



MHA White Paper Consultation: People with a learning disability and autistic people

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Four Principles of the proposed reforms to MHA

- ▶ **Choice and autonomy** – ensuring service-users' views and choices are respected
- ▶ **Least restriction** – ensuring the Act's powers are used in the least restrictive way
- ▶ **Therapeutic Benefit** – ensuring patients are supported to get better, so they can be discharged from the Act
- ▶ **The Person as an Individual** – ensuring patients are viewed and treated as rounded individuals

Proposed Reforms

- ▶ For the purposes of the act **we do not consider autism or a learning disability to be mental disorders** warranting compulsory treatment under section 3
- ▶ The proposed revisions **would allow for the detention of people with learning disability and autistic people for assessment, under section 2,** of the Mental Health Act, when their behaviour is so distressed that there is **a substantial risk** of significant harm to self or others (as for all detentions)



Proposed reforms

- The assessment process under section 2 should seek to identify the driver of this behaviour, and whether a mental health condition, physical health condition, response to environmental or life change
- **If it is identified that a mental health condition is the driver, there may be continued justification for detention under the MHA, and the patient might in such cases follow a treatment pathway under section 3 for the mental health condition.**



Proposed reforms

- ▶ Where the driver of this behaviour is not considered to be a mental health condition, for example due to an unmet support need, unmet social or emotional need, or an unmet physical health need (including untreated pain), grounds for a detention under the MHA would no longer be justified and the detention should cease.



Consultation Questions

- ▶ Do you agree or disagree with the proposed reforms **to the way the Mental Health Act applies to people with a learning disability and autistic people?**
- ▶ Do you agree or disagree that the **proposed reforms provide adequate safeguards** for people with a learning disability and autistic people when they do not have a co-occurring mental health condition?
- ▶ Do you expect that there would be **unintended consequences (negative or positive)**



Care (Education) Treatment Review

- **Proposal:** a statutory requirement on the RC to consider the findings and recommendations of C(E)TRs in the patient's care and treatment plan
- Deviation from the recommendations should be justified and explained by the RC



Community services for people with a learning disability and autistic people

- ▶ **Proposal:** new duties on local authorities and CCGs to ensure an **adequate** supply of community services for people with a learning disability and autistic people with the intention of reducing the use of and need for mental health inpatient services.
- ▶ Pooled Budgets
- ▶ Local 'At Risk' Registers

Intellectual Disability Compulsory Care and Rehabilitation (IDCCR) Act 2003:New Zealand

- Provisions of compulsory care and rehabilitation to individuals with an ID who had been charged with, or convicted of an imprisonable offence.
- Two categories of care:
 - A Special care recipient must receive care and rehabilitation in a secure facility so effectively a hospital
 - A Care recipient who can receive care in a secure facility or in a supervised setting
- Regional Community Forensic ID teams of nursing, OT, psychology and psychiatry input were set up