

# LIBERTY

## MENTAL HEALTH

### SUMMARY OF SUBSTANTIVE POLICY DISCUSSIONS AT I.LIBERTY COUNCIL MEETING

**JUNE 2018**

This paper asks the Policy Council to consider that Liberty should pursue policies that increase judicial oversight of decisions regarding the involuntary detention and treatment of people on mental health grounds.

With more people being detained under the mental health legislation every year, it is critical that immediate steps be taken to protect human rights and civil liberties.

Liberty's overall work on mental health should aim to: 1) ensure that there are robust safeguards before and during detention and treatment decisions and 2) resist attempts to weaken existing safeguards. In particular, Liberty should:

Pursue policies that increase judicial oversight

- One judicial body and legal framework governing detention and treatment decisions for both mental health and mental capacity cases
- Shorter maximum periods of detention before review opportunities
- Strengthen safeguards against imposition of treatment
- Provide more opportunities to appeal against decisions to both detain and treat

Oppose policies that weaken existing safeguards and scrutiny such as:

- MoJ proposals to weaken Mental Health Tribunal scrutiny
- Some of the Law Commission's Liberty Protection Safeguards policy recommendations

### **POSITION REACHED**

Council agreed the policy positions raised in the paper, subject to points made by several Council members that these policy points should be seen as a starting point toward more ambitious reform, and with an agreement to undertake and incorporate the lessons of further research into whether increasing legal process risks exacerbating certain mental health conditions.