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20<sup>th</sup> March, 2009

Dear Mr McConville,

Magherafelt District Council recently considered your consultation document on 'Legislative Framework for Mental Capacity and Mental Health Legislation in Northern Ireland' and recommended that the following points be raised in response to your proposals –

- Council supports the a 'principled based' approach to the legislative reform and welcomes the twin track approach that is now being adopted for the separate but simultaneous development of mental capacity and mental health legislation. Council would support the principles of autonomy, justice, benefit and least harm being in both the mental health and mental capacity laws.
- Council supports legal protection being put in place to protect those who have to make decisions on behalf of a person who lacks capacity and the provisions on who will make decisions included in the Bill to reflect the fact that the capacity of individuals may change over time. This reflects the importance of assessments of capacity being taken over time.
- Council feels strongly that the most vulnerable in our communities must be protected. Whilst it is important to undertake research, this must be done in an ethical framework and with the authority of family and carers. It is also essential that people who lack capacity are protected from neglect and ill treatment.
- Council supports treatment in either hospital or in the community which ever is the most appropriate. Council would however like to see more supported living accommodation provided for people with mental health problems so that their stay in hospital can be minimised and they can remain close to their familiar living environment.
- The additional safeguards are welcomed by council as the rights of mental health users must be protected. It is important that the capacity of these safeguards is sufficient to meet the demand that may be placed upon them.
- The framework appears to promote the right of individuals to make their own decisions and at the same time puts in place safeguards for individuals who lack capacity. It also supports those who act on their behalf and protects members of society.

Overall Council supports the harmonization of legislation. This will provide a framework which makes sure that those with a mental health disorder and learning disability are treated on the same basis as any other person and that their dignity and human rights are better protected.

Yours faithfully  
J A McLaughlin