



# Autism Act (Northern Ireland) 2011

## 2011 CHAPTER 27

An Act to amend the Disability Discrimination Act 1995 and to require an autism strategy to be prepared. [9th May 2011]

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

### *Amendment to Schedule 1 to the Disability Discrimination Act 1995*

#### **Amendment to Schedule 1 to the Disability Discrimination Act 1995 (c. 50)**

**1.**—(1) The Disability Discrimination Act 1995 is amended in its application to Northern Ireland as follows.

(2) At the end of paragraph 4(1) of Schedule 1 insert—

- “(i) taking part in normal social interaction; or
- (j) forming social relationships”

### *The Autism Strategy*

#### **Autism strategy**

**2.**—(1) The Department must prepare a strategy on autism to be known as the autism strategy and must publish the autism strategy not less than two years after the passing of this Act.

(2) Before preparing the autism strategy, the Department must consult the Northern Ireland departments [<sup>F1</sup>, and such other persons as the Department considers appropriate,] on it.

(3) The Department must request every HSC trust to provide data on the prevalence of autism in its area in order—

- (a) that it can publish and update the strategy; and
- (b) that the Northern Ireland departments can effectively implement the strategy.

[<sup>F2</sup>(3A) The data on prevalence must include data on prevalence in adults and prevalence in children.]

(4) The HSC trusts must provide the Department with all information it requests under subsection (3).

(5) The Department must keep the autism strategy under review and must publish a revised strategy at intervals of not more than seven years.

(6) The Department must monitor the implementation of the autism strategy by the Northern Ireland departments.

(7) The Northern Ireland departments must co-operate with the Department in relation to the preparation, review and implementation of the autism strategy.

(8) The Northern Ireland departments must implement that part of the autism strategy which falls within their responsibilities and the Department must implement that part of the autism strategy which falls within its responsibilities.

(9) Not more than three years after the publication of the autism strategy, and at intervals of no more than three years thereafter, the Department must prepare a report on implementation of the autism strategy by the Northern Ireland departments and the Department.

(10) The Minister shall lay a report prepared by the Department under subsection (9) before the Assembly as soon as possible after its preparation.

#### Textual Amendments

- F1** Words in s. 2(2) inserted (27.7.2022) by [Autism \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 13\)](#), [ss. 1\(a\)](#), 7
- F2** S. 2(3A) inserted (27.7.2022) by [Autism \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 13\)](#), [ss. 1\(b\)](#), 7

#### Content of the autism strategy

**3.—**(1) The autism strategy must set out how the needs of persons with autism are to be addressed throughout their lives.

(2) Without prejudice to the generality of subsection (1) the needs to be set out in the autism strategy shall include the health care, educational and social needs of persons with autism.

(3) The autism strategy must set out how the needs of families and carers of persons with autism are to be addressed.

(4) The autism strategy must set out the Department's proposals for promoting an autism awareness campaign.

[<sup>F3</sup>(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
- (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—

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

- (a) lifelong learning,
- (b) employment support,
- (c) recreation,
- (d) physical health,
- (e) emotional and mental well-being,
- (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.]

(5) The Department may make regulations as regards the content of the autism strategy.

(6) No regulation may be made under this section unless a draft of the regulation has been laid before, and approved by resolution of, the Assembly.

(7) Before making a regulation under this section the Department must consult the Northern Ireland departments and other such persons as the Department thinks appropriate.

#### Textual Amendments

**F3** S. 3(4A)-(4E) inserted (27.7.2022) by [Autism \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 13), ss. 2, 7

#### [<sup>F4</sup>Methodology of the autism strategy

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

(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.

(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.

(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.]

#### Textual Amendments

**F4** S. 3A inserted (27.7.2022) by [Autism \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 13), ss. 3, 7

#### [<sup>F5</sup>Funding for autism

#### Textual Amendments

**F5** S. 3B and cross-heading inserted (27.7.2022) by [Autism \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 13), ss. 4, 7

**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.]

*F<sup>6</sup> Autism reviewer***Textual Amendments**

- F6** Ss. 3C, 3D and cross-heading inserted (27.7.2022) by [Autism \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 13\), ss. 5, 7](#)

**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.
- (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**

**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,
- (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,
- (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.]

### *Supplementary*

### **Interpretation**

**4.—(1)** In this Act, unless the context otherwise requires—

“autism” means autism, Asperger's syndrome, Rett's syndrome, Heller's syndrome or any pervasive developmental disorder not otherwise specified;

“autism strategy” means the strategy required to be published under section 2;

“carer”, in relation to a person with autism, means an individual who provides a substantial amount of care on a regular basis for that person;

“the Department” means the Department of Health, Social Services and Public Safety;

“HSC trust” refers to a body established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (NI 1);

“the Minister” means the Minister of Health, Social Services and Public Safety;

“Northern Ireland department” means the Department of Culture, Arts and Leisure, the Department of Education, the Department for Employment and Learning, the Department of Agriculture and Rural Development, the Department of Enterprise, Trade and Investment, the Department of the

Environment, the Department of Finance and Personnel, the Department of Justice, the Department for Regional Development, the Department for Social Development and the Office of the First Minister and deputy First Minister.

[<sup>F7</sup>“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.]

#### Textual Amendments

- F7** Words in s. 4(1) inserted (27.7.2022) by [Autism \(Amendment\) Act \(Northern Ireland\) 2022](#) (c. 13), ss. 6, 7

#### Commencement

**5** This Act comes into operation after the end of the period of three months beginning with the day on which it is passed.

#### Short title

**6** This Act may be cited as the Autism Act (Northern Ireland) 2011.

**Status:**

Point in time view as at 27/07/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the Autism Act (Northern Ireland) 2011.