

**National Autistic Society Scotland  
(Proposed) Disability Commissioner (Scotland) Bill: Consultation Response**

About Autism

Autism is a lifelong, neuro-developmental disability impacting an individual's social interactions / communication, in addition to their relationship to the world around. Autism is recognised as a 'spectrum' condition, illustrating that the lived experiences and needs of autistic people are diverse. No two autistic people are ever the same, and every autistic person has their own strengths and weaknesses – itself a reflection of how their autism impacts them day-to-day. Though many autistic people can live fully independently, others will require a lifetime of specialised residential support. We know that autistic people make up over 1-in-100 of the U.K. population.

About National Autistic Society Scotland

National Autistic Society Scotland (NAS) has been advocating on behalf of autistic young people and adults, and their families, across the country for over 25 years. We know that there are approximately 56,000 autistic people in Scotland, supported by 225,000 people in families and wider support networks. We provide specialised care and support, in addition to information services, to autistic people across the nation – at home, in communities, in social groups, or on a 'one-to-one' basis. Our active regional branches in Scotland give autistic people and families an opportunity to seek out others facing similar circumstances for advice and support, with our '*Moving Forward*' programme enabling autistic people to obtain meaningful employment.

Proposal

National Autistic Society Scotland welcomes this opportunity to respond to Jeremy Balfour's (MSP) proposal. We understand the call for a Disability Commissioner, recognising that disabled people across Scotland face discrimination on daily basis.

As Jeremy Balfour will be aware, National Autistic Society Scotland is campaigning for a Commissioner to promote and protect the rights of autistic people and their families. We expect the proposed *Autism, Learning Disability and Neurodiversity Bill* to include provision for such a Commissioner.

Should a Disability Commissioner also be established, we would hope that a Memorandum of Understanding would be put in place, as suggested in the consultation document, to ensure an effective and positive working relationship between both Offices.

*Learning Disability, Autism, and Neurodiversity Bill*

Prior to the last Scottish Parliamentary Election, held May 2021, National Autistic Society Scotland, together with Scottish Autism and ENABLE Scotland, campaigned under the banner of '*Our Voice, Our Rights*', advocating for the introduction of an

Autism and Learning Disability Commissioner, designed to promote and protect the rights of autistic people and people with a learning disability <sup>1</sup>.

Our vision was adopted by four of Scotland's main political parties – including the SNP. In September 2021, the new Scottish Government committed to an Autism, Learning Disability and Neurodiversity Commissioner, contained within wider primary legislation, in their 2021-2022 *Programme for Government* <sup>2</sup>.

Important to note is the recommendations from the 'Independent Review of Autism and Learning Disability within the Mental Health Act', chaired by Andrew Rome. It made the welcome recommendation that both learning disability and autism be removed from the definition of mental disorder in the *Mental Health Act*, plus any subsequent legislation introduced to define rights.

As part of this, the Review recommended a specific Commissioner for autistic people and people with a learning disability to ensure that rights are respected and upheld <sup>3</sup>.

Consultation with stakeholders on the (proposed) *Learning Disability, Autism, and Neurodiversity Bill*, which will implement the Scottish Government's existing commitments, is now well underway. National Autistic Society Scotland has and will continue to contribute to what will be, if properly realised, the most impactful legislation for autistic people in the lifetime of The Scottish Parliament.

An Autism and Learning Disability Commissioner is necessitated by the specific challenges faced by autistic people and people with learning disabilities. In addition to the *Mental Health Act* reforms detailed above, employment outcomes for autistic people are persistently poor – only 22% of autistic people are in paid work.

Autistic children face high levels of exclusions within the education system. Our charity's report, *Not Included, Not Engaged, Not Involved* <sup>4</sup>, produced together with partners, found that one-third of parents reported their child had been excluded either formally or informally from school.

In addition, the *Accountability Gap* <sup>5</sup>, published by the Cross-Party Group on Autism, found that 72% of respondents reported inadequate support to meet their needs across social care, as well as physical / mental health provision. The reality is that the human rights of autistic people are routinely disregarded by our often-well-intentioned public sector, leading to poorer outcomes for those we support.

The need for a distinct offer for autistic communities has come through strongly during sessions our charity has hosted in conjunction with the Scottish Government – in relation to the proposed *Autism, Learning Disability and Neurodiversity Bill*.

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<sup>1</sup> 2021 *Our Voice Our Rights* – link [here](#)

<sup>2</sup> P49 Programme for Government – '*Fairer, Greener Scotland*' – link [here](#)

<sup>3</sup> 2019 'Independent Review of Autism and Learning Disability within the Mental Health Act' – link [here](#)

<sup>4</sup> 2018 'Not Included, Not Engaged, Not Involved' – link [here](#)

<sup>5</sup> 2020 'The Accountability Gap' – link [here](#)



National  
Autistic  
Society  
Scotland

National Autistic Society Scotland continues to engage with the autistic community on our campaign for a Commissioner, including via an ongoing survey.

We envisage that the promised Autism and Learning Disability Commissioner could hold several functions, including:

- Supporting individuals and families to address issues and make complaints about the quality of services they personally receive.
- Promoting understanding of autism and learning disability to the wider public, including to employers and employees of public bodies.
- Gathering data to make sure that people's needs are properly met, and money is spent in the right way.
- Holding local authorities and service providers to account for the quality of services they provide to autistic people and people with a learning disability – like NHS services, specialist mental health services, CAMHS, etc.
- Holding Scottish Government Ministers to account to make sure they uphold the human rights of autistic people / people with a learning disability.