

# **AUTISM (AMENDMENT) BILL**

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## **EXPLANATORY AND FINANCIAL MEMORANDUM**

### **INTRODUCTION**

1. This Explanatory and Financial Memorandum has been prepared by Pam Cameron MLA (“the Member”), in order to assist the reader of the Bill and to help inform the debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum should be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill, and where a clause or part of a clause 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.

## **CONSULTATION**

5. The Member conducted a consultation exercise over an eight-week period between August 2020 and October 2020. The Member also shared her legislative proposal with the Northern Ireland Human Rights Commission, the Equality Commission for Northern Ireland and the Northern Ireland Commissioner for Children and Young People.

## **OPTIONS CONSIDERED**

6. **Option 1:** Do Nothing.
7. **Option 2:** Proceed with an Autism (Amendment) Bill.

Following consultation and deliberation, the Member considers that primary legislation is the best mechanism by which to achieve the policy objectives. The Member notes that legislation will strengthen the statutory duties in place to ensure best practice in the planning and assessment of services provided for those adults and children with autism.

## **OVERVIEW**

8. The bill has 8 clauses and no schedules. A commentary on clauses follows below.

## **COMMENTARY ON CLAUSES**

**Clause 1 Autism strategy: consultations and data:** Section 2 of the 2011 Act required the Department of Health to prepare an autism strategy. Clause 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.

**Clause 2 Additional components of autism strategy:** Section 3 of the 2011 Act set out what the autism strategy must contain. Clause 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.

**Clause 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, clause 3 also includes a specific obligation to consult organisations working in this area when it comes to setting those measurable targets.

**Clause 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.

**Clause 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.

## **FINANCIAL EFFECTS OF THE BILL**

9. The Member believes that it is not anticipated that the Bill will give rise to any significant additional expenditure, as the funding for the autism strategy is an existing legislative requirement. Some public purse costs are not possible to estimate at this stage due to the number of variables, such as the regional training strategy. Some processes such as the collation of data may involve changes to administrative processes but seem unlikely to require new staff or significant

changes to administrative processes. The Member therefore notes the bulk of new requirements are not likely to produce any significant additional costs to the public purse.

10. In relation to other costs, the Member was conscious of providing a cost-effective review mechanism. The autism reviewer role currently has no directly comparable position, but the costs of the non-statutory Mental Health Champion role including staff, are estimated at between £300-500,000 per annum. The Member suggests that the costs for the autism reviewer are likely to be less than the Mental Health Champion role, given the focused remit of the autism reviewer.

### **HUMAN RIGHTS ISSUES**

11. The member is satisfied that the bill is human rights compliant.

### **LEGISLATIVE COMPETENCE**

12. At introduction, the sponsor 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”.*