

# Quality Network for Learning Disability Services

Special Interest Day 2022

Tuesday 5 July



## Legal Issues within Learning Disability Services

## Programme

- 9:30**      **Welcome & Introduction**  
*Amy Colwill, Programme Manager RCPsych/QLND*
- 9:35**      **Informed consent to treatment with medication in people with a learning disability**  
*Danielle Adams – Specialist Mental Health Pharmacist and PhD student, Warwick University*  
*Claudia Carr – Principal Lecturer in Medical Law and Ethics and Director of wellbeing, Hertfordshire Law School*
- 10:15**      **Capacity and Sexual Relations**  
*Neil Allen – Barrister and Senior Lecturer, 39 Essex Chambers and University of Manchester*

## Break

- 11:10**      **Executive Dysfunction and Issues of Mental Capacity – Dr Nicholas Todd**  
*Dr Nicholas Todd - Consultant Clinical Psychologist, Cheswold Park Hospital*
- 11:50**      **Restricted and Conditionally Discharges Patients, MHA rights and Legal Issues**  
*Christine Hutchinson – Consultant Nurse Approved Clinician and Associate Director of Nursing, Lancashire and South Cumbria NHS Foundation Trust*
- 12:30**      **Closing remarks**



Join the conversation on twitter @rcpsyhCCQI  
Using the hashtag #QLND

## Presentation Details

### ***Informed consent to treatment with medication in people with a learning disability – Danielle Adams and Claudia Carr***

This presentation will focus on;

- Understanding the impact of the Montgomery judgement on the provision of consent in conjunction with the Mental Capacity Act.
- Reflection on the practicable application in learning disability services in consenting to being treated with medication.
- Linking the accessible information standard, informed consent and shared decision making in people with learning disability prescribed medicines.

### ***Executive Dysfunction and Issues of Mental Capacity – Dr Nicholas Todd***

This presentation will consider the role of executive dysfunction in mental capacity, the practical challenges to assessing individuals who present with these difficulties and the potential ways forward.

### ***Restricted and Conditionally Discharged Patients, MHA rights and Legal Issues - Christine Hutchinson***

This session will provide additional practice-based information to describe practice change required as a result of the impact of the Supreme Court's judgment in MM <https://www.supremecourt.uk/cases/uksc-2017-0212.html>.

In order to continue to progress the pathway for restricted patients, it is essential for teams to have a greater depth of information earlier in the clinical pathway to determine whether conditional discharge of the patient would be lawful.

All restricted patients are affected to a greater or lesser extent by the judgment; at the very least discharges of restricted patients may be delayed whilst practitioners ensure, and judicial bodies secure, the collation of relevant evidence to ensure that the discharge would be lawful. At the other extreme the impact of the judgment may prevent the conditional discharge of a restricted patient.

In addition, once conditionally discharged, it is important to maintain the decision making capacity of the individual under review. Given that capacity can change, the person's legal position may also change, and MDTs may be required to discuss cases with the MHCS or Court of Protection where there is a change in capacity determination and a technical recall may ensue.

Helping restricted and conditionally discharged patients to understand their legal rights is an important part of these processes, the absence of any specific rights leaflets and information led to securing NHSE finance to fund a development of multiple documents what are available here [Independent Mental Health Advocacy \(IMHA\) - Advocacy Focus](#) three documents have already be 'published' and two more, an easy read version and a practice guide will be added during July 2022.

## Speaker Details

### ***Informed consent to treatment with medication in people with a learning disability***

#### **Danielle Adams**

Danielle Adams is a mental health pharmacist with a specialist interest in optimising medicines in people with a learning disability. She has co-authored several publications and her current PhD research is on deprescribing psychotropic medicines in people with a learning disability.

#### **Claudia Carr**

Claudia Carr is a lawyer and a Principal Lecturer in Medical Law and Ethics and Director of Hertfordshire Law School Wellbeing. She is the author of several books, and her current PhD research is on therapeutic privilege, an exception to informed consent and includes the effect of the exception on those with intellectual disability.

### ***Capacity and Sexual Relations***

#### **Neil Allen**

Neil has two super daughters and, in the time he has spare from fatherhood, is a [Barrister](#) at 39 Essex Chambers, [Senior Lecturer](#) at the University of Manchester, and Founder of [LPS Law Ltd](#). With particular interests in human rights, mental health and incapacity law, he is consistently ranked as a leading Barrister in the Court of Protection. Neil has been involved in a number of the reported cases in the field of sexual relationships and intimacy, including *SSJ v A Local Authority* (sex workers), *Re AA* (autoerotic asphyxiation) and *Re A* (internet and social media). He also teaches undergraduate and postgraduate students, regularly delivers professional training to a variety of audiences and enjoys writing about the law.

### ***Executive Dysfunction and Issues of Mental Capacity***

#### **Dr Nicholas Todd**

Dr Nicholas Todd is a Consultant Clinical Psychologist. He is currently the Clinical Lead and Acting Responsible Clinician on a Low Secure inpatient ward for people with Autism. Dr Todd also holds a public appointment as a Lord Chancellor appointed 'Special Visitor' to the Court of Protection and The Office of the Public Guardian. He has spent his career specialising in Learning Disabilities, Autism and offending behaviour. Dr Todd has been instructed by the Court of Protection in a range of complex mental capacity cases involving issues of executive dysfunction and those with Learning Disabilities and Autism.

## ***Restricted and Conditionally Discharged Patients, MHA rights and Legal Issues***

### **Christine Hutchinson**

Christine Hutchinson is Consultant Nurse Approved Clinician and Associate Director of Nursing with Lancashire and South Cumbria NHS Foundation Trust. Christine has been/is a Responsible Clinician for both restricted inpatients and conditionally discharged patients; she also leads on MHA MCA and DoL implementation and acts as an expert witness in the Court of Protection. Christine was a clinical member of the national task and finish group (which included Ministry of Justice Mental Health Casework Section) working closely with the NHSE national team on the impact of MM judgment and led the development of clinical/practice guidance published in March 2020. She continues to be called upon to advise on the practical impact of this judgement and other matters relating to mental health and capacity law and effective health services for people with learning disability.

Having identified the absence of rights information specifically for conditionally discharged patients she has worked with the NHS England team to secure funding for a project to develop rights information for this population group.

**Thank you for attending QNLD's Special Interest Day. If you have any feedback for the team about this event, please fill out the short feedback form.**

**[Feedback Form](#)**



**To sign up to our mailing list and be notified of future events please email [L.D@rcpsych.ac.uk](mailto:L.D@rcpsych.ac.uk)**