

AUTISM ACT 2009

EXPLANATORY NOTES

COMMENTARY

Section 2: Guidance by the Secretary of State

16. Subsection (1) places a duty on the Secretary of State to issue guidance on implementation of the autism strategy to local authorities, NHS bodies and NHS foundation trusts. The guidance must be issued no later than 31 December 2010 (subsection (2)).
17. Subsection (3) requires the Secretary of State to keep the guidance under review and allows revisions to be made. In keeping the guidance under review, the Secretary of State must give particular consideration to the extent to which the guidance has effectively secured the implementation of the autism strategy (subsection (4)).
18. Subsection (5) stipulates a range of matters that must be addressed in the guidance issued by the Secretary of State. These are –
 - the provision (or commissioning: see section 4(2)) of diagnostic services for adults with autistic spectrum conditions;
 - the identification of adults with autistic spectrum conditions;
 - the assessment of the needs of adults with autistic spectrum conditions for relevant services;
 - planning in relation to transition arrangements for children with autistic spectrum conditions as they move into adulthood;
 - other planning in relation to the provision of relevant services;
 - training of staff who provide relevant services to adults with autistic spectrum conditions; and
 - local leadership arrangements in relation to the provision of relevant services.
19. The list is not exhaustive, and the Secretary of State is free to include other matters in the guidance as well as those contained in this subsection.
20. The guidance to local authorities, NHS bodies and NHS foundation trusts on the identification of adults with autistic spectrum conditions and the planning of service provision for them may, for example, cover the collection of information about the numbers of adults requiring services and the kinds of services they need.
21. Subsection (6) requires the Secretary of State to consult and seek the participation of local authorities, NHS bodies and NHS foundation trusts before issuing guidance on the implementation of the autism strategy, and before making substantial changes to the guidance once issued. There is nothing to prevent the Secretary of State from consulting more widely or seeking the participation of organisations or individuals other than those stipulated in this subsection.

*These notes refer to the Autism Act 2009 (c.15)
which received Royal Assent on 12 November 2009*

22. Subsection (7) contains provisions to ensure that consultation and steps to seek participation before issuing the guidance that take place before the Act comes into force are as effective for the purposes of fulfilling the Secretary of State's duty in this section as consultation and steps to seek participation after that time. (See also paragraph 15 above.)