

Autism (Amendment) Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Mrs Pam Cameron, had made the following statement under Standing Order 30:

“In my view the Autism (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly.”

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BILL

TO

Amend the Autism Act (Northern Ireland) 2011.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Autism strategy: consultations and data

1. In section 2 of the Autism Act (Northern Ireland) 2011 (autism strategy)—

(a) in subsection (2), after “consult the Northern Ireland departments” insert “, and such other persons as the Department considers appropriate,”,

5 (b) after subsection (3) insert—

“(3A) The data on prevalence must include data on prevalence in adults and prevalence in children.”.

Additional components of autism strategy

2. In section 3 of the Autism Act (Northern Ireland) 2011 (content of the autism strategy), after subsection (4) insert—

“(4A) The autism strategy must set out how training (including accredited training) is to be provided to the staff of Northern Ireland departments and other public bodies on how to best address the needs of—

(a) persons with autism, and

15 (b) the families and carers of persons with autism.

(4B) The autism strategy must set out how the Department is to make provision for an autism support and early intervention service.

(4C) The autism strategy must set out how the Department is to make provision for an autism information service which is accessible (both in person and remotely) by—

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(a) persons with autism,

(b) the families and carers of persons with autism, and

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(c) professionals working with persons with autism, and their families and carers.

(4D) The autism strategy must set out how the needs of adults with autism will be addressed, including in particular their needs in respect of—

- 5 (a) lifelong learning,
(b) employment support,
(c) recreation,
(d) physical health,
(e) emotional and mental well-being,
10 (f) supported living, and
(g) housing.

(4E) The autism strategy must set out how the Department will reduce waiting times for autism assessment and treatment services provided by HSC trusts.”.

15 **Methodology of the autism strategy**

3. After section 3 of the Autism Act (Northern Ireland) 2011 insert—

“Methodology of the autism strategy

3A.—(1) The autism strategy must take into account best international practice on autism.

20 (2) The autism strategy must take into account that persons with autism, and their families and carers, have individualised needs.

(3) The autism strategy must take a multidisciplinary and cross-departmental approach.

25 (4) The autism strategy must set out how consistency of practice is to be achieved across—

- (a) HSC trusts, and
(b) education services.

(5) The autism strategy must set out measurable targets against which its effectiveness may be assessed.

30 (6) Without limiting the generality of consultations required under section 2(2), those measurable targets must be developed in consultation with bodies with an interest in promoting the rights of persons with autism.”.

Annual autism funding reports

35 4. After section 3A of the Autism Act (Northern Ireland) 2011 (inserted by section 3), insert—

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“Funding for autism

Annual autism funding reports

3B.—(1) The Minister must lay before the Assembly, for each financial year, a report (“an annual report”) setting out how the funding for autism, in respect of that year, took account of—

- (a) the autism strategy,
- (b) the prevalence of autism in children and adults,
- (c) the needs of persons with autism,
- (d) the needs of families and carers of persons with autism, and
- (e) the potential for collaboration with bodies with an interest in promoting the rights of persons with autism.

(2) In this section “the funding for autism” means—

- (a) in respect of the Department, the allocation of funding for health and social care, in so far as it relates to the autism strategy,
- (b) in respect of the other Northern Ireland departments, the allocation of funding for that part of the autism strategy which falls within their responsibilities.

(3) The annual report must be laid within 6 months of the end of the financial year.

(4) The first annual report must be laid in respect of the financial year ending 31 March 2023.”.

Autism reviewer

5. After section 3B of the Autism Act (Northern Ireland) 2011 (inserted by section 4), insert—

“Autism reviewer

Autism reviewer

3C.—(1) The Department must appoint a person as the autism reviewer.

(2) The autism reviewer must not be a person employed by the Department or a Northern Ireland department.

(3) The autism reviewer is not subject to the direction or control of the Department or the Northern Ireland departments.

(4) But this is subject to the requirement under this section for the Department to pay the autism reviewer’s expenses and allowances.

(5) The reviewer must issue a report annually on the exercise of their functions, and may issue additional reports.

(6) The reviewer must send any report to the Department.

(7) On receiving the report, the Department must lay it before the Assembly.

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(8) The Department must pay the reviewer expenses and allowances which are reasonably necessary in order to allow the reviewer to carry out their functions.

Functions of the autism reviewer

- 5 3D. The functions of the autism reviewer are—
- (a) to monitor the implementation and effectiveness of the autism strategy,
 - (b) to assess the efficacy of the funding arrangements in respect of autism,
 - 10 (c) to keep under review the adequacy and effectiveness of the law and practice relating to autism,
 - (d) to keep under review the adequacy and effectiveness of services provided for persons with autism, their families and carers,
 - (e) to commission independent research on best international practice on autism,
 - 15 (f) to advise the Assembly, if requested, on matters relating to autism, and
 - (g) any other function which the Department may confer upon the reviewer.”.

20 **Interpretation**

6. In section 4(1) of the Autism Act (Northern Ireland) 2011 (interpretation) insert in the appropriate place in alphabetical order—

25 ““public body” means a body established by or under a statutory provision within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954.”.

Commencement

7. This Act comes into operation after the end of the period of three months beginning with the date on which it receives Royal Assent.

Short title

30 8. This Act may be cited as the Autism (Amendment) Act (Northern Ireland) 2022.

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[AS AMENDED AT FURTHER CONSIDERATION STAGE]

A Bill to amend the Autism Act (Northern Ireland) 2011.

Introduced by: Mrs Pam Cameron

On: 5 July 2021

As amended at
Consideration Stage: 15 February 2022

As amended at Further
Consideration Stage: 23 February 2022

Bill Type: Non-Executive Bill

ACCOMPANYING DOCUMENTS

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