



An Bille um Neamhord Speictream an Uathachais, 2017
Autism Spectrum Disorder Bill 2017

Mar a tionscnaíodh

As initiated



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AUTISM SPECTRUM DISORDER BILL 2017

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AN BILLE UM NEAMHORD SPEICTREAM AN UATHACHAIS, 2017
AUTISM SPECTRUM DISORDER BILL 2017

Bill

entitled

An Act to provide for the development and implementation of a cross-departmental multi-agency autism spectrum disorder strategy and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act—

“autism spectrum disorder” includes— 10

- (i) autism,
- (ii) Asperger’s syndrome,
- (iii) Rett’s syndrome,
- (iv) Fragile X,
- (v) Childhood disintegrative disorder, 15
- (vi) or any other pervasive developmental disorder prescribed by the Minister;

“Autism Spectrum Disorder Strategy” means the strategy required to be prepared and 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; 20

“Executive” means the Health Service Executive;

“Minister” means the Minister for Health;

“persons” means adults and children;

“public body” means—

- (a) an entity established by or under any enactment (other than the Companies Acts), 25
- (b) a company (within the meaning of the Companies Acts) a majority of the shares in which are held by or on behalf of a Minister of the Government, or
- (c) a body specified by the Minister, in regulations made under *section 9*, as being a

body which falls within this paragraph,
and “public bodies” shall be construed accordingly;
“service provider” means a public body or other entity which ordinarily provides services to members of the public, including persons with autism spectrum disorder.

Autism Spectrum Disorder Strategy

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2. (1) The Minister shall, having consulted with—

- (a) each Department of State,
- (b) the Executive, and
- (c) at his or other sole discretion, any other public body,

prepare and publish a strategy on autism spectrum disorder to be known as the Autism Spectrum Disorder Strategy which shall set out how the needs of persons with autism spectrum disorder are to be addressed throughout their lives. 10

(2) The Autism Spectrum Disorder Strategy shall establish a clear system of accountability and scrutiny relating to the provision of services to persons with autism spectrum disorder. 15

(3) (a) The Minister shall publish the first Autism Spectrum Disorder Strategy on a date which is not less than two years after the passing of this Act.

(b) The Minister shall keep the Autism Spectrum Disorder Strategy under periodic review and shall publish a revised strategy at intervals of not more than seven years. 20

Content of Autism Spectrum Disorder Strategy

3. (1) The Autism Spectrum Disorder Strategy shall—

(a) outline how the needs of persons with autism spectrum disorder should be met by service providers in respect of—

- (i) access to healthcare services, 25
- (ii) access to education,
- (iii) access to employment,
- (iv) access to services provided by a public body,
- (v) social inclusion,
- (vi) access to advocacy services, and 30
- (vii) the provision of legal aid,

(b) make provision for individual assessments of persons with autism spectrum disorder to be conducted by a team of medical professionals comprising—

- (i) a psychologist,
- (ii) a psychiatrist, 35

- (iii) a speech and language therapist,
 - (iv) an occupational therapist,
 - (v) a behavioural therapist, and
 - (vi) where indicated, a social worker,
- so as to assess the needs of the person, establish the level of ability, disability and social awareness, such assessments being carried out at a frequency which is—
- (I) annual in respect of a child, and
 - (II) in respect of an adult, at intervals to be determined by the person’s medical team in consultation with the person, or in the absence of capacity the person’s parents or primary carer,
- (c) place an emphasis on how families of a person having autism spectrum disorder can be supported in meeting the needs of that person,
 - (d) make provision for the wishes of the person with autism spectrum disorder and their family to be taken into account in so far as is possible in respect of the care to be provided to that person,
 - (e) provide guidance to—
 - (i) local health service providers,
 - (ii) family members, and
 - (iii) carers,
 on how to best meet the needs of persons with autism spectrum disorder,
 - (f) make provision for the development of a pathway of care for persons with autism spectrum disorder which clearly maps the services that are available and required for persons with autism,
 - (g) make provision so that the required range of services are available consistently across the State and are accessible to each person having autism spectrum disorder,
 - (h) define a best practice model of service delivery, assessment, diagnosis and intervention for persons with autism spectrum disorder, drawing on international expertise,
 - (i) make provision for the commissioning by the Minister of research into the prevalence of autism spectrum disorder in Ireland and into the corresponding needs of those persons,
 - (j) make provision for the collection of data in accordance with *section 7* and to require service providers to set up data collection systems to identify and record the number of persons within their client bases who have autism spectrum disorder, and
 - (k) make provision for an autism spectrum disorder awareness campaign in accordance with *section 8*.
- (2) The Autism Spectrum Disorder Strategy shall address any other matter prescribed by

the Minister.

Responsibility for implementation of strategy

4. (1) The Minister shall have primary responsibility for the implementation of the Autism Spectrum Disorder Strategy.
- (2) In implementing the Autism Spectrum Disorder Strategy under this section, the Minister shall upon request receive the cooperation of each Department of State, the Executive and each prescribed public body. 5
- (3) Each Department of State, the Executive, local authorities and such other prescribed bodies shall implement that part of the Autism Spectrum Disorder Strategy which falls within their remit. 10

Monitoring and reporting on implementation of strategy

5. (1) The Minister shall be responsible for monitoring the implementation of the Autism Spectrum Disorder Strategy by each Department of State, the Executive and each prescribed public body.
- (2) Not more than three years after the publication of the first Autism Spectrum Disorder Strategy, and at intervals of no more than three years thereafter, the Minister shall prepare and cause to be published on the internet a report which details progress made on implementation of the Autism Spectrum Disorder Strategy. 15
- (3) A report which is prepared under *subsection (2)* shall be laid before each House of the Oireachtas as soon as possible after its preparation and shall also be published on the internet. 20
- (4) Not more than three years after the publication of the first Autism Spectrum Disorder Strategy, and at intervals of no more than three years thereafter each Department of State, the Executive and each prescribed public body shall prepare and publish on the internet a report which details the progress which it has made in contributing to the implementation of the Autism Spectrum Disorder Strategy. 25

Guidance on implementation of strategy

6. The Minister shall issue guidance directed at the Executive, local authorities and such other prescribed public bodies regarding the implementation of the Autism Spectrum Disorder Strategy, which shall provide that bodies to which the guidance applies shall— 30
- (a) develop a clear pathway to diagnosis and assessment for persons with autism spectrum disorder,
- (b) provide autism spectrum disorder awareness training for all prescribed categories of staff,
- (c) provide specialist autism spectrum disorder training for key staff, such as GPs and community care assessors, 35
- (d) appoint an autism spectrum disorder lead in their area, and
- (e) commission services based on adequate population data.

Data on autism spectrum disorder

7. (1) The Minister shall request the Executive to submit to him or her upon request data on the prevalence of autism in the State in order that—
- (a) adequate assessment and provision can be made in respect of actual and projected service needs for persons with autism spectrum disorder, 5
 - (b) the Minister can publish the Autism Spectrum Disorder Strategy and produce updated or revised versions of the strategy, and
 - (c) the Executive can effectively implement the strategy.
- (2) The Executive shall provide the Minister with all information that he or she requests under this section. 10

Public awareness campaign

8. (1) The Minister shall initiate and maintain an autism spectrum disorder awareness campaign aimed at members of the public.
- (2) The public awareness campaign provided for under this section shall include elements which enhance the understanding of service providers and the public of the needs of persons with autism spectrum disorder. 15

Regulations

9. (1) The Minister may make regulations prescribing any matter which is referred to in this Act as prescribed or to be prescribed or in relation to any matter referred to in this Act as the subject of regulations or for the purposes of enabling any provision of this Act to have full effect. 20
- (2) Every regulation or order made by the Minister shall be laid before each House of the Oireachtas as soon as practicable after they are made and, if a resolution annulling the regulation, order or rules is passed by either House within the next subsequent 21 days on which that House has sat after the regulation, order or rules are laid before it, the regulation, order or rules shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 25
- (3) Regulations made under this Act may—
- (a) include such consequential, incidental, transitional or supplementary provisions as may be considered by the Minister to be necessary or appropriate for the purposes of this Act, and 30
 - (b) apply, either generally or by reference, to a specified class or classes of persons or category or categories of recognised school or to any other matter as may be considered by the Minister to be appropriate.

Short title

10. This Act may be cited as the Autism Spectrum Disorder Act 2017. 35

An Bille um Neamhord Speictream an
Uathachais, 2017

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le Straitéis um Neamhord Speictream an Uathachais, ar bhonn trasrannach ilghníomhaireachta, a fhorbairt agus a chur i ngníomh agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Ná Seanadóirí Séamus Ó Raghallaigh, Diarmuid Ó Buitiméir, Gabrielle Nic Phóidín, Seán Ó Mathúna, Réamann de Buitléir, Caitríona Ní Nuain, Colm De Búrca, Tim Lombard, Máirtín Ó Conbhuí, Maire Ní Bhroinn a thug isteach,

10 Bealtaine, 2017

Autism Spectrum Disorder Bill 2017

BILL

(as initiated)

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An Act to provide for the development and implementation of a cross-departmental multi-agency Autism Spectrum Disorder Strategy and to provide for related matters.

Introduced by Senators James Reilly, Jerry Buttimer, Gabrielle McFadden, John O'Mahony, Ray Butler, Catherine Noone, Colm Burke, Tim Lombard, Martin Conway, Maria Byrne,

10th May, 2017

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