

EQUALITY IMPACT ASSESSMENT

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

The Equality Act 2010 places clear duties on public sector bodies to prevent discrimination and promote equality for people with certain Protected Characteristics. These are – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity.

The Code of Practice on the Delivery of Autism Services sets out the duties related to the social services functions of local authorities and health services functions of local health boards and NHS trusts bodies about the range and quality of services that should be available in their local areas for autistic children, young people and adults and their families and/or carers. The Code reinforces the legal frameworks already in place by specifying provisions and requires that the relevant bodies exercise their respective functions in accordance with requirements in the Code when arranging or delivering services for autistic people (including children) for autism services.

In considering the options in the Code, account was taken of the likely impact in relation to equity or fairness for groups with protected characteristics. There are specific duties around the provision of reasonable adjustments for disabled people, including autistic people, to assist them to access the services they need. These duties are re-enforced through the SSWBW Act and NHS Act.

The impact of autism is recognised as a disability under the Equality Act 2010; therefore individuals' rights are protected by law and it is advised that services discuss with individuals ways in which they can adapt assistance and support. Various sensory, social and cognitive issues may present barriers for autistic people, therefore reasonable adjustments need to be considered and put in place.

The [Welsh Government's Strategic Equality Plan 2020-2024](#) sets out our equality aims and objectives for the next four years, together with the main actions to achieve those objectives. The Code is intended to embed an approach to autism services that has, at its core, all of these factors.

The long terms aims contained within the Strategic Equality Plan that directly relate to the Code have been identified and next to each is evidence of where the code is contributing to delivering on these aims:

Long-term Aim 2: Strong and progressive equality and human rights protections for everyone in Wales.

The Code highlights the duties placed on local authorities, local health boards and NHS Trusts to ensure that autism awareness training is included in general equality and diversity training programmes offered for all staff working in health and social care.

Local health boards and NHS trusts must ensure that health services are accessible to autistic people and they must not be denied services or support because they are autistic.

Long-term Aim 3: The needs and rights of people who share protected characteristics are at the forefront of the design and delivery of all devolved public services in Wales.

The Welsh Government has adopted the Social Model of Disability. This Model makes an important distinction between ‘*impairment*’ and ‘*disability*’. It recognises that people with impairments are disabled by barriers that commonly exist in society. These barriers include negative attitudes, and physical and organisational barriers, which can prevent disabled people’s inclusion and participation in all walks of life.

We have worked with groups representing people with protected characteristics in the development of the Code to ensure that it includes outcomes and policies that enable their needs and requirements to be met. One such action is the requirement of representation on the regional partnership board through the autism champion role.

The Code takes into account the requirement of the Equality Act 2010 regarding reasonable adjustments. The Act places a legal duty on service providers and those providing goods and facilities to make reasonable adjustments for autistic people so they are not at a disadvantage compared to people without autism. Providers are required to make reasonable adjustments for autistic people on a case-by-case basis

Long-term Aim 6: A Wales of cohesive communities that are resilient, fair and equal.

Section 3 of the Code focuses on the arrangement to promote inclusion of autistic people in mainstream services by ensuring that information is made available to the wider community to promote understanding of autism and how being autistic can have a different impact on each individual.

The section also highlights the importance of raising awareness of autism in the community. To create a society inclusive of autistic people, there needs to be an understanding of the autism condition across the community.

The Code highlights the need to put the needs of service users at the heart of delivery in key public services, in particular health and social services, so that they are responsive to the needs of people with protected characteristics.

Long-term Aim 7: Everyone in Wales is able to participate in political, public and everyday life.

The Code, in raising awareness of the communication requirements of autistic people, highlights the need for community services to adapt practices to ensure the inclusion of autistic people. An example would be to ensure that sensory needs are taken into account, such as loud noise or bright lights which could be a barrier to inclusion and autistic people could not engage. The Code also emphasises the need for autistic people to be involved in decision making about them and the services they receive, as co-production and collaboration with autistic people is required.

Long-term Aim 8: The Welsh public sector leads the way as exemplar inclusive and diverse organisations and employers.

The Code applies to public sector bodies (local authorities) and highlights the requirement in the Equality Act 2010, which places a legal duty on service providers and those providing goods and facilities to make reasonable adjustments for autistic people so they are not at a disadvantage compared to people without autism. Providers are required to make reasonable adjustments for autistic people on a case by case basis.

The Code states that providers should undertake scoping process with local organisations and professionals to discover what sort of reasonable adjustments are required by the local autistic community and how to implement them. The Code places a responsibility on local authorities and local health boards (including commissioned service providers) to ensure autism training includes the skills to implement reasonable adjustments.

The Welsh Government provides funding to the National Autism Team, and the main aim of their work is to ensure that people with autism in Wales and their carers and families can access information, services and support which meet their needs. They have an established presence on social media platforms and have recently re-designed their website to make information more accessible to all autistic people. The website has a dedicated area which addresses the needs of employers - to gain greater skills, knowledge and understanding of autism and how to support autistic employees more effectively.

◆ *How will the proposal promote equality (Please see the general duties)?*

The Welsh Government has adopted the Social Model of Disability. This Model makes an important distinction between 'impairment' and 'disability'. It recognises that people with impairments are disabled by barriers that commonly exist in society. These barriers include negative attitudes, and physical and organisational barriers, which can prevent disabled people's inclusion and participation in all walks of life. This Social Model approach is reflected in the Code.

The Code will ensure that there is better awareness of the services that local authorities, local health boards and NHS trusts have a duty to provide. This will improve services for adults with autism and will promote equality of opportunity. The Code strongly reinforces that autistic people have an equal right to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. Local health boards and NHS trusts must strive to ensure that no autistic individual is deprived of their right of access to such health care services.

Other related areas of work being supported/taken forward include:

- Improvement to service provision for children and young people with autism through the T4CYP¹ programme.
- Improvement to diagnostic services for adults and children, which will take into account the need for translation of diagnostic tools into the Welsh language.
- Resources and guidance produced by the National Autism Team on a range of autism specific issues

The Welsh Government ensures that public sector guidance on autism is available bilingually.

To meet the general duties under the Equality Act (2010):

- The Code will have no direct impact in relation to the elimination of unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- However, the Code will advance equality of opportunity between people who share a protected characteristic and those that do not by promoting awareness of the condition of Autism and by ensuring that information is made available to the wider community to promote understanding of autism and how being autistic can have a different impact on each individual

¹ Together for Children and Young People

- Through this awareness of autism, the Code will foster good relations between people who share protected characteristics and those that do not. The Code recognises the Social Model of disability and will use it to create a society inclusive of autistic people as there needs to be an understanding of the autism condition across the community. Local authorities as providers/commissioners of publicly available facilities, along with health and third sector providers, should adapt their services to meet the needs of autistic people, removing barriers to inclusion
- ◆ *What are the possible negative impacts on people in protected groups and those living in low income households and how will you mitigate for these?*

There are no known negative impacts on protected groups and those living in low income households.

- ◆ *What if any, barriers do people who share protected characteristics face? Can these barriers be reduced, removed, mitigated?*

Some barriers are described above. To remove barriers, services to support people with autism may indirectly help with discrimination, harassment or victimisation that some people may experience because of their limited social communication skills. Alongside this will be the work we are promoting to raise awareness of the specific needs of people with autism, particularly in the workplace and other public settings such as hospitals etc. The Code recognises that autistic people have an equal right to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. Local health boards and NHS trusts must strive to ensure that no autistic individual is deprived of their right of access to such health care services.

- ◆ *How have you/will you use the information you have obtained from research to identify impacts?*

The Welsh Government commissioned an independent [evaluation of the ASD Strategic Action Plan \(SAP\)](#) which included a focussed literature review on the impact of the ASD SAP in Wales. The full evaluation was published in February 2016. This evaluation did not draw out any issues regarding the impact of autism or service provision on protected groups.

The consultation on the Code asked two questions on protected characteristics - Some respondents felt that the Code will have a positive impact on disability for autistic people, as it will improve the services that they receive and ensure their voices are heard. Other respondents raised concerns that the Code could lead to pressure on services to 'filter out' and prioritise autistic spectrum conditions from the neurodevelopmental pathway, risking creating an 'unmet middle' of children with ADHD, sensory processing

disorders, learning disabilities and those who have experienced chronic trauma. To address this risk, as noted below, the impact of the Code will be monitored and further work will be taken forward in relation to provision of and demand for, neurodevelopmental services.

◆ *How will you know if your piece of work is a success?*

The impact of the Code of Practice will be monitored from implementation in September 2021 and an independent evaluation will commence once it has been in place for two years.

In 2021 a demand and capacity review of all neurodevelopmental (ND) services is being undertaken and part of this will reveal where there may be gaps in service provision, which will inform the future evaluation. Specifically – this work will look at the current and potential future impact of the design and delivery of ND services on individuals with protected characteristics as set out in the Equality Act 2010 and also on the ability to implement the ‘Active Offer’ as set out in More than just words, the Strategic Framework for Welsh Language Services in Health, Social Services and Social Care.

◆ *Have you developed an outcomes framework to measure impact?*

To measure the impact of the Integrated Autism Service on the lives of autistic people the Outcomes Star has been identified as a suitable measuring tool. The Outcomes Star is an evidence-based tool that supports and measures change when working with people. It is a holistic, person-centred, outcomes focused and strengths-based tool. Throughout 2020 Integrated Autism Service staff received training on the Outcomes Star and have started to use it as a way of measuring people’s progress while receiving support from the Integrated Autism Service.

Record of Impacts by protected characteristic:

With full consideration of the equality impacts, the Code of Practice has the potential to re-enforce improved social care to people in Wales as set out by the Social Services and Well-being Act and to have positive equality impacts for protected groups. It is envisaged that the Code will facilitate the development of good relationships between people who share a protected characteristic and those who do not, for example through awareness raising within local communities.

Age

The term ‘people’ within the code refers to children, young people and adults. The Code recognises all individuals, irrespective of age.

Children and Young People:

The Code is seeking to improve access to assessment, diagnosis and support services for children and young people and requires compliance with national pathway standards as developed by the Together for Children and Young People Programme (T4CYP) ² and Welsh Government national waiting time standards.

Policy development in children's neurodevelopmental services, which includes autism, is being progressed as part of the Together for Children and Young people Programme 2 (T4CYP2). The programme is working to improve the emotional wellbeing and mental health services and support available to children and young people in Wales, with three areas of focus:

- Early Help and Enhanced Support
- Neurodevelopmental Services
- Regional Partnership Boards

The programme works with a range of partners including the Children's Commissioner, the Welsh Youth Parliament, Regional Partnership Boards and Youth Councils to ensure engagement and co-production, making sure the views of children and young people are listened to and taken into account.

Adults:

The 7 Integrated Autism Services in Wales provide adult autism diagnostic assessment (sometimes jointly with other services), support and advice for autistic adults, parents/ carers, and professionals.

The Integrated Autism Service was rolled out from April 2016 and is available in all areas of Wales. It includes supporting adults with autism through assessment and diagnosis and post diagnostic support.

Disability

The Code of Practice considers co-existing neurodevelopmental, physical and sensory disabilities which may be more prevalent among autistic people.

The Code highlights the requirement in the Equality Act 2010, which places a legal duty on service providers and those providing goods and facilities to make reasonable adjustments for autistic people so they are not at a disadvantage compared to people without autism. Providers are required to make reasonable adjustments for autistic people on a case by case basis.

Gender Reassignment (the act of transitioning and Transgender people)

Although there is anecdotal evidence highlighting autistic people's experience of being transgender, there is a lack of evidence to show how the presence of autism can impact on people who are transgender.

^{2 2} <https://collaborative.nhs.wales/networks/wales-mental-health-network/together-for-children-and-young-people-2/resources-links/resources-and-links/t4cyp-2-programme-overview-2020-2022-v0-5-pdf/>

There will be an evaluation of the Code of Practice within 2 years of issue of the Code. This will help inform the Welsh Government on whether or not the policy is a success in terms of protected characteristics such as Gender Reassignment. Further work is required in this area and the Welsh Government will aim to address this in our delivery plan for the Code of Practice.

Pregnancy and Maternity

It has been recognised that autistic women who are pregnant could experience difficulties with maternity services, where these services may not understand the impact of autism on the mother.

In 2018, The All Wales Perinatal Mental Health Steering Group (AWPNMHSG), working together with colleagues from Public Health Wales, developed the Guidance for the [Delivery of Integrated Perinatal Mental Health Services in Wales](#) (PHW July 2018).

The IAS and the National Autism Team are working together to update the national integrated pathway for Perinatal Health services. Some issues were identified during the update as it failed to address the needs of ND or parents with other co-occurring conditions. A National Perinatal working group has been established and will be addressing issues such as:

- what are the key barriers and issues with regard to autistic women and perinatal mental health/maternity services;
- key themes and suggested solutions;
- a lack of competent knowledge of autism in perinatal mental health teams;
- parenting courses that are not designed for autistic parent carers;
- fathers who are autistic but their partner is not and how they understand their partner's journey through pregnancy;
- the experience of autistic women giving birth and the potential trauma and experience of that; and
- the journey of autistic women through pregnancy.

The Code of Practice itself includes improvements to training for professionals; this will include obstetricians and midwifery health care professionals.

Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)

Autistic people from black, Asian and minority ethnic communities or who are asylum seekers and refugees and their parents and carers can face additional challenges in accessing services and support. In the report *Diverse*

perspectives: The challenges for families affected by autism from Black, Asian and Minority Ethnic communities (2014) the National Autistic Society highlighted the difficulties which can be experienced by autistic people living in ethnic minority communities. In general terms they experience the same difficulties accessing services and support as in other parts of the community but issues are compounded by factors such as cultural views on disability in some communities. In some groups there may be serious stigma associated with having a disabled child, and parents reported they experienced feelings of shame as the community blame them for the perceived poor behaviour in their autistic children and the communities were often looking to finding a cure. Cultural assumptions and bias could also have a negative impact, for example black boys being seen as more likely to be disruptive and language difficulties being wrongly attributed to a child speaking English as their second language. Service providers should be aware that cultural differences can have an impact on how autistic people are perceived and supported and adapt their practice to recognise these differences.

The Code will provide a positive impact on these communities as support for autistic people and their parents/ carers in ethnic minority communities has been a key element of the work carried out by the National Autism Team (funded by the Welsh Government). For example: they have been providing specific information and support for [Ethnic minority communities on their Covid-19 newpage](#)

Regular social media posts by the National Autism Team engage with and speak directly to ethnic minority communities in Wales. Such posts highlight resources such as the multilingual ethnic minority Helpline Wales; educational resources for schools to teach pupils about racism, equality and diversity; autism Black, Asian and Minority Ethnic resources by organisations such as Ambitious about Autism; updated information from Welsh Government's Covid-19 Black, Asian and Minority Ethnic Advisory Group; and more. The National Autism Team also celebrated Show Racism the Red Card's "Wear Red Day 2020" on the Team's social media pages.

Religion, belief and non-belief

There is no evidence to suggest that the Code would have a positive or negative impact on individuals because of their religion or belief or lack of belief. Stakeholders have not identified that this should be an area for future research, although it may be worthy of further exploration.

Sex / Gender

Male:

Evidence suggests that males can be up to four times more likely to be diagnosed with autism than females. The reasons for this are varied, but may be linked to studies which show that females are more able to mask ASC symptoms through mirroring behaviour etc. The differential impact of autism in girls has been raised as a concern and this is well known amongst clinicians. For this reason, the Code will have no differential impact on males.

Female:

The rate of autism diagnosis in girls and women has historically been much lower than for boys and men. Although the research is limited, evidence and anecdotal clinical evidence suggests that the disparity in diagnostic rates is caused by a number of factors. These include the way girls and women present themselves, they are often more able to mask behaviour through observing and mimicking others around them. It is also suggested that standard diagnostic tools are more tailored towards recognising classic autism more commonly seen in boys and men, whereas girls and women's presentation of autism may be more subtle making it more difficult to diagnose. It is important that professionals understand how autistic girls and women may present differently and that they can have different support needs. For example girls may appear to be more able to sustain social relationships but in reality experience exhaustion when trying to adapt their own behaviour to mirror that of others and what is seen as more acceptable. Additionally, there are significant life milestones where women may require more individual support such as, during puberty and pregnancy. The Code will have a positive impact on females.

Sexual orientation (Lesbian, Gay and Bisexual) and Gender Identity

There is increasing literature linking autism with gender identity/dysphoria, with a higher incidence of autistic people reporting a psychological identity with a gender other than the one they were born with. The Welsh Government has recognised the need to improve gender identity services in Wales and have established the All-Wales Gender Identity Partnership Group to provide advice. [The Welsh Gender Team](#) is based in St David's Hospital in Cardiff. Any information from this service may be used to inform any subsequent iterations of the Code.

Umbrella Cymru provides peer support to anyone on the waiting list for an appointment with the Gender Team. This provides an opportunity to receive regular contact from someone with lived experience of gender incongruence and transition processes and is a point of contact to request any additional support that might be needed.

Marriage and Civil Partnership

There are no known negative impacts on marriage and Civil Partnership.

Low Income Households

There are no known negative impacts on protected groups and those living in low income households.

Human Rights and UN Conventions

There are no elements of this Code which contravene any part of the Human Rights and UN Conventions.

This Code reinforces the legal frameworks already in place and requires that the relevant bodies exercise their respective functions in accordance with the Code when arranging or delivering services for autistic people. This will ensure that local health boards, Trusts and local authorities and their partners understand existing duties to provide needs based autism services, including support for carers and to raise awareness with autistic people about the support which should be available.