



Response to the Survey on the development of the  
Mental Health Commission Strategy (August 2018)

**MHC Mission statement**

*‘..to safeguard the rights of service users, to encourage continuous quality improvement, and to report independently on the quality and safety of mental health services in Ireland.’*

The Citizens Information Board (CIB) and the National Advocacy Service (NAS) for people with disabilities welcome the opportunity to respond to this consultation. CIB is the national body responsible for the provision of information, advice and advocacy on social services in Ireland. CIB supports a nationwide network of Citizens Information Services (CISs), the Citizens Information Phone Service and Money Advice and Budgeting Services. The Board has a particular remit to provide advocacy for people with disabilities and in that context supports mainstream advocacy for people with disabilities, (including people with mental health difficulties)<sup>1</sup> through the CIS network and supports the National Advocacy Service for People with Disabilities. As NAS has significant engagement with mental health service users through intensive representative advocacy, NAS has prepared this response on the formulation of a new strategic plan for the Mental Health Commission.

With regard to the Mission Statement of the MHC, the use of the term “service-users” may be overly restrictive, as our understanding of the remit of the MHC is that it has the function of safeguarding the rights of all people experiencing mental health issues in mental health services in Ireland. More person-centred language could be used in the mission statement. The regulatory, inspection and

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<sup>1</sup> *“The Advocacy Needs of Mental Health Service Users Living in the Community: A Pilot Study”* (2017) published by Mental Health Reform looked at the need for independent, one-to-one advocacy supports for people who use mental health services and who need help to make decisions or access their rights and entitlements. The report found there was a level of awareness and usage of CICs for information and support amongst those surveyed.

enforcement aspects of the role of the Commission could also be more explicit in the Mission Statement.

**In strategic planning, the purpose of a 'values statement' is to state an organisation's core values or what the organisation stands for. Values define the guiding principles the Mental Health Commission follows as the organisation goes about meeting its objectives. Please choose up to 5 words from the list below that you feel best represents the Mental Health Commission's core values:**

NAS provides independent, professional and free advocacy to people with disabilities. NAS works to empower people with disabilities to have their voices, will and preferences heard in decisions that affect their lives. Our independent, professional advocates work to ensure people are involved in decisions and plans around their care. We therefore would emphasise the values of empowerment, person centred and accountability as important values for the MHC to incorporate into its strategic plan.

Under section 42 of the Irish Human Rights and Equality Commission Act 2014 there is a positive duty on all public sector organisations to have regard to the need to promote equality and protect human rights in the course of their work. Public bodies are required to undertake an assessment of the human rights and equality issues that pertain to their organisation and publicise this assessment and a corresponding action plan in their strategic plans.

It is therefore important under section 42 that the MHC includes human rights and equality as core values as a public sector organisation.

**What do you think are the most important factors which are likely to impact on MHC's role and function in the next 5 years, or beyond - such as legislative, regulatory, policy, healthcare system transformation, societal & attitude changes?**

Two key factors that will impact the work of the MHC are the impending commencement of the Assisted Decision-Making (Capacity) Act 2015 and the recent ratification by Ireland of the UN Convention on the Rights of Persons with Disabilities.

- Establishment of DSS: The establishment and development of the Decision Support Service (DSS) is a highly important development over the coming years, in order to ensure that the Assisted Decision-Making (Capacity) Act 2015 may be fully commenced, and that Ireland may meet its obligations under the UN Convention on the Rights of Persons with Disabilities, as ratified by Ireland in March 2018. The National Advocacy Service regularly works with individuals who have been made, or are being made, wards of court. It is of paramount importance that the DSS be established expediently to ensure that the antiquated and inappropriate ward of court system may be abolished and allow for the human rights compliant enactment of the ADM Act.

- Resources for DSS: The DSS must be adequately resourced, given the caseload of existing and potential ward of court cases to be transferred to it. It must also have the requisite expertise internally to process cases in the complex area of assisted decision-making.
- Awareness of DSS: The DSS will be at the forefront of a sea change in Irish society in relation to capacity and decision making, it will be important that there is the necessary awareness amongst medical/social care/ legal practitioners and the public of its role. The complex sliding scale of roles created under the ADM, such as decisions making assistant, decision making representative etc. will need to be registered with the DSS. In order for this to happen, the DSS needs to have an adequate public profile to ensure people understand its role, and how to register their decision-making plans.

Ensuring the DSS is a success should be a priority area for the MHC over the coming 5 years, as it represents a significant and long over-due change in Ireland's capacity legislation, which currently remains governed by the Lunacy Act 1871.

- Adult Safeguarding: the MHC should continue in its work with HIQA to establish and promote best practice in adult safeguarding policy and procedures in Ireland. Adult safeguarding policy should be a priority area for the MHC, given the recent ratification of the UNCRPD and revelations of abuse of adults in vulnerable situations in services in recent years.
- People with Disabilities and Diversity: the MHC should give greater consideration over the coming strategic period to the diverse nature of the people who use mental health services in Ireland. The intersectionality between mental health issues and disabilities, dual diagnosis and other physical health issues should be emphasised to mental health services. A greater emphasis on a holistic and joined-up approach to care and care planning in mental health services should be given.

More broadly, the MHC should promote within mental health services a greater understanding of the diversity of people who use mental health services in Ireland, across the nine equality grounds and socio-economic background. Understanding that different groups of people have different mental health needs, such as young people, older people, the LGBTQ community, women with children, migrants, Travellers and people with disabilities etc. is important to ensuring that Ireland's mental health services are delivered in a way that effectively serves the Irish population as it exists today.

#### **Do you engage directly with people in the Mental Health Commission?**

The National Advocacy Service for People with Disabilities is represented on the National Safeguarding Committee, which is an inter-agency group tasked with promoting better adult safeguarding policy in Ireland. NAS works with the Director of the Decision Support Service at this Committee.

NAS advocates work with individuals using mental health services in Ireland. In the course of this work, NAS advocates have some interactions with the Mental Health Commission reporting regulatory concerns about particular services.

**Do you feel that the Mental Health Commission has a full understanding of your organisation's needs, issues and challenges?**

NAS welcomes the collaborative and open approach of the Director of the Decision Support Service to understanding the work of our organisation. NAS has been given the opportunity to contribute and highlight experiences of its advocates working in the area of capacity and decision-making. Given the important role our advocates play in assisting people to make decisions and be involved in decisions that affect their lives, and the expertise our advocates can bring to the area of assisted decision-making, NAS believes it is important to continue its positive interactions with the DSS over the coming strategic period for the MHC.

**How do you feel Mental Health Commission could improve, if necessary, on that understanding?**

It is important that upon commencement of the ADM that there is a positive working relationship between independent advocates and the other roles set out in the ADM Act. As the regulator of the ADM roles, it is therefore important that the DSS has a clear understanding of the role of advocacy, and how advocacy interacts with the ADM Act.

**Do you feel that you have a good understanding of the role and function of the Mental Health Commission?**

Yes, it will be important that the role of and developments in relation to the DSS are adequately communicated and publicised to stakeholders and practitioners to ensure that there is a good understanding of its functions upon commencement of the ADM.

**In strategic planning the purpose of a 'vision statement' is to define how we would like the future organisation to look. It is a picture of the destination the organisation wants to reach. Bearing in mind your previous responses, imagine you are 10 years into the future and the Mental Health Commission has been exceptionally successful, what words and phrases do you think a press release about the Mental Health Commission might include?**

That the Decision Support Service would be a well-known, well-understood and effectively functioning organisation, which ensures that the guiding principles of the ADM Act are adhered to. The DSS will have played a pivotal role in minimising the situations in which individuals are deemed to lack capacity.