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Ymchwiliad i Fil Awtistiaeth (Cymru) / Inquiry into the Autism (Wales) Bill
Ymateb gan Rheolwyr y Gwasanaethau Anabledau a Phobl Agored i Niwed,
Adran Gofal Cymdeithasol Conwy
Response from Managers of the Disabilities and Vulnerable People Services,
Conwy Social Care Department

Good afternoon,

Please find enclosed within this email, responses from the Conwy Social Care Department, in particular from Managers of the Disabilities and Vulnerable People Services.

- The general principles of the Autism (Wales) Bill and the extent to which it will make provision for meeting the needs of children and adults with Autism Spectrum Disorder (ASD) in Wales and achieve the aim of protecting and promoting their rights; **The Bill is not clear on general principles as is for example: the Additional Learning Needs and Education Tribunal (Wales) Act (2018), the Social Services and Wellbeing (Wales) Act (2014) and the Wellbeing of Future Generations (Wales) Act 2015. I would argue that the principles of the SS& Wellbeing Act (Wales) 2014 are relevant and are focussed on protecting people's rights irrespective of diagnosis. I am aware that the Bill is intended to complement the ALN, & SS&WB Acts, but it is very much focussed on provision of services rather than on individual wellbeing outcomes.**
- Any potential barriers to the implementation of the provisions and whether the Bill takes account of them; **Capacity to undertake a proper and holistic diagnosis. Impact of Brexit on the NHS and ability to respond. Impact on Wales of the Brexit in terms of support staff. The interface between rights of the individual set out in this Bill and those enshrined elsewhere especially within the SS&WB Act.**
- Whether there are any unintended consequences arising from the Bill; - **This would create a two tier system where the rights of people with Autism to access diagnosis within a specified period could impact on the rights of other people with disabilities to have access to diagnosis.**
- **Capacity within Organisations to respond to timescales would drive the focus of services and delivery. Diagnosis is an output and not an outcome, this Bill is contrary to the SS&WB Act which is focussed not on diagnosis but on rights, wellbeing and outcomes. It is interesting that a focus of the Bill is diagnosis, yet the Neurodevelopmental Pathway work is very much focussed on outcomes for the child. We understand that families want a diagnosis as this enables them to understand their child's world better, but there are also often expectations that with a diagnosis comes access to services. We need to switch the thinking and culture towards outcomes in line with the SS&WB Act. This Bill is a retrograde step from the aspirational SS&WB Act (move from service led to focus on the person). The memorandum states that it is complementary, but it interferes with the guiding principles of the SS&WB Act for a specific group of people.**
- **Introducing a 42 day timescale for assessment of need may be appropriate for children and in line with SS&WB Act but is not so for adults and would result in an inequitable approach. Currently there are locally agreed PI's but not national ones on timescale for assessment. Which would be the primary diagnosis for someone with and a Learning Disability and ASD?**
- **We feel strongly that the Bill, if it is to proceed should not stray in to areas already covered by the SS&WB Act and ALN Act. That if it is to proceed; the Bill should only focus on areas that are not covered by other legislation.**
- The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum); -
- The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 6 of Part 1 of the Explanatory Memorandum). - **The regulation-making powers in this section allow the Welsh Ministers to make regulations, which include, for the purposes of this Bill only, other neurodevelopmental disorders in addition to the WHO International Classification of**

Diseases definition of 'autism spectrum disorder'. – that could include Learning Disability and a whole other range of Neurodevelopmental conditions such as dyslexia, dyspraxia, ADHD etc.