

AUTISM ACT 2009

EXPLANATORY NOTES

COMMENTARY

Section 1: Autism Strategy

10. Subsection (1) places a duty on the Secretary of State to prepare and publish a document, to be called “the autism strategy” (subsection (2)), setting out a strategy for meeting the needs of adults in England with autistic spectrum conditions by improving the provision of relevant services by local authorities, NHS bodies and NHS foundation trusts. Under subsection (3) the autism strategy must be published no later than 1 April 2010.
11. Autistic spectrum conditions are lifelong conditions which affect how a person communicates with, and relates to, other people and the world around them. The word “spectrum” is used because the characteristics of the condition vary from one person to another. As research and experience refines the understanding of autism, so the range of characteristics will change. It is because of this that no definition of the term “autistic spectrum condition” has been included in the Act. The intention is that definitional issues will be dealt with in the autism strategy, which, as it has to be kept under continual review, will allow for changes to be made much more quickly in response to new developments than if the definition were to be included in primary legislation.
12. Subsection (4) requires the Secretary of State to keep the autism strategy under review and allows the strategy to be revised, in which case it must be re-published (subsection (5)).
13. Under subsection (6)(a), the Secretary of State must consult and seek the participation of such persons as the Secretary of State considers appropriate in preparing the autism strategy. Persons and organisations whose participation is sought will be actively involved in the development of the autism strategy, rather than only being able to respond through the consultation process.
14. Consultation and steps to seek participation are also required if the Secretary of State proposes to undertake substantial revision of the strategy (subsection (6)(b)).
15. The Secretary of State began an extended public consultation exercise on the proposed content of the autism strategy on 29 April 2009¹. This ran until 15 September 2009: it is envisaged that the strategy itself might be published before the Act comes into force. Subsection (7) therefore contains provisions to ensure that a document prepared and published before the Act comes into force is as effective for the purposes of fulfilling the Secretary of State’s duty in this section as a document published after that time. Similar provisions are contained in subsection (8) in relation to consultation and steps to seek participation on the preparation of the autism strategy.

¹ *A Better Future – A consultation on a future strategy for adults with autistic spectrum conditions*, Department of Health, 29 April 2009