

SUBMISSION FROM EAST DUNBARTONSHIRE COUNCIL

1. While the establishment of an 'autism strategy' may provide useful guidance for service providers in planning and providing services for those persons with a diagnosis of autism, it is, however, argued that there is no need for further legislation in order to develop an autism strategy in relation to children and young people. There already exists a legal framework (Education (Additional Support for Learning) (Scotland) Act 2004; Education (Additional Support for Learning) (Scotland) Act 2009) which underpin the provision which is made for children and young people with additional support needs. These additional support needs would include factors arising from having an autistic spectrum condition. This legislation allows for consideration of a range of factors which could result in a child or young person having additional support needs.
2. There is a danger that in having a strategy which considers autistic spectrum conditions in isolation, it excludes other factors. Furthermore, it is important to adopt both ecological and social interactionist perspectives rather than a within-child medical perspective.
3. The notion of accessing services and provision as a consequence of a specific diagnosis appears also to be in conflict with the whole concept of additional support needs and potentially heralds a return to the categorisation of need by disability.
4. The diagnosis of autistic spectrum disorder, historically, has always been problematic with challenges arising in relation to the levels of incidence of the disorder and the difficulties experienced in arriving at a diagnosis. The establishment of an autism strategy may therefore simply generate further debate and confusion as to which children and young people the strategy actually applies given that the Bill itself offers no definition of the disorder.
5. There may also be increased pressure on diagnostic services by parents in attempting to gain access to particular services.
6. Consideration of the "Getting it right for every child" (GIRFEC) approach would seem to lend further weight to the argument against an autism strategy-

'A focus on improving outcomes for children, young people and their families based on a shared understanding of well being'

and

'A co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the Well – being Indicators.'

7. The above statements, two of the 10 core components of GIRFEC when fully and effectively implemented, would surely address all of the points of guidance proposed in **Section 2(5)** of the Bill to be included in the autism strategy. The GIRFEC core components highlighted here, as with all aspects of GIRFEC, are intended to impact on a universal basis as opposed to applying only to a group of children and young people selected by diagnosis. It is, of course, acknowledged that GIRFEC is not enshrined in legislation but offered as guidance to local authorities and other agencies.
8. It is also the case that the resource implications of Section 2(5) are not transparent. Differences in local authority contexts (eg demographics) impact on the ways in which local authorities choose to meet legislative imperatives and national policy guidance.
9. In **Section 2(4)**, it is not clear how Scottish Ministers will determine the “extent to which the guidance has been effective in securing the implementation of the autism strategy”. There is a need for greater clarity regarding how this will be operationalised; and the implications for the local authority both in relation to the process of determination and the outcome of that process
10. Section 3 of the Bill obliges local authorities and NHS bodies, when providing relevant services, to have regard to this guidance and Sections 4 and 5 relate to interpretation, short title and commencement. In relation to Section 3, it is not clear what “due regard” means in practice. Does this place an obligation on the local authority or is it simply guidance which local authorities should take note of?

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