

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

Autism (Wales) Bill

[DRAFT]

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Autism (Wales) Bill

[DRAFT]

An Act of the National Assembly for Wales to make provision for meeting the needs of children and adults with autism spectrum disorder in Wales and protecting and promoting their rights.

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

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1 Autism strategy

- (1) The Welsh Ministers must prepare and publish a document setting out a strategy for meeting the needs throughout their lives of persons in Wales with autism spectrum disorder by improving the provision of services to such persons.
- 10 (2) The document is referred to in this Act as “the autism strategy”.
- (3) The autism strategy must, as a minimum, satisfy the requirement set out in section 2.
- (4) The autism strategy must be laid before the National Assembly for Wales as soon as reasonably practicable after its preparation and published not later than 6 months after the day on which this Act comes into force.
- 15 (5) The Welsh Ministers—
 - (a) must keep the autism strategy under review; and
 - (b) may revise it.
- (6) If the Welsh Ministers revise the autism strategy, they must lay the revised strategy before the National Assembly for Wales and publish it as soon as it is reasonably practicable to do so.
- 20 (7) Not more than three years after the publication of the autism strategy, and at intervals of no more than three years thereafter, the Welsh Ministers must commission an independent report on its progress.
- (8) The Welsh Ministers must lay the report prepared under subsection (7) before the National Assembly for Wales as soon as practicable after its preparation and publish it.
- 25 (9) The Welsh Ministers must consult with relevant bodies and such other persons as the Welsh Ministers may consider appropriate (including persons with autism spectrum disorder and organisations representing their interests or providing services to them)—
 - (a) in preparing the autism strategy; or
 - 30 (b) in revising it in a way which would, in the opinion of the Welsh Ministers, result in a substantial change to the autism strategy.
- (10) Steps taken by the Welsh Ministers before this section comes into force are as effective for the purposes of this section as if they had been taken after that time.

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2 Contents of the autism strategy

(1) The autism strategy must—

- (a) define a best practice model or models for the:
- (i) identification and diagnostic assessment of autism spectrum disorder;
 - (ii) assessment of the care and support needs of persons with autism spectrum disorder; and
 - (iii) planning for and meeting the care and support needs of persons with autism spectrum disorder;
- (b) make provision for the development of a pathway, that includes access through defined points of referral, to map the services that are available and required for persons with autism spectrum disorder;
- (c) provide for diagnostic assessments and any post-diagnostic meetings to be completed as soon as reasonably practicable following a referral and at least within any timescales set out in relevant guidelines issued by the National Institute for Health and Care Excellence¹;
- (d) make provision for individual diagnostic assessments to be conducted by a multi-disciplinary team of professionals;
- (e) provide for an assessment of care and support needs to be completed as soon as reasonably practicable and at least within 2 months of a diagnosis of autism spectrum disorder or any post-diagnostic meeting, whichever is the later;
- (f) make provision to ensure that people are not denied access to services on the grounds of IQ or receipt of services for other medical conditions;
- (g) outline how the needs of persons with autism spectrum disorder should be met by relevant bodies in respect of, but not limited to, —
- (i) access to healthcare services;
 - (ii) access to education;
 - (iii) access to employment;
 - (iv) access to housing;
 - (v) access to Welsh language services;
 - (vi) access to other public services;
 - (vii) social inclusion; and
 - (viii) access to advocacy services;
- (h) make provision so that an appropriate range of services to deliver the autism strategy are available consistently across Wales;
- (i) make provision to ensure services that are provided are accessible to each person who needs those services;
- (j) make provision to ensure a continuity of service that reflects and facilitates the transition from childhood to adulthood;

¹ NICE Autism guidance: <https://www.nice.org.uk/guidance/conditions-and-diseases/mental-health-and-behavioural-conditions/autism>

- (k) place an emphasis on how families and carers of a person with autism spectrum disorder can be supported in meeting the needs of that person;
- (l) make provision for the wishes of people with autism spectrum disorder and of their family and carers to be taken into account;
- 5 (m) place emphasis on achieving innovation and improvement in the commissioning and delivery of autism spectrum disorder services;
- (n) make provision for the commissioning of research into any aspect of autism spectrum disorder;
- (o) make provision for the collecting of data in accordance with section 5;
- 10 (p) make provision for a campaign to raise awareness and understanding of the needs of persons with autism spectrum disorder in accordance with section 6;
- (q) make provision about the identification of key professionals and provision of appropriate training to them in relation to supporting people with autism spectrum disorder; and
- 15 (r) make provision to establish the necessary infrastructure and leadership to monitor and promote the implementation of the autism strategy.

(2) The autism strategy may address any other matter considered appropriate by the Welsh Ministers.

3 Guidance by the Welsh Ministers

- 20 (1) Welsh Ministers must issue guidance to relevant bodies about the exercise of their functions for the purpose of securing the implementation and delivery of the autism strategy and publish that guidance.
- (2) The guidance must be issued under this section no later than 3 months after publication of the autism strategy.
- 25 (3) The Welsh Ministers—
 - (a) must keep the guidance under review; and
 - (b) may revise it.
- (4) If the Welsh Ministers revise the guidance they must publish the revised guidance as soon as it is reasonably practicable to do so.
- 30 (5) In keeping the guidance under review the Welsh Ministers must in particular consider:
 - (a) the extent to which the guidance has been effective in securing the implementation of the autism strategy; and
 - (b) whether revisions to the autism strategy make revisions to the guidance appropriate.
- 35 (6) Guidance issued under this section must in particular include guidance about—
 - (a) the identification of persons with autism spectrum disorder;
 - (b) the provision of diagnostic and needs assessment services;
 - (c) the inclusion of key professionals in multi-disciplinary diagnostic assessment teams, in particular—

- (i) a psychologist;
- (ii) a psychiatrist;
- (iii) a speech and language therapist;
- (iv) an occupational therapist;
- 5 (v) a behavioural therapist; and
- (vi) a social worker;
- (d) what data should be collected and how it should be published;
- (e) the training of staff who provide services; and
- (f) local arrangements for leadership in relation to the provision of services.
- 10 (7) The Welsh Ministers must consult with relevant bodies and such other persons as the Welsh Ministers may consider appropriate (including persons with autism spectrum disorder and organisations representing the interests of or providing services to them) before—
- (a) issuing guidance under this section; or
- 15 (b) revising it in a way which would, in the opinion of the Welsh Ministers, result in substantial change to the guidance.
- (8) Steps taken by the Welsh Ministers before this section comes into force are as effective for the purposes of this section as if they had been taken after that time.

4 Relevant bodies: duty to have regard to the autism strategy and guidance

20 Relevant bodies must, in exercising their functions concerned with the planning and delivery of services have regard to the autism strategy issued under section 1 and guidance issued under section 3.

5 Data on autism spectrum disorder

- 25 (1) The Welsh Ministers must obtain, produce, publish and keep updated reliable data in order to carry out their functions under this Act.
- (2) In order to comply with the duty under subsection (1), the Welsh Ministers may request anonymised data from relevant bodies.
- (3) Relevant bodies must provide the Welsh Ministers with the data that may be requested under subsection (2) unless they are prohibited from doing so by virtue of an enactment or any other rule of law.
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6 Awareness campaign

- (1) Upon publication of the autism strategy the Welsh Ministers must initiate and maintain a campaign to raise awareness and understanding of the needs of persons with autism spectrum disorder
- 35 (2) The campaign must include elements that enhance the understanding of the needs of such persons by members of the public, employers and those providing services.
- (3) Welsh Ministers must report on the progress and effectiveness of the campaign in any report prepared under section 1(7).

7 Interpretation

(1) In this Act –

“adult” (“oedolyn”) means a person who is aged 18 or over;

“autism spectrum disorder” (“anhwylder sbectrwm awtistiaeth”) means –

(a) autism spectrum disorder as defined by the World Health Organization International Classification of Diseases from time to time²; or

(b) any other neurodevelopmental disorder prescribed by the Welsh Ministers;

“carer” (“gofalwr”), in relation to a person with autism spectrum disorder, means those persons specified as carers in the guidance issued under section 3(1);

“child” (“plentyn”) means a person who is aged under 18;

“local authority” (“awdurdod lleol”) means a county council or county borough council in Wales;

“National Institute for Health and Care Excellence” (“y Sefydliad Cenedlaethol dros Ragoriaeth mewn Iechyd a Gofal”) means the Non Departmental Public Body established under section 232 of the Health and Social Care Act 2012;

“NHS body” (“corff GIG”) means –

(a) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;

(b) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006;

(c) a National Health Service trust all or most of whose hospitals, establishments and facilities are situated in Wales or any trustees appointed in pursuance of paragraph 10 of Schedule 3 to the National Health Service (Wales) Act 2006 for such a trust; or

(d) a body of trustees appointed in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973 (c. 32) and section 95(1) of the National Health Service Act 1977 (c. 49) and section 160(1) of the National Health Service (Wales) Act 2006 for a trust all or most of whose hospitals, establishments and facilities are situated in Wales.

“parent” (“rhiant”) means any person who has parental responsibility (within the meaning of section 3 of the Children Act 1989 (c.41)) for a child;

² This reflects the forthcoming WHO ICD-11 due to be published in May 2018: <https://icd.who.int/dev11/l-m/en#/http%3a%2f%2fid.who.int%2fcd%2fentity%2f437815624>

“persons” (“personau”) means children and adults and “person” shall be construed accordingly;

5 “prescribed” (“rhagnodi”) means prescribed in regulations made by the Welsh Ministers;

“relevant body” (“corff perthnasol”) means a local authority, an NHS body and such other bodies as may be prescribed.

10 (2) In this Act references to the provision of services include references to arranging for the provision of services (and reference to services provided are to be construed accordingly).

8 Regulations

(1) A power of the Welsh Ministers to make regulations under this Act is exercisable by statutory instrument.

15 (2) A statutory instrument may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

9 Coming into force

This Act comes into force at the end of the period of 3 months beginning with the day on which it is passed.

10 Short title

20 The short title of this Act is the Autism (Wales) Act 2018.