

Autism (Wales) Bill

Statement of Policy Intent for Subordinate Legislation to be made under this Bill

September 2018

AUTISM (WALES) BILL

STATEMENT OF POLICY INTENT FOR SUBORDINATE LEGISLATION

This document provides an indication of the current policy intention for the subordinate legislation that the Welsh Ministers would be empowered to make under the provisions of the Autism (Wales) Bill ('the Bill'). It has been prepared in order to assist committees during the scrutiny of the Bill and should be read in conjunction with the Bill and the Explanatory Memorandum and Explanatory Notes which accompany it.

The Bill's purpose is to ensure the needs of children and adults with Autism Spectrum Disorder 'ASD' in Wales are met and to protect and promote their rights.

The Bill delivers this purpose by seeking to:

1. Introduce a strategy for meeting the needs of children and adults in Wales with ASD conditions which will:
 - Promote best practice in diagnosing ASD, and assessing and planning for meeting care needs;
 - Ensure a clear and consistent pathway to diagnosis of ASD in local areas;
 - Ensure that local authorities and NHS bodies take necessary action so that children and adults with ASD receive the timely diagnosis and support they need across a range of services;
 - Strengthen support for families and carers and ensure their wishes, and those of people with ASD, are taken into account;
 - Promote research, innovation and improvement in ASD Services;
 - Establish practices to enable the collection of reliable and relevant data on the numbers and needs of children and adults with ASD, so that the Welsh Ministers, and local and NHS bodies can plan accordingly;
 - Ensure key staff working with people with ASD are provided with appropriate ASD training; and
 - Regularly review the strategy and guidance to ensure progress.
2. Require the Welsh Ministers to issue guidance to the relevant bodies on implementing the strategy.
3. Require the Welsh Ministers to collect suitable data to facilitate the implementation of the Bill.

4. Require the Welsh Ministers to undertake a campaign to raise awareness and understanding of ASD.

For ease of reference, this Statement includes the subordinate legislation making powers in the Bill and corresponds to the information provided in Chapter 6 of the Explanatory Memorandum.

Section 11 of the Bill specifies that all of the provisions of the Bill will come into force three months after the Bill receives Royal Assent.

REGULATIONS RELATING TO	which prescribe additional categories of data to be captured by NHS bodies
SECTION	Section 6(6)(j)
PROCEDURE	Affirmative
DESCRIPTION OF THE POWER	
<p>This power permits the Welsh Ministers to prescribe by regulations additional categories of data to be collected by NHS bodies (as defined by section 9(1)).</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>This power gives the Welsh Ministers flexibility to add additional categories of data to be collected by NHS bodies, if this is deemed necessary, in the future.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>Section 6(6) sets out categories of data to be collected by NHS bodies to assist them in the diagnosis and provision of services to persons with ASD, and to enable NHS bodies to provide reliable data on ASD to the Welsh Ministers.</p> <p>In the interest of transparency and clarity, key data categories that NHS bodies must collect are set out on the face of the Bill. This data categories list has been compiled following advice from experts in data collection and clinical practice in ASD services and is judged to meet the minimum requirements for satisfying the functions of diagnosis, service planning and development of ASD services in Wales. However, should it become apparent/necessary to expand this list in future, this power gives the Welsh Ministers flexibility to do so.</p>	

REGULATIONS RELATING TO	the definition of ‘autism spectrum disorder’ for the purposes of the Bill and any other neurodevelopmental disorders prescribed by the Welsh Ministers.
SECTION	Section 9(1) found under the definition of “autism spectrum disorder”
PROCEDURE	Affirmative
DESCRIPTION OF THE POWER	
<p>For the purposes of the Bill, ‘autism spectrum disorder’ is defined by reference to the World Health Organization International Classification of Diseases.</p> <p>This power permits the Welsh Ministers to prescribe by regulations, additional neurodevelopmental disorders to be included in the definition of ‘autism spectrum disorder’ (Section 9(1)).</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>There may be changes to policy, or evidence may come to light, that further neurodevelopmental disorders should be captured by this legislation.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>This power would give the Welsh Ministers the flexibility to respond to address the needs of persons with other neurodevelopmental disorders, should they consider such disorders ought to be captured by this legislation at a future date. For example, the ongoing review of the strategy as required by section 1(5) and the periodic independent report on its progress under section 1(7), may provide evidence that the legislation can be properly applied to, and improve the diagnosis and treatment of, other neurodevelopmental disorders.</p>	

REGULATIONS RELATING TO	The extension of the definition of 'relevant bodies' for the purposes of the Bill.
SECTION	Section 9(1) found under the definition of 'relevant body'
PROCEDURE	Affirmative
DESCRIPTION OF THE POWER	
<p>For the purposes of the Bill, 'relevant bodies' means a local authority, an NHS body and such other bodies as may be prescribed - Section 9(1).</p> <p>This power permits the Welsh Ministers to prescribe by regulations additional bodies that must comply with the autism strategy, guidance and other provisions of the Bill.</p>	
WHY THE REGULATION POWER IS REQUIRED	
<p>This regulation making power will enable the Welsh Ministers to prescribe further 'relevant bodies' to whom the provisions of this Bill would apply, should this be deemed appropriate and there is evidence to support the requirement to capture other bodies under this legislation.</p>	
POLICY INTENTION OF THE REGULATIONS	
<p>'Relevant bodies', which includes Local Authorities (across all functions) and NHS bodies (as defined in section 9(1)), are currently the principal providers or commissioners of services for people with ASD in Wales. This power would give the Welsh Ministers flexibility to prescribe additional bodies to reflect changing circumstances in the future so as to ensure the continued provision of appropriate ASD services.</p>	