

## **Autism Act: frequently asked questions**

### *What does the Autism Act do?*

The Act puts a duty on the Secretary of State for Health to introduce a strategy for improving outcomes for adults with autism. This will be the first ever strategy for adults with autism and will cover a wide variety of issues including health, social care, employment and training.

Crucially, the Act also puts a duty on the Secretary of State for Health to introduce statutory guidance for local authorities and Primary Care Trusts, to accompany the strategy. This means that there will be a legal obligation on these bodies to do certain things within the strategy.

The Autism Act sets in stone some of the areas that *must* be covered by the guidance. These are:

- a) providing services for diagnosing autism in adults;
- b) identifying adults with autism;
- c) carrying out needs assessments for adults with autism;
- d) planning appropriate services to young people with autism as they move from children's to adult services;
- e) local planning to provide appropriate services to adults with autism;
- f) training of staff who provide services to adults with autism;
- g) local leadership with regard to providing services to adults with autism.

So essentially, the Act introduces an adult autism strategy, and adds legal force to that strategy, putting new statutory duties on local bodies with the aim of improving outcomes for adults with autism.

### *When will the strategy and the guidance be published?*

The Act commands that the strategy must be published no later than April 2010. The accompanying guidance must be published no later than December 2010.

### *What will the adult autism strategy say?*

We cannot yet say with any certainty exactly what the adult autism strategy will say. The strategy went out for consultation over the summer of 2009. The consultation closed on 15<sup>th</sup> September 2009 and the Government received over 1,000 responses. To read the National Autistic Society's response and a summary of our key demands, [click here](#).

The Department of Health are currently analysing the responses to the consultation and drafting the strategy. The NAS are involved in ongoing discussions with the Government over the content of the strategy.

Simultaneously, an External Reference Group of stakeholders, including adults with autism, parents, carers, experts and professionals, has also written a response to the consultation. The group is chaired by Mark Lever, chief executive of the NAS, and is also in ongoing discussions with the Government regarding the strategy.

The content of the strategy is absolutely crucial to the success of the Bill. For this reason, we are working extremely hard to ensure that the Government drafts a strategy which will really achieve real and lasting improvements for adults with autism.

#### *What will the statutory guidance say?*

The statutory guidance will also be consulted upon at some time in 2010, at which point its content will be decided upon. The National Autistic Society has already proposed our vision for the statutory guidance, which you can find on page 26 of our [strategy consultation response](#).

In the above section, entitled *What does the Autism Act do?*, you can see a list of all of the things that the statutory guidance will have to cover, from diagnosis and care assessments, to staff training and local leadership.

What the guidance will actually say in covering these issues is still open for negotiation. But whatever it does say will have legal force, so local authorities or Primary Care Trusts who do not comply can be challenged in court.

#### *Why is the Autism Act for adults and transition only?*

When the Autism Bill was first introduced, it was drafted to improve provision for both adults and children. However, following strong commitments from Ministers, regarding the data collection and provision for children with autism, we were happy for the clauses relating to children to be removed.

The Government has committed to amending the Children and Young People's Plans (CYPPs), which are the key strategic planning tool for local authorities, as the Bill had suggested. Through a different Bill, called the Apprenticeship, Children, Skills and Learners Bill, the Government will place a new legal duty to ensure that local areas collate and share data on disabled children as part of their CYPP needs assessments and include children with autism in their plans for children's services. Ministers also made a commitment that the statutory guidance that accompanies these duties will state that autism must be specified as a specific category on these registers.

For this reason, we were happy for the children's elements of the Autism Act to be removed, as we were satisfied that they were being met in other ways.

*What nations does the Autism Act cover?*

The Autism Act is an England only legislation. However, there are policy initiatives taking place in the other UK nations including the ASD Action Plan in Wales and an Autism Bill in Northern Ireland.

*What does the Autism Act mean for me, as an adult with autism, a parent or a carer?*

The passing of the Autism Act will not mean *immediate* improvements for you as an adult with autism, a parent or a carer. As explained above, the Act serves to ensure that no matter what the outcome of the General Election, an adult autism strategy and statutory guidance will be published in 2010. You will begin to notice the effects of the legislation once the strategy and guidance have been introduced.

We are working hard and are determined to ensure that we get the best possible strategy and guidance, which will make a huge difference to the way in which services for adults with autism are delivered at a local level.

Once the strategy and guidance are published, local bodies will have new duties placed upon them to improve their autism services for adults with autism in various ways (outlined above). Local bodies who do not comply will be breaking the law and will therefore be able to be legally challenged.

It is important to point out, however, that the Autism Act does *not* give you new rights. Your right to have a diagnosis, an assessment or a service will *not* be changed by the Act. Instead, the law will work by giving new duties to the bodies that provide these services, thus ensuring that such services will be available to adults with autism.