

AUTISM ACT (NORTHERN IRELAND) 2011

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes refer to the Autism Act (Northern Ireland) 2011, which received Royal Assent on 9th May 2011. They have been prepared on behalf of Mr Dominic Bradley MLA, in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a provision does not seem to require any explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Act's main objective is to enhance the provision of services to, and support for, people with a condition on the autistic spectrum. The Act seeks to achieve this by means of:
 - (1) amending Schedule 1 to the Disability Discrimination Act 1995 to resolve any ambiguity as to whether the term "disability" applies to autistic spectrum conditions; and
 - (2) requiring the preparation and implementation of an autism strategy.

CONSULTATION

4. As Chair of the All-Party Assembly Group on Autism and as a consequence of that work and the associated engagement with stakeholders Mr Bradley developed proposals for an Act. He consulted on the policy behind the Act during Spring 2010, receiving 24 written responses, which were broadly supportive of the proposals, although public sector consultees questioned the need for legislation. Evidence-gathering on the proposed measures in the Act was carried out by the Committee for Health, Social Services and Public Safety.

OVERVIEW

5. The Act has 6 sections.

COMMENTARY ON SECTIONS

Section 1 - Amendment to Schedule 1 to the Disability Discrimination Act 1995

Section 1 extends the list of “normal day-to-day activities” in Schedule 1 to the Disability Discrimination Act 1995. Capacity to undertake these activities is used to assess whether someone’s condition falls within the definition of “disability” in the Act. The effect of section 1 is to clarify that a condition which has a substantial and long-term adverse effect on someone’s ability to “take part in normal social interaction” or in “forming social relationships” can constitute a “disability”.

Section 2 - Autism Strategy

Section 2 requires the Department of Health, Social Services and Public Safety (“the Department”) to prepare and publish a strategy on autism within 2 years of the passing of the Act and following consultation with the other Northern Ireland departments. All departments in the Executive are placed under an obligation to implement any part of the strategy for which they are responsible.

In order that the strategy be comprehensive, the Act requires the Department to seek information from the 5 Health and Social Care Trusts in Northern Ireland on the prevalence of autism in their areas. The Trusts are placed under an obligation to provide the information so requested. Furthermore, the Northern Ireland departments are required to co-operate in the preparation of any strategy. The strategy is intended to be a living document, and Section 2 therefore requires it to be kept under review and updated by the Department at intervals of 7 years or less. The Minister is required to lay a report before the Assembly every 3 years.

Section 3 - Content of the Autism Strategy

The autism strategy must set out how the needs of people with an autistic spectrum condition are to be addressed throughout their lives. It must also address the needs of carers of those with an autistic spectrum condition and identify what steps the Department proposes to take to promote an autism awareness campaign.

Regulations may be made under this Act only if they have been approved by the Assembly. Before regulations can be made, they must have been the subject of consultation.

Section 4 - Interpretation

This section defines a number of terms used throughout the Act. “Autism” is interpreted as including Asperger’s syndrome, Rett’s syndrome, Heller’s syndrome and other pervasive developmental disorders not otherwise specified.

HANSARD REPORTS

The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly.

STAGE	DATE
Introduction to the Assembly	8 November 2010
Second Stage debate	7 December 2010
Committee Stage - evidence session with Autism NI, the Parents' Autism Lobby, the Regional Autistic Spectrum Disorder Network and the Health and Social Care Board	16 December 2010
Committee Stage - evidence session with Parents' Education as Autism Therapists, Autism Initiatives Northern Ireland and the National Autistic Society	13 January 2011
Committee Stage - evidence session with the All-Party Group on Autism, the Regional Autism Spectrum Disorder Network, the Department of Education and the Department of Health, Social Services and Public Safety	20 January 2011
Committee Stage - formal clause-by-clause consideration	27 January 2011
Committee's Report on the Bill - Report number 43/10/11R	10 February 2011
Consideration Stage	23 February 2011
Further Consideration Stage	7 March 2011
Final Stage	15 March 2011
Royal Assent	9 May 2011

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