

## **SUBMISSION FROM EQUALITY AND HUMAN RIGHTS COMMISSION SCOTLAND**

1. The Equality and Human Rights Commission (the Commission) was established in statute in the Equality Act 2006 and came into being on 1 October 2007. The Commission champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and make sure that everyone has a fair chance to participate in society. We promote equality across the seven “protected” grounds – age, disability, gender, race, religion and belief, sexual orientation and gender reassignment.

### **The general principles of the Bill**

2. The Commission welcomes the opportunity to respond to this call for evidence on this Autism (Scotland) Bill. The Commission agrees that given the problems highlighted by the National Autism Society (NAS) Scotland among others<sup>1</sup>, Scotland would benefit from a more strategic approach meeting the needs of people with autism, particularly in relation to timely and informed diagnosis, greater awareness and skills on the part of relevant professionals, and the delivery of appropriate services which better meet the needs of adults and children with autism.
3. The same points could of course quite legitimately be made for adults and children with a very wide range of impairments, and the Commission would argue strongly that there is still much to be done to ensure strategic leadership at national and local levels to meet the needs of all Scotland’s disabled people.
4. However, some of the issues faced by many people with autism seem to be particularly acute, such as only being able to access mental health or learning disability services which do not provide appropriate support, and may even have a damaging impact. Low awareness and understanding of cognitive and neurological conditions on the part of medical, educational and social work professionals, while it has improved in recent years, has also meant that some of the problems facing children and adults with autism may require greater strategic focus.
5. Whilst it is important that treatment is appropriate for the individual and their specific impairment, it may not be helpful to statutorily separate one impairment type from another. Not only does this have practical difficulties from a resourcing point of view but it also may not be appropriate for a number of people who will have more than one impairment type. We would also suggest that whilst there are significant differences between impairments and the lived experience of people with different impairment types, there are similarities in the attitudinal and social barriers which prevent the required step-change to improve

---

<sup>1</sup> See, for example, Daly, Joanna (2008), *I Exist: the message from adults with autism in Scotland*. London: the National Autistic Society; Reid, MacBean and Charles (2009) *We Exist: A Bill for Autism, A Bill for Scotland*. London: the National Autistic Society

service delivery. The work of the Independent Living in Scotland<sup>2</sup> project is focusing on bringing disabled people together, regardless of impairment, to voice their demands for equality and the right to control their own lives through making their own choices.

6. Public authorities, including health boards, education authorities and councils are of course covered by the Disability Equality Duty (DED) which requires them to give due regard to the need to—
  - promote equality of opportunity for disabled people
  - eliminate unlawful discrimination
  - eliminate disability-related harassment
  - promote positive attitudes towards disabled people
  - encourage participation by disabled people in public life
  - take steps to meet disabled people's needs, even if this requires more favourable treatment.
7. We feel that the DED, together with the other legal frameworks and requirements on public authorities, can and should meet the five strategic factors listed by the NAS—
  - identifying who has autism in the local area and what their needs are
  - planning to ensure the right services are available to meet these needs
  - delivery of good quality services
  - the skills required by professionals working with these people and
  - local leadership to ensure change happens.
8. We are aware that these factors are not being met consistently or sufficiently across Scotland, but we believe there is an opportunity to correct this with the new specific duties for Scotland which are currently being consulted on by the Scottish Government.
9. For these reasons we believe that the Government should focus its efforts on the embedding of the Equality Act 2010 across all impairment groups and feel that a focus on one impairment group as is suggested in the Bill would dilute the activity needed to advance equality for all disabled people in Scotland. However, we would support the introduction of an autism strategy from the Scottish Government as a step toward making the Equality Act a reality and which could serve as a model approach for other impairment-specific work.

Sally Mackenzie  
Parliamentary and Government Affairs Manager (Acting)  
08 October 2010

---

<sup>2</sup> Independent Living in Scotland is a project funded by the Scottish Government and hosted by the Equality and Human Rights Commission. For more information visit: [www.ilis.co.uk](http://www.ilis.co.uk)