

# **National Disability Authority submission to the Vision for Change Monitoring Group**

## **Introduction**

The National Disability Authority is the statutory advisory body on disability issues, providing independent expert advice to the Minister on policy and practice, and promoting Universal Design in Ireland. The National Disability Authority welcomes the opportunity to make a submission to the Vision for Change Monitoring Group on the implementation priorities for 2012.

## **Priorities for Implementation in 2012**

### **I. Resources for the implementation of A Vision for Change**

In the current economic environment resources are constrained across most areas of public service delivery. Previous Vision for Change Independent Monitoring Group reports have highlighted that the closure of hospital facilities has not resulted in the expected number of staff being released to community mental health teams due to the moratorium.

The National Disability Authority welcomes the fact that the €35m. in additional annual ring-fenced funding has been made available for the implementation of A Vision for Change. However, the National Disability Authority is concerned that there may be a risk that the additional funding may, in part, be used to meet the Health Services Executive's legal requirements in relation to those services licensed and regulated by the Mental Health Commission. This would mean that part of the additional funding would be diverted away from investing in improved community mental health services.

#### **I.1. Priority 2012 for the implementation of A Vision for Change**

The National Disability Authority advises that the Vision for Change Monitoring Group should seek a detailed plan from the Health Services Executive on what the additional funding will be spent on in 2012, and should request at the end of 2012 that a detailed report on the additional spend will be furnished to the Vision for Change Monitoring Group.

## **2. A Vision for Change and the development of implementation plan for the Congregated Settings Report**

The National Disability Authority welcomes the fact that proceeds of the sale of old psychiatric hospitals and Health Service Executive capital funding have been invested in new community based residential units in recent years.

The Health Service Executive Vision for Change Implementation Plan 2009 – 2013 proposes a range of residential setting types for people with mental health issues, including some large community based facilities. Both the Congregated Settings Report and the Housing Strategy for People with Disabilities emphasise the importance providing supports in small residential settings within communities.

### **2.1. Priority 2012 for the implementation of A Vision for Change**

Consideration be given as to what community based residential settings for people with mental issues should ideally be.

## **3. Plan for changes to services arising from new legislation**

The Legal Capacity Bill, which incorporates an assumption of legal capacity, is due to be published by Easter 2012. The Mental Health Act 2001 is under review, as is the criminal law relating to insanity. Amended legislation in these areas is required to bring them into conformity with the UN Convention on the Rights of Persons with Disabilities. All of these legislation changes will have implications for mental health service users and for mental health services.

In its 2011 submission to the review of the Mental Health Act 2001, the National Disability Authority highlighted that the Legal Capacity Bill will have implications for the Mental Health Act 2011 and for how disability services operate.

### **Priorities 2012 for the implementation of A Vision for Change**

**3.1.** A programme to plan for the consequences of enactment of the Legal Capacity Bill, and in particular the legal presumption of capacity for mental health service users, should be commenced within the Health Service Executive.

**3.2.** Amending the Mental Health Act 2001 to take account of the Legal Capacity Bill affords an opportunity to deal with other issues in the 2001 Act, such as,

- Addressing the position of minors under the legislation
- Ensuring that all service users have a Service Plan
- Extending the scope of Part 5 of the Act, which deals with the registration and approval of mental health services, to apply to community based services

**3.3.** Plan for those changes to services, including forensic psychiatric services, and to procedures for review of detention of persons found 'not guilty by reason of insanity', which are likely to be required arising from anticipated changes to the criminal law on insanity.

#### **4. Child and Adolescent Mental Health Teams and the Disability Act 2005**

The National Disability Authority completed a report on the practice of assessment of need under the Disability Act 2005. One of the findings of this report was that in some Local Health Office areas the local Child and Adolescent Mental Health Teams did not consider that they had a legal obligation to conduct assessments of need under the Disability Act. This was a significant challenge to operating the Disability Act for children with a disability and a mental health issue.

##### **Priority 2012 for the implantation of A Vision for Change**

**4.1.** The National Disability Authority advises that a priority would be for the Health Service Executive to provide local Children Adolescent and Mental Health teams with clarity on their obligations under the Disability Act.

#### **5. A Vision for Change and the National Disability Strategy**

In previous submissions to the Independent Monitoring Group for A Vision for Change, the National Disability Authority has highlighted the potential benefits of better coordination between the monitoring of A Vision for Change and the monitoring of the National Disability Strategy. In particular, the National Disability Authority has noted that in some areas - such as, housing and employment - commitments under the National Disability Strategy offer considerable scope to improve service delivery for people with mental health issues.

The recently established National Disability Strategy Implementation Group, with increased representation from the mental health sector, has been tasked with developing a three year implementation for the National Disability Strategy

##### **Priority for 2012 for the implementation of A Vision for Change**

**5.1.** Ensuring that aspects of the National Disability Strategy, which are important to the lives of people with mental health difficulties, are covered in the new National Disability Strategy Implementation Plan. It will also be important to ensure that the monitoring of the National Disability Strategy and A Vision for Change is coordinated to avoid unnecessary duplication.

## **6. Attitudes Findings**

The National Disability Authority recently published a National Survey of Attitudes to Disabilities in Ireland which was based on research carried out in 2011. This research highlighted among other things a low level of public support for the inclusion of children with mental health issues in mainstream schools. It also highlighted low levels of public support for people with mental health issues to have the same right to sexual relationships as everyone else. Only a small minority of respondents agreed that adults with mental health issues should have children if they wish to.

### **Priority for 2012 for the implementation of A Vision for Change**

**6.1.** Continue the strategy to tackle public attitudes towards people with mental health issues. This should link to any other work addressing negative attitudes towards people with disabilities.

## **7. Promotion of mental health among young people**

Previous reports from the Independent Monitoring Group for A Vision for Change have noted the slow pace of development of Child and Adolescent Mental Health teams.

### **Priority for 2012 for the implementation of A Vision for Change**

**7.1.** The National Disability Authority advises that mental health services for young people should be prioritised. Progress could be made in the area of promotional of mental health by better engagement of mental health service with mainstream service for children and families. In particular, in 2012 a new National Children and Young Persons Strategy will be completed which may afford significant opportunities for mainstream and specialist mental health services to cooperate to promote good mental health among young people.

## **8. Accessible mainstream health services and accessible mental health services**

The Health Service Executive and the National Disability Authority have been working on the development of guidelines for accessible health care for people with disabilities. It is envisaged that the guidelines will be finalised in 2012.

Certain groups of people with disabilities have experienced difficulties in accessing mental health services. In particular, there have been issues for people with intellectual disabilities and deaf people accessing mental health services.

### **Priority for 2012 for the implementation of A Vision for Change**

**8.1.** Promotion and implementation of the guidelines with local health practitioners in particular in relation to improving access to health services for people with mental health difficulties.

**8.2.** Address the needs of mental health service users with other disabilities, and in particular people with intellectual disabilities and deaf people, should be a priority for A Vision for Change implementation.