

SUBMISSION FROM WEST LOTHIAN COUNCIL

1. This response has been prepared in reply to the Education and Lifelong Learning and Culture Committee call for written evidence, in collaboration with the social policy (both children and families services and adult services) and education and cultural services.
2. With regard to the general principles, our position to the Bill remains largely unchanged. The principles proposed do seem appropriate to establishing a national strategy, but we remain unconvinced that this requires legislation to achieve.
3. Along with a number of other respondents West Lothian Council questions the need to legislate for a strategy and the appropriateness of having legislation that could advantage those with autism rather than any other disability. We would also note that existing legislation already makes provision in terms of meeting the requirements of children with additional support needs. It would not be helpful to legislate for a specific single sub-group. We would concur with the Scottish Government's view that a revised strategy can be delivered without resorting to legislation to underpin it.
4. While a national strategic approach has the potential to benefit people with autism in Scotland, this will however only be the case if it achieves consistency of assessment and service provision across the country. The identification of people with autism is central to ensuring the provision of appropriate assessment and effective support services. The Bill's Policy Memorandum estimates the total number of people with autism or asperger syndrome in Scotland to be 50,000. This would equate to around 1,300 people within West Lothian. Yet at a national level, annual SAY data returns would suggest that only around 4.5% of the number of people with autism or asperger syndrome, estimated in the Bill's Policy Memorandum, are known to local authorities in Scotland. Should a small number of the group unknown to local authorities request assessments and support this would result in considerable funding pressures.
5. Resources for people with disability, in terms of both assessment services and support services, are limited and often costly. Specific heed must, therefore, be paid to the need for equity of provision to all service users. There remains concern that legislation, which is specific to one category of people with disability, will have a consequent detrimental effect on other service user groups without additional funding and resources.
6. In this area we have an autistic spectrum disorder (ASD) operational group, which is well established, meets regularly and is multi-agency (including education, social policy, health and therapy services, as well as representation from external providers). We also have active multi-agency groups with the responsibility for ensuring that appropriate plans

are made for all stages of transition, which includes people with autism. We strive to ensure that transition is seen as a continuous process, rather than a series of isolated events, so that we can achieve seamless provision of service. While all services in West Lothian strive to ensure that all service users are included and can benefit from mainstream services, specific provision is made in primary and secondary schools for children with autism.

Comments on the consultation carried out prior to the introduction of the Bill?

7. The consultation exercise ran from early January 2010 until the end of March. It posed five questions about the need for a strategy, its potential benefits, whether statute was necessary and whether the proposed coverage was appropriate. While this exercise concluded by offering respondents the opportunity to make any additional observations or suggestions, it did not specifically request consideration of the Bill's estimated costs. Given that a significant majority of respondents originated from individuals it is not surprising that the issue of costs to statutory agencies may have been neglected. It would be useful if further consideration of this issue will now be explored.

How helpful are the Policy Memorandum and Financial Memorandum accompanying the Bill?

8. The Financial Memorandum argues that, through the strategy and resulting guidance, the Bill will seek to address variations in service provision by providing national standards of service and provision. At the same time it states that "the Bill does not have any direct financial implications for local authorities". There is subsequently no attempt to quantify potential additional costs resulting from increased service demand to local authorities.
9. Should the proposed Autism (Scotland) Bill become enacted, local authorities will have new responsibilities to improve their autism services for adults. Agencies which do not comply would be liable to legal challenge. Without additional funding it is difficult to see how an Autism (Scotland) Act could be effective in enhancing services to people with autism, without having a detrimental consequent effect on other groups of service users. We would estimate that there would be significant additional costs for councils to enable the implementation of the Bill's expectations.
10. West Lothian Council strives to provide the best possible services to all user groups. We are already paying specific and significant heed to the needs of people with autism. The social policy child disability service's workload is becoming increasingly dominated by people with autism. The increase in diagnosis of children with autism over recent years has presented a significant challenge, particularly with respect to the provision of scarce resources. In adult services, substantial funding is

directed towards those with increasingly complex care requirements. There is specific need for the availability of adequate, cost effective, local resources, which can provide short breaks from caring and other services effective, in terms of early intervention, which can be successful in providing families with sufficient support to prevent needs escalating to unmanageable levels.

11. Should the Scottish Government develop and publish a new autism strategy document, West Lothian will endeavor to work within its stated requirements for the benefit of all our service users.

West Lothian Council
7 October 2010