



## Synopsis of The Autism Act 2009

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### Autism

The Autism Act 2009, which is the only act dedicated to improving support and services for people affected by one disability, requires the Secretary of State for Health and Social Services, for the purpose of securing implementation of the Autism Strategy:

- to issue guidance to local authorities about the exercise of their social services functions and to NHS bodies and NHS foundation trusts about the exercise of their functions concerned with the provision of relevant services; and
- to produce and regularly review an autism strategy; the first ever strategy for autistic adults in England, entitled 'Fulfilling and Rewarding Lives', was published in 2010 with a commitment to review the strategy three years later.

In 2013 the Government sought feedback from adults with autism, parents, carers and professionals about how well the 2010 strategy had been implemented. This resulted in a new strategy, entitled 'Think Autism', being published in April 2014, which builds on the themes in 'Fulfilling and Rewarding Lives'. This adult autism strategy explains the different things that the Government will help to do and tells local authorities and Health services how they can help autistic people.

There are three new key proposals in the 'Think Autism' strategy, in addition to the existing duties of the 2010 strategy:

1. Autism Aware Communities – 'Think Autism' community awareness projects to be established in local communities with pledges/awards for local organisations to work towards
2. Autism Innovation Fund – funding for projects that promote innovative local services and projects, particularly for lower-level preventative support

3. Better data collection and more joined up advice and information services, including a new way of social care staff recording someone's condition as autism, and a commitment to make it easier for people with autism to find information online about how their local authorities are performing.

The Government allocated £4.5 million towards the Autism Innovation Fund and the Autism Aware Communities programme.

The Think Autism strategy reinforces the expectations and actions for local authorities and local NHS bodies, set out in the 2010 strategy.

There are some significant developments including:

- local authorities need to report on data about people with autism for the first time
- the Royal College of GPs has made autism a priority for training and awareness over the following three years
- autism awareness training will be made available to all mainstream healthcare professionals
- the hope that new autism training would be rolled out to all Disability Employment Advisers at Jobcentres
- the Government committed to reviewing the autism strategy again within five years

'Think Autism' reaffirms the importance of the five areas for action identified in the 2010 strategy aimed at improving the lives of adults with autism:

- making sure that more people understand about autism
- making it easier for adults to get a diagnosis of autism
- making it easier for adults with autism to choose how they live and get the help that they need to do this
- helping adults with autism to find jobs
- helping local councils and health services to write plans so that the adults with autism who live in their area get the help that they need

The updated strategy states that all of the existing duties and recommendations from the 2010 strategy still apply to local authorities and NHS bodies, namely:

- improved training of frontline professionals in autism

- the recommendation to develop local autism teams
- actions for better planning and commissioning of services, including involving people with autism and their parents/carers
- actions for improving access to diagnosis (93% of areas in England now have a diagnosis service and the Autism Strategy has been extended to include children) and post-diagnostic support
- leadership structures at national, regional and local levels for delivery
- proposals for reviewing the strategy to make sure that it is working

In March 2015 new statutory guidance was published in relation to the Autism Strategy (replacing the existing guidance from 2010), which tells local authorities, NHS bodies and NHS Foundation Trusts what actions should be taken to meet the needs of people with autism living in their area.

The new statutory guidance clearly states that local authorities and the NHS:

- should provide autism awareness training for all staff
- must provide specialist autism training for key staff, such as GPs and community care assessors
- cannot refuse a community care assessment for adults with autism based solely on IQ
- must appoint an autism lead in their area
- have to develop a clear pathway to diagnosis and assessment for adults with autism
- need to commission services based on adequate population data

The 2015 guidance includes new chapters on:

- Preventative support and safeguarding
- Reasonable adjustments and equality
- Supporting people with autism and complex needs
- Employment
- Criminal justice

Also, some of the duties have been strengthened to things that local authorities and NHS bodies “must” do because of new duties being brought in by other laws (particularly the Care Act 2014). This is particularly true of duties in relation to training, which have been improved to give much clearer guidance on which professionals should have what levels of training.

On 8<sup>th</sup> October 2019 the Office for Disability Issues announced the appointment of regional chairs to nine new Regional Stakeholder networks charged with the task of breaking down the barriers disabled people face in everyday life by amplifying the voices of disabled people and disability organizations and reporting back to the Government on a range of issues including transport, housing and employment.

The regional chairpersons will convene meetings with network members within their regions and work with the Government's Office for Disability Issues to help inform future policy.

The Regional Chairperson for the East of England is Naomi Tomkys OBE, CEO of a charity that finds help and funds programmes for disabled children and their families. Annie Sands Welfare Rights Adviser Autism Anglia, is a member of the East of England Stakeholder Network.

A statement from the National Autistic Society says that the Department for Health and Social Care requires local authorities to report on their progress through a self-assessment exercise and the information collected through this is available online for each local authority.

If your area is not showing progress, you could follow these steps:

1. In accordance with the strategic objections of the act Check that your local authority and NHS know about their duties. Your local authority should have an "Autism Lead" who should oversee planning for autistic adults in your area.
2. Complying wherever reasonably possible. Compliance should be the exception rather than the rule. Where this does not happen the relevant public body should be able to provide coherent evidence based justification. Meet with key people in your area including your Autism Lead and local politicians to highlight the statutory guidance.
3. Your area should have a partnership between the council, the NHS and autistic people (this might be called an Autism Partnership Board), which you might be able to join. If you do pursue this opportunity, you can emphasise the skills and experience you would be able to bring to this partnership
4. If your council or NHS are making decisions that go against the statutory guidance, you might be able to take legal action, after taking appropriate advice