requires improvement, however this is true for many young people with additional support needs. We therefore feel yet again that legislation for one group is counter-productive. Clear guidance and evaluation of implementation of

transition planning is already in place through “Curriculum for Excellence” and the Education (Additional Support for Learning) Act.

14. In relation to the other points made in the Policy Memorandum improvements to delivering for children and young people with ASD can be met through the COSLA Health and Wellbeing Executive Group.
15. In order to make sense of the statements made in relation to the costs and savings in the document we would require much more information than is available and would consider statements such as “will save millions of pounds” as unhelpful and possibly misleading.

Financial Memorandum

16. This document lacks rigour and does not give any indication to either the Scottish Government, local authorities or NHS boards of either potential costs or savings. There is no evidence given to back up the statement that millions of pounds will be saved and that this will lead to better outcomes. We would suggest that a full financial scrutiny should take place before implementing this Bill.

Belinda Greer Head of Education and Joanne Scott Depute Head of Education
26 October 2010