

## **Belfast Education and Library Board**

- 1 The Committee for Health, Social Services and Public Safety has asked for comments on the amendments to the Autism Bill. The Belfast Education and Library Board welcomes the opportunity to be part of the consultation and would make the following points in regard to the proposed amendments to the Bill.
- 2 DE and DHSSPS and the Education and Library Boards are already involved in the development of co-ordinated Autism Strategies and they are aware of the need for interdepartmental and multi-agency co-operation in order to achieve a co-ordinated Autism Strategy. The Belfast Education and Library Board fully supports this and recognises the potential value of these activities, but remains concerned that ASD specific legislation in relation to children could inadvertently discriminate against all other children with special educational needs.
- 3 Similar legislation was advocated in England last year and the outcome was the Autism Act (2009). Initially it was proposed that the English legislation should contain clauses relating to services for children and young people, but ultimately the Autism Act (2009) referred to adult services only. The Autism Bill (NI) relates to persons with autism throughout their lives. This will introduce considerable complexity as the Bill will have to be compatible with an already complex body of Special Educational Needs and Disability legislation relating to children. If the Assembly wishes to pursue the Autism Bill (NI) 2010 they may wish to consider restricting the Bill to adult services.
- 4 The implementation of autism legislation here, if it impinges on legislation that relates to the education of children, would create problems with regard to equity. Existing Special Educational Needs and Disability legislation protects the rights of children experiencing a broad range of Special Educational Needs and Disabilities, for example, Severe and Moderate Learning Difficulties, Down Syndrome, Attention Deficit with Hyperactivity Disorder, Specific Learning Difficulties/Dyslexia, Medical/Physical difficulties, Visual and Hearing Impairments. This legislation also relates to children whose difficulties arise from Autistic Spectrum Disorders. The Equality Commission (eg in their Code of Practice for Schools) clearly regard Autism as already coming within the terms of the Disability Discrimination Act. It is difficult to justify special legislative treatment of the needs of children experiencing Autistic Spectrum Disorders (ASD) in preference to special legislative treatment of the needs of the many other children with Special Educational Needs and Disabilities.
- 5 ASD encompasses a very broad spectrum of impairments which vary greatly in severity. Within the education sector for some children ASD may present a very mild obstacle to learning while others may experience very severe obstacles. Schools and Education and Library Boards (ELBs) need to respond in a graduated manner in response to these varying needs. Autism specific legislation could create or reinforce the notion that if a child has an ASD diagnosis then the child must have one particular type or level of assessment and support.
- 6 It is proposed in the amendments to the Bill that the DHSSPS will have overall responsibility for the development of the Autism Strategy but DE (and hence the ELBs) must implement that part of the strategy which falls within its area of responsibility. DHSSPS will be required to monitor the implementation of the

strategy by DE/ELBs and report to the Assembly on the progress made by DE/ELBs. This is a complex accountability structure and reporting mechanism which appears to make DE/ELBs accountable to the DHSSPS. If the Bill was to be restricted to adult services this would remove these potential difficulties

- 7 Autism is not defined in the Autism Act 2009 in England. Rather the definition is reserved for subsequent strategy documents which can be amended over time as required as the conditions associated with Autism become better understood. This was done because the terminology used around Autism does change over time. For example in the next version of the internationally recognised diagnostic criteria (DSM V, as opposed to the current DSM IV) it is probable that the term Asperger's syndrome will not be used and it is already becoming commonplace for the term "Autistic Spectrum Conditions" to be used in preference to Autistic Spectrum Disorder (ASD).