



**National Assembly for Wales: Health, Social
Care and Sport Committee**

Inquiry into general principles of the Autism (Wales) Bill

14 September 2018



Introduction

ColegauCymru welcomes the opportunity to respond to the National Assembly for Wales' Health, Social Care and Sport Committee on the Autism (Wales) Bill.

ColegauCymru represents the 13 further education (FE) colleges and FE institutions in Wales and exists to promote the public benefit of post compulsory education and learning. This response has been drafted from views from college representatives following a call for views and a working group meeting that included representatives from Coleg Cambria, Bridgend College, Coleg Sir Gar, Pembrokeshire college, The College Merthyr Tydfil and Coleg Gwent.

1. 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

1.1 ColegauCymru welcomes the Autism (Wales) Bill, subject to the observations set out below. We recognise the importance of the work and feel that an Autism Strategy will focus more attention from all services on raising awareness of autism and creating a smooth system from diagnosis to services, thus protecting and promoting the rights of those with autism. This should improve the experiences of those with autism and their families, including within learning environments. The emphasis should be on 'best practice' with an opportunity provided for a review of current systems in order to identify weaknesses and to look for more sensible approaches to identification and diagnosis.

1.2 We welcome the recognition that this Bill seeks to supplement and support, not replace provisions in the Additional Learning Needs and Educational Tribunal (Wales) Act 2018 (ALN Act), thus focussing primarily on health and diagnosis. Speedy diagnosis and identification of needs will assist in ensuring that Individual Development Plans are based on accurate information and assist in the multi-agency approach in working with young people with autism.

1.3 The recognition of the need for the strategy to be for 'people' with autism; to include adults as well as children and young people is vital; improving understanding and responding to the needs of adults in the Strategy should begin

to address the difficulties that those with autism frequently face in all areas of their lives. The focus of the Bill is, rightly, about earlier diagnosis and successful individually targeted interventions. This, in the long term, may reduce care needs and increase employment potential for young children currently going through diagnosis process. ColegauCymru welcomes the recognition, in the explanatory notes, of the difficulties that young people and adults currently face in gaining employment. It is hoped that the Strategy will lead to a greater understanding of the difficulties of transition from education into employment. This must include an acknowledgment of the need to focus on specific skills development for employability, as well as resources targeted towards access/supported access to work.

2. Potential barriers to the implementation of the provisions and whether the Bill takes account of them

2.1 ColegauCymru raised a number of potential barriers in the response made to the previous consultation and it is good to see that most of those have been taken into account and amendments made. This is especially the case in relation to the changes that have been made to timescales, including the period from referral to diagnosis (now to the start of the diagnostic process).

2.2 However, we still have major concerns about the lack of resources and skilled professionals to meet the current demand for services and any additional demand that this Bill will bring. This concern is raised as a result of our current experience in making the way for the implementation of the ALN Act. Many of the problems that are currently experienced – diagnosis, assessment and access to care and support – are not about willingness, but about a lack of resources and skilled professionals. It will take significant time and funding to build the numbers of key professionals required and to ensure that there is consistency of high quality services across Wales, without the need for individuals having to travel large distances to access these provisions. There is potential for Local Authorities, Health Boards and Social Services to be involved in expensive litigation because of difficulties in complying with the legislation if these issues are not addressed adequately and at an early stage.

3. Unintended consequences arising from the Bill;

No additional unintended consequences have been identified at this stage.

4. The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum);

4.1 The financial implications as set out in Part 2 of the Explanatory Memorandum are not easy to understand and it is difficult to see how the majority of people with autism and their parents and carers would be able to provide an informed response on this.

4.2 The information provided is based on an estimated number of persons with autism in Wales, extrapolated from work carried out for Scotland as no data regarding accurate numbers for Wales currently exists. Likewise, the information in costing the options seems to have proved to be a difficult operation with many costs unknown. However the underlying message would seem to indicate that Wales already spends significant amounts on diagnosis, identification of needs and provision for people with autism. Therefore, the introduction of a Bill could provide benefits in terms of earlier identification of needs and interventions that could make a difference and lead to a possible reduction of costs over a lifetime.

4.3 There are a number of points that need further clarification:

- **Training:** The costs of training include teacher and school staff training, however no specific mention is made of training for teaching and support staff in Further Education. We are very concerned about this and that once again it appears that the important contribution of FE Colleges to the education of post-16 learners has been overlooked or at the least, not fully considered.

For academic year 2016-17, there were 128,690 learners enrolled in further education institutions (this includes full and part-time study, as well as work-based learning).¹ According to further Welsh Government statistics in February 2018, 1,150 learners who disclosed a diagnosis of autism were enrolled at Further Education Colleges in Wales². Given the difficulties experienced by young people in transition to adulthood and employment, it would seem to be a major oversight if FE staff have not been specifically included in training programmes. These are key professionals and must be fully involved.

¹ <https://statswales.gov.wales/Catalogue/Education-and-Skills/Post-16-Education-and-Training/Further-Education-and-Work-Based-Learning/Learners/Further-Education/uniquelearnersenrolledfurthereducationinstitutions-by-age-modeoflearning-gender> [accessed 14-9-18].

² <https://statswales.gov.wales/Catalogue/Education-and-Skills/Post-16-Education-and-Training/Further-Education-and-Work-Based-Learning/Learners/Further-Education/uniquelearnersenrolledfurthereducationinstitutions-by-primarydisability-gender> [accessed 11-9-18].

In addition, the Committee should enquire as to the extent to which apprentices with an ASD diagnosis can be supported under the current contract for Work Based Learning. This provision is currently made on the basis of a framework drawn up under Work Based Learning contract 4 (running 2015-2019) and already requires considerable investment from the Welsh Government to address matters of equality and quality of provision. ColegauCymru would question the extent to which the procurement of vocational education services can be expected to meet the diverse needs of learners particularly those with additional or complex needs such as Autism. ColegauCymru also notes the ALN Act places a statutory duty on FE provided work-based learning to deliver person-centred provision for apprentices with identified additional learning needs. To support the aims of this Bill, the opportunity should be taken to cease the anomaly whereby apprentices with Additional Needs subject to programmes provided by for-profit training providers are not offered the same level of person-centred support as their peers trained via FEIs. An amendment to this Bill should include a provision to amend the Additional Learning Needs (Wales) Act to this effect.

- **Access to employment:** Supported employment schemes are effective but costly. Continued support needs to be in place for those who succeed in gaining employment to ensure that they maintain their jobs and to eliminate potential difficulties within the workplace. ColegauCymru questions whether funding for this been included in the costings.

5. 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).

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- **Additional categories of data to be captured by NHS bodies –** ColegauCymru feel that it is appropriate for Welsh Ministers to prescribe additional categories of data to be captured providing this does not amend the law or confer additional rights in relation to the protection of personal data. It is likely that further categories of data may be required in future years to ensure that the strategy and guidelines remain relevant.
- **Allowing Welsh Ministers to make regulations which include, for the purposes of the Bill only, other neurodevelopmental disorders in addition to the WHO definition of autism spectrum disorder –** Again we feel that this is appropriate and will future proof the Bill for changes and research discoveries. Consultation with relevant bodies and others would be essential before any changes were made.

- **Make regulations that extend the definition of ‘relevant body’ for the purposes of the Bill beyond the local authorities and NHS bodies –**
At present, the definition of ‘relevant bodies’ does not include Further Education. Representatives from FE colleges at the working group expressed a strong view that FE should be included, particularly in consultations regarding the preparation and review of the autism strategy and in issuing guidance or revising it. Further Education Colleges are unlikely to be carrying out assessments but have a significant role to play in the delivery of post-16 education services.

5.2 Colleges are already included in the new ALN legislation, and it is likely that this will be sufficient to cover the provision made. However, as there would be implications for administration, resources and funding, it would be essential that further consultation took place if at any time Further Education were to be ‘deemed appropriate’ to be included as a relevant body.

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September 2018
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