

Autism Bill

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TO

Make requirements relating to the collection and dissemination of information on people with autism; to make provision about support for people with autism; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to record and provide information on the number of children with autism

- (1) The Children Act 1989 (c. 41) is amended as follows.
- (2) In Schedule 2, after sub-paragraph (2) of paragraph 2, insert—
 - “(3) The register shall in particular record how many disabled children in the local authority’s area are children with autism. 5
 - (4) Every local authority shall provide the contents of the register to its relevant partners on an annual basis.
 - (5) For the purposes of sub-paragraph (3), “autism” has the same meaning as in section 7 of the Autism Act 2009. 10
 - (6) For the purposes of sub-paragraph (4), “relevant partners” are those organisations set out in section 10(4) of the Children Act 2004 (c. 31).”.

2 Duty to consider needs of children with autism in preparing a children and young people’s plan 15

- (1) The Children Act 2004 is amended as follows.
- (2) In section 17(3), at end insert—
 - “(c) The children’s services authority’s assessment of—
 - (i) the specific needs of children with autism in its area;
 - (ii) the services required to meet those needs, and 20

- (iii) the training requirements of staff employed or commissioned by the children’s services authority to enable such services to be delivered effectively.
- (d) In making the assessment under sub-paragraph (c) above, the children’s services authority must have regard to the views of children and young people with autism in its area and the views of their parents and carers. 5
- (e) For the purposes of paragraphs (c) and (d), “autism” has the same meaning as in section 7 of the Autism Act 2009.
- 3 Duty to promote effective transition for young people with autism 10**
- (1) The Children Act 1989 (c. 41) is amended as follows.
- (2) In Schedule 2, paragraph 2, at end insert—
- “(7) Every local authority shall ensure that the register is reviewed at least on one occasion in every three-month period from the date this Act comes into force by its director of children’s services and the director of adult services, for the purpose of improving the planning of services for children and adults with autism and, in particular, their transition between children and adult services.” 15
- 4 Duty to recognise the needs of persons with autism**
- (1) The Local Government and Public Involvement in Health Act 2007 (c. 28) is amended as follows. 20
- (2) In section 116 (health and social care: joint strategic needs assessments) after subsection (4), insert—
- “(4A) In preparing an assessment of relevant needs, local authorities and partner Primary Care Trusts must have particular regard to the requirements for services and support of persons with autism.” 25
- 5 Duty to promote services and support for adults with autism: England**
- (1) It shall be the duty of the Secretary of State to promote the provision of services and support by local authorities and NHS bodies to adults with autism.
- (2) The duty imposed by subsection (1) shall be performed in accordance with regulations made by the Secretary of State. 30
- (3) In particular, regulations made under subsection (2) must make provision in relation to—
- (a) the structures within local authorities and NHS bodies to be used to promote the fulfilment of the duty set out in subsection (1); 35
- (b) workforce requirements, including the training needs of professionals;
- (c) the provision of diagnostic services for adults with autism;
- (d) the provision of assessment services for adults with autism;
- (e) the collection of data on the population of adults with autism and their requirements for services and support; 40
- (f) the arrangements for sharing of good practice in the provision of autism support services at regional and national levels.

- (4) The Secretary of State must, before making regulations under subsection (3), consult—
- (a) local authorities and NHS bodies;
 - (b) persons with autism, or representatives of persons with autism as required; 5
 - (c) organisations representing persons affected by autism;
 - (d) user-led organisations representing persons with autism; and
 - (e) organisations representing professionals delivering autism support services.
- (5) In complying with any regulations issued under this section local authorities and NHS bodies must, so far as is reasonably practicable and consistent with these regulations, promote independent living for persons with autism. 10
- (6) Regulations and orders made under this section shall be made by statutory instrument.
- (7) No regulations or orders under subsection (6) may be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament. 15

6 Duty to promote services and support for adults with autism: Wales

- (1) It shall be the duty of the Welsh Ministers for the National Assembly of Wales to promote the provision of services and support by local authorities and Welsh NHS bodies to adults with autism. 20
- (2) The duty imposed by subsection (1) shall be performed in accordance with regulations made by the Welsh Ministers.
- (3) The Welsh Ministers must, before making regulations under subsection (2), consult—
- (a) local authorities and Welsh NHS bodies; 25
 - (b) persons with autism, or representatives of persons with autism as required;
 - (c) organisations representing persons affected by autism;
 - (d) user-led organisations representing persons with autism;
 - (e) organisations representing professionals delivering autism support services; and 30
 - (f) organisations involved in research relating to care services for persons with autism.
- (4) In complying with any regulations issued under this section local authorities and Welsh NHS bodies must, so far as is reasonably practicable and consistent with these regulations, promote independent living for persons with autism. 35

7 Interpretation

In this Act—

- “adult” means person over 18 years;
- “autism” includes all autism spectrum disorders, including Asperger’s syndrome; 40
- “autism support services” means services provided by local authorities and NHS bodies for the assessment, care and support of persons with autism;

- “independent living” means persons with autism enjoying the same choice, freedom, dignity, control and substantive opportunities as persons who are not disabled;
- “local authority” means, in relation to England, a unitary authority, the council of a county, a metropolitan district, a London Borough, the Common Council of the City of London or the Council of the Isles of Scilly, and in relation to Wales, the council of a county or a county borough; 5
- “NHS bodies” includes –
- (a) a Strategic Health Authority, 10
 - (b) a Primary Care Trust,
 - (c) an NHS Trust,
 - (d) a Mental Health Trust,
 - (e) a Special Health Authority,
 - (f) an NHS Foundation Trust; 15
- “relevant strategy documents and plans” means documents produced by local authorities and NHS bodies for purposes of planning for the provision of health and social care services;
- “user-led organisations” means organisations where the majority of the trustee board, management committee or senior management team (or equivalent) are disabled, within the meaning of section 1 of the Disability Discrimination Act 1995 (c. 50); 20
- “Welsh NHS bodies” includes –
- (a) local health board,
 - (b) an NHS trust. 25

8 Expenses

There shall be paid out of money provided by Parliament –

- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.* 30

9 Short title, commencement and extent

- (1) This Act may be cited as the Autism Act 2009.
- (2) Apart from this section, this Act comes into force on such day as may be appointed by order made by statutory instrument. 35
- (3) An order under subsection (2) shall be made –
 - (a) in relation to England, by the Secretary of State; and
 - (b) in relation to Wales, by the National Assembly for Wales.
- (4) The Secretary of State may by order made by statutory instrument provide that this Act shall have effect in its application to the Isles of Scilly with such modifications as are specified in the order. 40
- (5) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Sections 1 to 5 and 7 to 9 extend to England only.

(7) Section 6 extends to Wales only.

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