

**LEGISLATIVE FRAMEWORK FOR
MENTAL CAPACITY
AND MENTAL HEALTH LEGISLATION
IN NORTHERN IRELAND**

**A Policy Consultation Document
January 2009**

Consultation Response Questionnaire

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You can respond to the consultation document by email or letter.

Before you submit your response, please read Appendix 1, at the end of this questionnaire, about the Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises.

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**TO BE CONSIDERED AS PART OF THE RESPONSE TO THE
CONSULTATION PROCESS, RESPONSES MUST BE RECEIVED BY
DHSSPS BY 31 MARCH 2009.**

I am responding: as an individual on behalf of an organisation

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Q1. Do you agree that the Principles, as outlined in this document, should be embedded in both mental capacity and mental health legislation?

Yes / No

If no, please give reasons

The Royal College of Psychiatrists believe there should be a single piece of legislation covering both mental capacity and mental disorder. Our reasoning for this is included in the attached document.

The College believes that the principles outlined in this document should be embedded in the legislation and on the face of legislation.

Q2 The document outlines the policy intentions underpinning the significant Powers proposed for both the Mental Capacity Bill and the Mental Health Bill. Is there any other major power which you would wish the Department to give consideration to?

The College needs more detail on the proposed powers. Our concerns are outlined in the attached document.

Q3. In the context of policy proposals for both the Mental Capacity Bill and the Mental Health Bill, are there any other Protections which the Department needs to consider to further protect service users, carers, staff or members of society?

Yes / No

If yes, please explain?

The consultation document does not give enough detail on the protection that will be afforded to people who come under legislation. The College details its concerns in the attached document.

Q4. Do you agree with the Department's view that the central thrust of embedding these principles within mental capacity and mental health legislation is to safeguard dignity and improve protection of human rights and equality of opportunity and consequently a full Equality Impact Assessment is not needed?

Yes / No

If no, please explain?

Q5. Do you have any further comments on the Department's proposals set out in this document?

Please see attached document.