

THE AUTISM ACT (2009)

No.4 IN THE AUTISTIC UK “KEY TEXTS” SERIES

Over the last few years we at Autistic UK have witnessed all sorts of people referring to the Autism Act as though it guarantees all sorts of things when in fact it guarantees very little.

It says that the Secretary of State, currently Jeremy Hunt MP, must produce an Autism Strategy (which was published in March 2010) and legally binding guidance to accompany it (which was published in December 2010). Revised guidance was published March 2015.

We wish that people would actually read the thing.

So here it is.

**An Act to make provision about meeting the needs of adults with autistic spectrum conditions; and for connected purposes. [12th November 2009]
BE IT ENACTED** by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Autism strategy

- (1) The Secretary of State must prepare and publish a document setting out a strategy for meeting the needs of adults in England with autistic spectrum conditions by improving the provision of relevant services to such adults by local authorities, NHS bodies and NHS foundation trusts.
- (2) That document is referred to in this Act as “the autism strategy”.
- (3) The autism strategy must be published no later than 1 April 2010.
- (4) The Secretary of State—
 - (a) must keep the autism strategy under review, and
 - (b) may revise it.
- (5) If the Secretary of State revises the autism strategy the Secretary of State must publish it as revised.
- (6) The Secretary of State must consult and seek the participation of such persons as the Secretary of State considers appropriate—
 - (a) in preparing the autism strategy, or
 - (b) in revising it in a way which would, in the opinion of the Secretary of State, result in a substantial change to the strategy.
- (7) A document prepared and published by the Secretary of State before this section comes into force is as effective for the purposes of this section as a document prepared and published after that time.

(8) Consultation and steps to seek participation undertaken by the Secretary of State before this section comes into force are as effective for the purposes of this section as consultation and steps to seek participation undertaken after that time.

2 Guidance by the Secretary of State

(1) For the purpose of securing the implementation of the autism strategy, the Secretary of State must issue guidance—

(a) to local authorities about the exercise of their social services functions within the meaning of the Local Authority Social Services Act 1970 (c. 42) (see section 1A of that Act), and

(b) to NHS bodies and NHS foundation trusts about the exercise of their functions concerned with the provision of relevant services.

(2) Guidance must be issued under this section no later than 31 December 2010.

(3) The Secretary of State—

(a) must keep the guidance under review, and

(b) may revise it.

(4) In keeping the guidance under review the Secretary of State must in particular consider the extent to which the guidance has been effective in securing the implementation of the autism strategy.

(5) Guidance issued under this section must in particular include guidance about—

(a) the provision of relevant services for the purpose of diagnosing autistic spectrum conditions in adults;

(b) the identification of adults with such conditions;

(c) the assessment of the needs of adults with such conditions for relevant services;

(d) planning in relation to the provision of relevant services to persons with autistic spectrum conditions as they move from being children to adults;

(e) other planning in relation to the provision of relevant services to adults with autistic spectrum conditions;

(f) the training of staff who provide relevant services to adults with such conditions;

(g) local arrangements for leadership in relation to the provision of relevant services to adults with such conditions.

(6) The Secretary of State must consult and seek the participation of local authorities, NHS bodies and NHS foundation trusts before—

(a) issuing guidance under this section, or

(b) revising it in a way which would, in the opinion of the Secretary of State, result in a substantial change to the guidance.

(7) Consultation and steps to seek participation undertaken by the Secretary of State before this section comes into force are as effective for the purposes of this section as consultation and steps to seek participation undertaken after that time.

3 Local authorities and NHS bodies: duty to act under guidance

- (1) This section applies to guidance or revised guidance issued under section 2 to a local authority or an NHS body.
- (2) Guidance or revised guidance is to be treated as if it were general guidance of the Secretary of State under section 7 of the Local Authority Social Services Act 1970 (c. 42) (local authorities to exercise social services functions under guidance of Secretary of State).
- (3) For the purposes of guidance or revised guidance—
 - (a) an NHS body is to be treated as if it were a local authority within the meaning of the 1970 Act (see section 1 of that Act), and
 - (b) the functions of an NHS body mentioned in section 2(1)(b) are to be treated as if they were its social services functions within the meaning of that Act (see section 1A of that Act).

4 Interpretation

- (1) In this Act—
 - “adult” means a person who is aged 18 or over (and, accordingly, “child” means a person who is under the age of 18);
 - “local authority” means—
 - (a) a county council in England;
 - (b) a metropolitan district council;
 - (c) a non-metropolitan district council for an area for which there is no county council;
 - (d) a London borough council;
 - (e) the Common Council of the City of London;
 - (f) the Council of the Isles of Scilly;
 - “NHS body” means—
 - (a) a Strategic Health Authority;
 - (b) a Primary Care Trust;
 - (c) a National Health Service trust all or most of whose hospitals, establishments and facilities are in England;
 - (d) a Special Health Authority performing functions only or mainly in respect of England;
 - “relevant services”—
 - (a) in relation to an NHS body, means health services provided for the purposes of the health service continued under section 1(1) of the National Health Service Act 2006 (c. 41);
 - (b) in relation to a local authority, means services provided in the exercise of the authority’s social services functions within the meaning of the Local Authority Social Services Act 1970 (see section 1A of that Act).
- (2) In this Act references to the provision of services include references to arranging for the provision of services (and references to services provided are to be construed accordingly).

5 Expenses

There shall be paid out of money provided by Parliament—

(a) any expenditure incurred under or by virtue of this Act by the Secretary of State, and

(b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

6 Extent, commencement and short title

(1) This Act extends to England and Wales only.

(2) This Act comes into force at the end of the period of 2 months beginning with the day on which it is passed.

(3) This Act may be cited as the Autism Act 2009.

The Autism Strategy, “Fulfilling and rewarding lives: the strategy for adults with autism in England” can be found at www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113369

The guidance, “Statutory guidance for local authorities and NHS organisations to support implementation of the autism strategy” can be found at

www.gov.uk/government/publications/adult-autism-strategy-statutory-guidance

The supplementary update to the Autism Strategy, “Think Autism”, April 2nd, 2014 can be found at

www.gov.uk/government/publications/think-autism-an-update-to-the-government-adult-autism-strategy

Reprinted by

AUTISTIC UK



THE NATIONAL AUTISTIC PEOPLE’S ORGANISATION

autisticuk@gmail.com

www.autisticuk.org

0191 259 6384

0774 234 7384