



Autism as a Disability

Autism is classed as a disability under UK legislation. This means that autistic people are protected under various Acts and Conventions, both Scottish and UK, such as the Equality Act (2010), Education (Additional Support for Learning) (Scotland) Act (2009), and the UN Convention on the Rights of Persons with Disabilities.

While not every autistic person identifies as disabled, there can be benefits to sharing a disability status. Some organisations might require an individual to document and disclose a disability to access supportive services and accommodations. Depending on additional support needs, some people might also be eligible for a range of financial supports or tax credits.

Rights and Legislation

The **Equality Act (2010)** protects autistic people against discrimination in education, work, and other services. It requires schools, employers, service providers and venues to make reasonable adjustments, provide support, and make things accessible for disabled people. It also prevents discrimination based on association with someone who has a disability. You can read more about the Equality Act (2010) here:

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

An Easy Read version is available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85039/easy-read.pdf

The **UN Convention on the Rights of Persons with Disabilities** aims to ensure that disabled people have the same human rights as everyone else, with access to the same opportunities that enable them to participate fully in society. These include the right to education, the right to work and employment, and the right to equal treatment under the law. You can read more about the UN Convention on the Rights of Persons with Disabilities here:

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

An Easy Read version is available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/345108/easy-read-un-convention.pdf

The **UN Convention on the Rights of the Child** also ensures freedom from discrimination. It states that all decisions concerning the child must be in their best interests and respect their views. Effective access to education is another key article in the Convention. This means that children have a legal entitlement to reasonable adjustments. You can read more about the UN Convention on the Rights of the Child here:

<https://www.unicef.org.uk/rights-respecting-schools/the-rrsa/introducing-the-crc/>



An Easy Read version is available here:

<https://www.unicef.org/media/56661/file>

The **Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002** requires local education authorities in Scotland to ensure strategies are in place that increase access to the curriculum and physical environment. It also mandates improving communication with disabled pupils. You can read more about the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 here:

https://www.legislation.gov.uk/asp/2002/12/pdfs/asp_20020012_en.pdf

The **Education (Additional Support for Learning) (Scotland) Act (2009)** requires local education authorities to assess children and provide appropriate provision for any additional support required. The Act also sets out criteria for co-ordinated support plans (CSPs). These are legal documents designed for children with more complex support needs, helping to ensure that multiple services (such as the NHS and social work) are working together to meet a child's learning needs. You can read more about the Education (Additional Support for Learning) (Scotland) Act (2009) 2002 here:

https://www.legislation.gov.uk/asp/2009/7/pdfs/asp_20090007_en.pdf

Professional Responsibilities

Education

As mentioned above, **Local Education Authorities** in Scotland have a responsibility to assess children's needs and provide 'adequate and efficient' support that enables every child to reach their fullest potential. This means they have a duty to make education accessible and remove any barriers to learning for disabled children. It also means that children have a right to have their learning extended when they are exceeding expectations for their peer group. Children also have the right to have their views listened to and should be involved in all decisions about their support. Even if a child does not yet have, or is waiting for a formal autism diagnosis, they are still entitled to receive support based on their individual needs.

Meanwhile, at classroom level, all **teachers** must uphold Professional Standards which include:

- Embracing equality, equity, and justice.
- Planning and adapting learning, teaching, and assessment to meet the needs of every learner.
- Providing appropriate contexts and environments for learning.
- Promoting and developing effective communication methods.
- Understanding and challenging discrimination in all its forms.

You can find out more about the Professional Standards for Teachers here:

<https://www.gtcs.org.uk/wp-content/uploads/2021/09/standard-for-career-long-professional-learning.pdf>



If you are worried your child is not receiving the support they need, or is being discriminated against due to their disability, the first recommendation is to speak with your nursery or school about any concerns. If you cannot resolve the issue with your nursery or school directly, you can:

- Contact the Local Authority Quality Improvement Team.
- Ask for mediation.
- Engage with external services to access specific support or advice.

A variety of **advocacy services** are available nationwide. Advocacy services can help to ensure your child's views are represented. You are entitled to bring an advocate or other supporter to all school meetings you are required to attend. For example, My Rights, My Say can support children aged 12-15 years to advocate for themselves at school. You can find out more about My Rights, My Say here:

<https://myrightsmysay.scot/>

Enquire is the Scottish advice service covering additional support for learning. Their remit includes:

- Providing advice to children and young people who might be struggling in school.
- Raising awareness of children's rights to extra support in school.
- Helping families and schools work together to ensure children get the support they need.

You can find out more about Enquire here:

<https://enquire.org.uk/>

Employment

Under UK law, workplace accommodations for disabled employees are referred to as 'reasonable adjustments'. **Employers** are responsible for ensuring reasonable adjustments are in place that protect disabled people against discrimination by providing equal opportunities to everyone. Adjustments should be available across all stages of the employee lifecycle, including recruitment, onboarding, and development. A formal diagnosis of autism is not required to access this support. There is not official 'list' of reasonable adjustments that can be requested, any support should be based on an autistic individual's specific needs. A workplace needs assessment, conducted by an external agency, can be useful if it is not clear what changes, support, or equipment might be helpful. This can be provided to employers through the **Access to Work** programme. You can read more about the Access to Work services here: <https://www.gov.uk/access-to-work>

If you are worried you are not receiving appropriate support at work, the first recommendation is to speak with your employer about any concerns. If you cannot resolve the issue with your employer directly, there are several other organisations, such as Autism Understanding Scotland, who can provide support.



You can read more about autistic rights in the workplace here:
<https://www.autismunderstanding.scot/information-hub/employment>

Other Service Providers

All **public authorities** have a legal responsibility to respect and protect your rights in everything they do, including the services that they provide for you. Public service workers include **NHS staff, local authority staff (e.g., social services), police, prison staff, and court and tribunal officials**. If you are worried you are not receiving appropriate support or that your rights are not being respected, you can contact your local council or the Care Quality Commission who have a duty to take steps to protect your rights. In the instance of more serious discrimination, you can also contact the police. If you are unsure who to contact, or require assistance, there are organisations who can provide mediation, support, or advocacy services. Provisions can vary by local authority.

Discrimination and Ableism

Unfortunately, despite the legislation in place to protect our Rights, many autistic people still encounter discrimination daily. Discrimination against people with disabilities is called 'ableism', and can take many forms including; lowered expectations, false assumptions, attitudes, poor practices, and/or physical barriers in the environment. Ableism characterises disabled people as being inferior to the non-disabled majority and prevents them from participating fully in society.

Statistics report that one in five autistic children have been excluded from school at some point in their lives. Meanwhile, the Office for National Statistics estimates only 22% of autistic adults to be in any kind of employment. This shows that many autistic people are unable to exercise their Rights to meaningful education and employment.

Autistic people frequently report difficulty in accessing public services, and that service providers have a poor understanding of their needs. This results in autistic people being denied their right of equal access to public services. One in three autistic adults experience significant mental ill health and often cite a lack of appropriate support from mental health providers. Differences in autistic expressions of pain and discomfort can lead to a delay in our getting appropriate treatment in a timely manner. Across Scotland, the waiting time to even receive an autism assessment can take up to a year or longer, presenting further barriers to supportive services.

Finally, autistic people who belong to or identify with other minority groups are more likely to experience multiple levels of discrimination. So, for example, a black autistic person might be discriminated against based on their ethnicity and disability causing additional disadvantage.

Ensuring Rights Are Met

Education and training, developed and delivered by autistic people, can help individuals and organisations to develop their knowledge and understanding of autism. Autistic-led



training can be especially powerful in challenging misconceptions and stigma, as well as ensuring that resources are relevant, non-offensive, and truly reflective of the needs and experiences of the autistic community.

More timely access to **assessment and post-diagnostic support** needs to be provided for autistic people. With proper post-diagnosis support, many autistic people report that they better understand their own needs and are better able to communicate these needs with others. While adjustments should be based on need, a diagnosis is often necessary to access certain supportive services and accommodations. Again, involving autistic people in the design and delivery of supportive materials can help to ensure that any resources are non-stigmatising and empowering for individuals.

The **promotion of Autistic Rights** is important to support autistic people self-advocate in education, employment, and the community. It is also crucial that professionals understand what their responsibilities are in relation to protecting Autistic Rights. This information should be easily accessible in various formats post-diagnosis, and in relevant settings such as schools, workplaces, health clinics, and public buildings. Access to advocacy services can vary widely by local authority.

Universal Design refers to the design of buildings, environments, products, and services that can be accessed, used, and understood by all people to the greatest possible extent, without the need for adaptations. When designers think about and plan for peoples' diverse needs and abilities from the outset, this means that they can create buildings, environments, products, and services that reflect and cater for those needs. An example would be designing a building with wider hallways and doorframes to allow greater access for people using mobility devices. Or, using signage that is easy to understand for anyone, including non-native speakers and those with learning disabilities. Applied correctly, Universal Design can help to increase access and inclusion for everyone.

Investment and support for **Autistic-led research** can help to ensure that studies are not offensive or harmful, and that they reflect the true needs and interests of the autistic community. Historically, autism research has been stigmatising, derogatory, deficit-based, and irrelevant to autistic preferences. For example, most autism research in the UK focuses on the underlying biology of autism. This is despite numerous surveys aimed at autistic people have highlighted improving mental health outcomes, increasing access to public services, and supporting transitions into adulthood as priority areas for further study. With more participatory research (including autistic-led projects), research aims, and outcomes would be better aligned to protect and support Autistic Rights.

During our [consultations with autistic people](#), they identified that employers, local governments, schools, doctor surgeries, and anywhere that supports autistic people would benefit from having a designated **Autistic Rights Ambassador**. This would be akin to a Health and Safety Rep who can ensure the Rights of autistic people are met. Throughout the consultations, an Autistic Rights Ambassador who could compel line managers, head teachers, doctors, social workers, police, etc., to put reasonable adjustments into place and ensure that these remain in place for as long as necessary was seen as highly desirable.

Connected to this, we would also like to see people in existing roles such as Education Support Officers, Equality Reps within Unions etc., to be empowered to ensure Autistic



Rights are upheld, and autistic voices are heard. This is in line with the Fair Work Convention value of Effective Voice.