

# Autism (Amendment) Act (Northern Ireland) 2022

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes relate to the Autism (Amendment) Act (Northern Ireland) 2022 which received Royal Assent on 26 April 2022. They have been prepared by the Northern Ireland Assembly Bill Office 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 section or part of a section or Schedule does not seem to require any explanation or comment, none is given.

### **BACKGROUND AND POLICY OBJECTIVES**

3. The Autism Act (Northern Ireland) 2011 (“The 2011 Act”) aimed to enhance the provision of services to, and support for, people with conditions which are on the autistic spectrum. This was to be achieved by amending the Disability Discrimination Act 1995 to ensure autism spectrum conditions were unambiguously considered disabilities and by requiring the preparation and implementation of an Autism Strategy. The Member gathered widespread commentary and evidence that there were emerging gaps in the planning for, and provisions in, the autism strategy. The Member is committed to strengthening the impact of the autism strategy.
4. The Autism (Amendment) Bill has three policy objectives:
  - a) To enhance the autism strategy by strengthening the consultation process and the collection of data.
  - b) To provide information on autism training for staff of public bodies; to set out details of an autism early intervention service; details of a new autism information service; and specific information on the needs of adults with autism. The Bill also seeks to amend the methodology used in preparation of the autism strategy to reflect best international practice. The strategy must recognise the individualised needs of autistic people and contain measurable targets to determine success.

The Minister of Health must prepare an annual report setting out information on the funding of autism.

- c) To require the appointment of an independent autism reviewer to review the Department of Health's ("the Department") functions in relation to autism and to produce an annual report to be laid before the Assembly.

## **OVERVIEW**

5. The Act has 8 sections and no schedules. A commentary on sections follows below.

## **COMMENTARY ON SECTIONS**

### ***Section 1 Autism strategy: consultations and data:***

Section 2 of the 2011 Act required the Department of Health to prepare an autism strategy. Section 1 makes two amendments to the 2011 Act.

Firstly, as well as an obligation to consult other Northern Ireland departments before preparing the strategy, the Department is now obliged to consult other persons. This widens the field of persons who may be consulted on the strategy. Secondly, there is now a specific duty upon the Department to request Health and Social Care Trusts to provide data on the prevalence of autism both in adults and in children. Previously the duty was to provide data on the prevalence of autism generally. The duty is now more specific and will provide greater detail on the prevalence of autism.

### ***Section 2 Additional components of autism strategy:***

Section 3 of the 2011 Act set out what the autism strategy must contain. Section 2 amends section 3 by adding a number of specific new components to the autism strategy. Firstly, the autism strategy must now include information on the training which is to be provided to civil servants and staff of all public bodies on autism. The training may include accredited training. The training is to assist staff on how best to help autistic people and their families and carers. Secondly, the autism strategy must now set out details of an autism early intervention service. Thirdly, the autism strategy must now include information on a new autism information service. This service must be accessible both face to face and remotely (for example over the phone, or online). The information service is designed to be used by autistic people, their families and carers, and also by professionals working in this field. Fourthly, the autism strategy must now include information specifically on the needs of adults with autism.

### ***Section 3 Methodology of the autism strategy:***

Amends the 2011 Act by inserting a new section on the methodology required for the preparation of the autism strategy. The strategy must reflect best international practice. The strategy must recognise the fact that autistic people

have individualised needs. There must be regional consistency across Northern Ireland in the approach to autism. Finally, the strategy must contain hard targets, and these targets can be used to measure whether or not the strategy has been successful.

In addition to the general obligation to consult widely in making this strategy, section 3 also includes a specific obligation to consult organisations working in this area when it comes to setting those measurable targets.

***Section 4 Annual autism funding reports:***

Amends the 2011 Act by establishing a new requirement for the Minister to prepare an annual report setting out information on the funding of autism. The funding for autism means how the Department, and how other departments allocate money in order to meet the autism strategy. The annual report must be laid before the Assembly. The funding for autism must take into account the autism strategy, the prevalence of autism, the needs of autistic people and their families and carers. The funding must also take into account the possibility of working with charities in this area.

***Section 5 Autism reviewer:***

Amends the 2011 Act by requiring the appointment of an independent person known as the autism reviewer. The main job of the autism reviewer is to keep under review the Department's functions relating to autism. The reviewer must issue a report annually, which is to be sent to the Department and laid before the Assembly. The reviewer is not a statutory office holder, merely a person appointed by the Department as required by a statute.

***Section 6 Short title:***

Sets the short title which is the Autism (Amendment) Act (Northern Ireland) 2022.

**HANSARD REPORTS**

6. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Assembly and the date Royal Assent was received.

<i>STAGE</i>	<i>DATE</i>
First Stage	5 July 2021
Second Stage	21 September 2021
Consideration Stage	15 February 2022
Further Consideration Stage	23 February 2022
Final Stage	7 March 2022

*These notes refer to the Autism (Amendment) Act (Northern Ireland) 2022 (c.13) which received Royal Assent on 26 April 2022*

<i>STAGE</i>	<i>DATE</i>
Royal Assent	26 April 2022