

# Down Syndrome Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Health and Social Care with the consent of Dr Liam Fox, the member in charge of the Bill, are published separately as Bill 17-EN.

# Down Syndrome Bill

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# B I L L

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Make provision about meeting the needs of persons with Down syndrome; to place a duty on local authorities to assess the likely social care needs of persons with Down syndrome and plan provision accordingly; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## **1 Guidance on meeting the needs of persons with Down syndrome**

- (1) The Secretary of State must give guidance to relevant authorities on steps it would be appropriate for them to take in order to meet the needs of persons with Down syndrome in the exercise of their relevant functions.
- (2) *Relevant authorities must have due regard to the guidance in the exercise of their relevant functions.* 5
- (3) Before giving the guidance the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (4) The Secretary of State must publish the guidance in such manner as the Secretary of State considers appropriate. 10
- (5) The Secretary of State may revise the guidance from time to time (and subsections (2) to (4) apply in relation to any revised guidance).
- (6) For the meaning of “relevant authorities” and “relevant functions”, see the Schedule.

## **2 Extent, commencement and short title** 15

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) This Act may be cited as the Down Syndrome Act 2022.

## SCHEDULE

Section 1

## RELEVANT AUTHORITIES AND RELEVANT FUNCTIONS

*Introductory*

- 1 (1) In this Act, “relevant authority” means a person to whom any of paragraphs 2 to 5 applies. 5
- (2) Those paragraphs also set out the functions that are the “relevant functions” of the relevant authorities for the purposes of this Act.

*National Health Service*

- 2 (1) This paragraph applies to— 10
- (a) the National Health Service Commissioning Board,
  - (b) a clinical commissioning group,
  - (c) a Special Health Authority established under section 28 of the National Health Service Act 2006,
  - (d) a National Health Service trust established under section 25 of that Act, and 15
  - (e) an NHS foundation trust.
- (2) The “relevant functions” of a person to whom this paragraph applies are all of its functions, so far as exercisable in or in relation to England.

*Social care*

- 3 (1) This paragraph applies to— 20
- (a) a county council in England,
  - (b) a district council for an area in England for which there is no county council,
  - (c) a London borough council,
  - (d) the Common Council of the City of London, and 25
  - (e) the Council of the Isles of Scilly.
- (2) The “relevant functions” of a person to whom this paragraph applies are—
- (a) its functions under section 117 of the Mental Health Act 1983 (after-care);
  - (b) its functions that are referred to in section 50(2) of the Children Act 2004 (social services functions etc); 30
  - (c) its functions under Part 1 of the Care Act 2014 (care and support);
  - (d) its functions under Part 3 of the Children and Families Act 2014 (special educational needs or disabilities).

*Housing*

- 4 (1) This paragraph applies to— 35

- (a) a district council in England,
  - (b) a county council for an area in England for which there is no district council,
  - (c) a London borough council,
  - (d) the Common Council of the City of London, and 5
  - (e) the Council of the Isles of Scilly.
- (2) The “relevant functions” of a person to whom this paragraph applies are its functions under –
- (a) Part 2 of the Housing Act 1985 (provision of housing);
  - (b) Part 6 of the Housing Act 1996 (allocation of housing); 10
  - (c) Part 7 of the Housing Act 1996 (homelessness assistance).

*Education and youth offending*

- 5 (1) This paragraph applies to –
- (a) the governing body of a school in England,
  - (b) the governing body of an institution in England within the further education sector, 15
  - (c) the proprietor of an Academy,
  - (d) the management committee of a pupil referral unit in England,
  - (e) the proprietor of an institution in England approved by the Secretary of State under section 41 of the Children and Families Act 2014, 20
  - (f) providers of relevant early years education in England,
  - (g) youth offending teams in England, and
  - (h) persons in charge of relevant youth accommodation in England.
- (2) The “relevant functions” of a person to whom this paragraph applies are the person’s functions under Part 3 of the Children and Families Act 2014. 25
- (3) In sub-paragraph (1)(a) to (h), words and expressions have the same meanings as in section 77(1) of that Act.

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*Presented by Dr Liam Fox*

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