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

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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

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**EXPLANATORY MEMORANDUM**

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**Background**

The purpose of this Bill is to address the inconsistency which exists across the State in respect of both the availability of services, and the type of services, which are accessible to children and adults with autism spectrum disorder.

**Purpose of this Bill**

The purpose of this Bill is to provide for the development and implementation of a cross-Departmental, multi-agency ‘Autism Spectrum Disorder Strategy’. Such a Strategy will set out how the needs of persons with autism spectrum disorder are to be addressed throughout their lives.

The development of the strategy will be led by the Minister for Health.

The Bill provides for the content of the Strategy, assigns responsibility for its implementation, provides a transparent process for the monitoring of the implementation of the Strategy, and also provides guidance on the implementation of the Strategy.

The Bill also provides for the collation of data on autism spectrum disorder, and also provides for the initiation of a public awareness campaign on autism spectrum disorder.

**Provisions of the Bill**

*Section 1* of the Bill defines eight key terms which are used in the Bill.

*Section 2* provides for the development and publication, by the Minister for Health, of the Autism Spectrum Disorder Strategy. Before devising the Strategy, section 2(1) requires the Minister to consult with each Government Department, the Health Service Executive, and any other public body which he or she believes ought to be consulted. Section 2(1) makes it clear that the purpose of the Autism Spectrum Disorder Strategy is to set out how the needs of persons with autism spectrum disorder are to be addressed throughout their lives.

*Section 2(2)* states that the Autism Spectrum Disorder Strategy must establish a clear system of accountability relating to the provision of services to persons with autism spectrum disorder.

*Section 2(3)* requires the Minister for Health to publish the first Autism Spectrum Disorder Strategy within two years of the passing of this Act. The Minister will be obliged to periodically review the Strategy at least every seven years.

*Section 3* provides for the content of the Autism Spectrum Disorder Strategy. Under section 3(1), there is a requirement that the Strategy address eleven key matters. Section 3(1)(a) requires that the Strategy outline how the needs of persons with autism spectrum disorder should be met by service providers in respect of access to various specified services. Section 3(1)(b) requires that the Strategy should make provision for individual assessments of persons with autism spectrum disorder to be conducted by a team of medical professionals. Section 3(1)(c) requires that the Strategy place an emphasis on how families of a person having autism spectrum disorder can be supported in meeting the needs of that person. Section 3(1)(d) requires that the Strategy 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.

*Section 3(1)(e)* indicates that the Strategy should serve to provide guidance to local health service providers, family members, and carers on how to best meet the needs of persons with autism spectrum disorder. Section 3(1)(a) states that the Strategy must make provision for the development of a pathway of care for persons with autism spectrum disorder. Section 3(1)(g) states that the Strategy must impose a requirement that the required range of services are available consistently across the State and are accessible to each person having autism spectrum disorder. Under section 3(1)(h), there is a requirement that the Strategy define a best practice model of service delivery, assessment, diagnosis and intervention for persons with autism spectrum disorder, drawing on international expertise. Under section 3(1)(i), the Strategy must make provision for the commissioning by the Minister of research into the prevalence of autism in Ireland and into their corresponding needs. Section 3(1)(j) requires that the Strategy make provision for the collection of data in accordance with section 7 and also requires 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. Lastly, under section 3(1)(k) there is a requirement that the Strategy make provision for an autism spectrum disorder awareness campaign in accordance with section 8.

In accordance with section 3(2), the Autism Spectrum Disorder Strategy shall address any other matter prescribed in Regulations to be made by the Minister.

*Section 4(1)* makes it clear that the Minister for Health will have primary responsibility for the implementation of the Autism Spectrum Disorder Strategy. Under section 4(2), each Government Department, the Health Service Executive and each public body which has been prescribed in Regulations made for this purpose, must assist the Minister in implementing the Strategy. Section 4(3) requires each Government Department, the Health Service Executive, local authorities and such other prescribed bodies, to implement that part of the Autism Spectrum Disorder Strategy which falls within their remit.

*Section 5* provides for the monitoring and reporting on the implementation of strategy. Section 5(1) makes it clear that responsibility for monitoring the implementation of the Autism Spectrum Disorder Strategy rests with the Minister for Health.

In accordance with section 5(2), a progress report on the implementation of the Strategy is to be published at least every three years. As required by section 5(3), each progress report must be laid before each House of the Oireachtas. Under section 5(4), there is a requirement that each Government Department the Health Service Executive, and each prescribed public body prepare and publish a report which details the progress which it has made

in contributing to the implementation of the Autism Spectrum Disorder Strategy.

Under section 6, the Minister for Health is required to issue guidance regarding the implementation of the Autism Spectrum Disorder Strategy. The guidance is to be directed at the Health Service Executive, local authorities and other public bodies that have been prescribed for that purpose in Ministerial regulations. In respect of those agencies to which the guidance applies, they will be required to develop a clear pathway to diagnosis and assessment for persons with autism spectrum disorder. They will also be required to provide autism spectrum disorder awareness training for all prescribed categories of staff. The guidance will also require those agencies to provide specialist autism spectrum disorder training for key staff. They will also be required to appoint an autism spectrum disorder lead in their area, and also commission services based on adequate population data.

Under section 7(1), the Minister for Health is required to request the Health Service Executive to provide data on the prevalence of autism in the State so that adequate provision can be made in determining service needs for persons with autism spectrum disorder. Such data will also be used to revise the Autism Spectrum Disorder Strategy. Section 7(2) makes it clear that the HSE is obliged to provide the Minister for Health with all of the required data.

*Section 8(1)* requires the Minister for Health to initiate an autism spectrum disorder awareness campaign which is aimed at members of the public. Under section 8(2), the campaign should seek to enhance the understanding of service providers and the public of the needs of persons with autism spectrum disorder.

*Section 9(1)* empowers the Minister to make regulations which prescribe particular matters which are referred to in various sections of this Bill as being prescribed. Section 9(2) requires that such regulations be laid before each House of the Oireachtas after they are made. In accordance with section 9(3), the Regulations may address a range of matters.

*Section 10* sets out the short title of the Bill.

The positive duties to implement the Autism Spectrum Disorder Strategy are intended to be carried out within existing resources.

*Senator James Reilly,  
Bealtaine, 2017.*

