



## Paper 2 Example for stage 3 engagement

**This paper is for the second session of the advisory group meeting.**

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## A: What this paper is about

This paper gives you an example of the sort of idea that we might consult about in stage 3.

We are not asking for your comments on the idea. You can give us your comments on all our ideas during the consultation in stage 3.

We are asking for your suggestions on how we can make an idea like this accessible for people of all levels of ability.

In stage 3, we might give people a vision that says what we think the law needs to do overall.

All of the ideas in stage 3 should help with that vision in some way. The ideas should all fit together.

## B: What we are asking advisors

Please think about these things as you read through the example idea in part D, and the example questions in part E:

How to make stage 3 **accessible**. We have to make it easy to understand and easy to respond to.

How to make stage 3 **accurate**. We have to give correct information. The information has to make sense

How to make stage 3 **useful**. The review's executive has to get responses from this consultation that help us to understand what is good and bad about our ideas.

## **C: Who we need to consult with**

We need to consult with the same people and organisations in stage 3 that we consulted with in stages 1 and 2.

Stage 1 was for people with experience of the Mental Health Act.

We included autistic people, people with learning disability and unpaid carers.

We also included professionals who had experience of using the Mental Health Act for autistic people or people with learning disability.

Stage 1 was open to organisations that had members with experience of using the Mental Health Act with autistic people and people with learning disability.

Stage 2 was for organisations of people with lived experience and professional organisations.

In stage 3, we also need to consult with anyone who has an interest in our ideas.

This might include autistic people, people with learning disability and unpaid carers who do not have experience of the Mental Health Act.

It might also include people who are interested in the review for some other reason. For example, a person who has mental illness and has experience of the Mental Health Act might choose to give their views on our ideas. Or another professional or organisation might feel that they could be affected by our ideas.

## **D: An example of what we might consult on**

Here is an example of one of the ideas that we might consult on in stage 3.

This is based on an idea that we talked about at a collaborative group meeting.

The example is in plain English.

We would also make an easy read version of this. The easy read version would be set out differently and would include more pictures.

We might give extra information with the plain English version for anyone who really wants to read it. That information would explain why the idea is needed to protect and promote people's human rights.

## Substitute decisions – when people decide things for other people



If you have a **crisis**, a professional might think that you should go somewhere for else to be safe, or to get treatment.

The place might be a **secure facility** (a safe place) or it might be **another place** that is less stressful than where you live.

You might need to get psychology or medication there, or you might not need that.

Professionals would presume that **you should decide** what happens to you.

You would have support from an **independent advocate** before you made a decision, unless there was an immediate and serious danger that clearly threatened your life or other people's lives.

Professionals could only go against your decision if this is needed to **protect all of your rights**.

If there was a chance that professionals would make a decision that you didn't want, then a human rights officer would carry out a **human rights assessment** for you.

The human rights officer would be a **mental health officer** (a specialist social worker) who also had **training** in how to do these assessments.

The human rights assessment would be done **before any decision** was made for you.

A human rights officer could only recommend something to happen that does significant harm to your rights if this would clearly give you **very significant benefits**. It would be very rare for this to be a decision.

The human rights assessment would be about your **rights, will and preferences**. It would be used to make a decision that **protects all of your rights**.

Your Independent Advocate **could get a copy** of the human rights assessment for you. They could to explain it to you.

Your advocate, or a lawyer, could **help you to challenge** the human rights assessment.

If the crisis was an unexpected and dangerous **emergency**, and you did not have any professionals involved in your life, professionals would have to **think about your human rights** before they make a decision and show that they had done this.

They would have to do a full human rights assessment **very soon after** the crisis.

## E: An example of the questions that we might ask

In the survey, we might ask questions like this after each idea:

### Question -

What do you think of this idea?

### Answers -

- I like the idea
- I am not sure about this idea
- I do not like the idea

### Question -

Why do you like this idea? *or*

Why are you not sure about this idea? *or*

Why do you not like this idea?

### Answer –

(The person can write whatever they want to write in a text box)

### Question -

What could make this idea better?

### Answer -

(The person can write whatever they want to write in a text box)

**F: Questions for advisors**

Is the idea in this example **accessible**?

Is the idea in this example **accurate**?

We would like to **explain why each idea matters for people's human rights**.

What would be a good way to give people this information if they want it?

What you think about the **questions** in part E?

Do you think the responses to these questions will be **useful**?  
Do you think the questions will help us to understand what is good and bad about our ideas?