



The Bamford Review of Mental Health and Learning Disability (Northern Ireland)

“A Comprehensive Legislative Framework”

Response from the College of Occupational Therapists

1. Introduction

The College of Occupational Therapists (COT) is pleased to provide a response to the Review’s latest draft report entitled, “A Comprehensive Legislative Framework”. The response to this consultation has been completed with the assistance of the Northern Ireland Occupational Therapy Managers Forum and the COT, Northern Ireland Board.

The COT represents over 29,000 Occupational Therapists, students, and support workers across the United Kingdom, of which over 900 are either working or studying in Northern Ireland. Occupational Therapists (OTs) work in the NHS, Local Authority Social Services & Housing Departments, schools, primary care settings, and a wide range of vocational and employment rehabilitation services.

Occupational therapists are regulated by the Health Professions Council, and work with individuals of all ages with a wide range of occupational problems resulting from physical, mental, social or developmental difficulties. The philosophy of occupational therapy is founded on the concept of occupation as a crucial element of health and well-being. Practice is based on holistic, client centred care.

2. Specific Comments

CHAPTER 1

Values and Principles

Occupational therapists fully endorse and agree with the points outlined within this chapter and we welcome the view that *‘the new legislation, the Code of Practice and related training programmes must be introduced at the same time.’*

CHAPTER 2

The Need for Change

Occupational therapists are pleased at the recognition of the need for more therapies (Para 2.11), however we would also like to assert the importance of ‘occupation’ to health and wellbeing. The centrality of occupation in human life is fundamental to the practice of occupational therapy. Having the opportunity to engage in occupation in its widest sense, including paid and voluntary work, recreational and leisure activities is a



fundamental human right and when referring to ‘therapies’ we would like to see the importance of this recognised. The College of Occupational Therapists (COT), within its five-year strategic plan, has sought to promote that ‘Occupation Matters’ and that services intended to meet individual needs must help people to engage in those occupations that add purpose and richness to their lives.

CHAPTER 3

An Appraisal of the 1986 Order

Occupational therapists agree with 3.25. As a profession tasked with delivering services, we also feel it is extremely important that we should be able to participate at all levels of design, development and implementation in relation to the monitoring and regulation of the services we provide.

CHAPTER 4

The Importance of Principles for Legislation

Occupational therapists in Northern Ireland agree that the legislative solutions listed in 4.8 are imperative.

In relation to ‘*Research*’, 4.37, we wonder if it may be possible in certain instances that a person who this may be relevant to, gives an ‘advance decision’ regarding participation in research at a later point.

The College supports the Review’s opinion in 4.65 towards ‘... *creating a comprehensive legislative framework which would be truly principles-based and non-discriminatory.*’

CHAPTER 5

Developing a Principles-Based Approach to Legislation

We endorse the principles outlined in 5.1. We believe that it is important that all laws about mental health and mental capacity work well together and are practical for staff to use, with necessary training provided for professionals working within the relevant services.

Referring to the second principle, ‘*Justice: applying the law fairly and equally*’ and to the third point in that principle ‘*Reciprocity*’. Occupational therapists would like to emphasise their contribution to treatment and care and hope this is recognised as part of the obligation to the individual.

We also wonder if ‘...*obligation to provide adequate treatment and care for that individual.*’ includes the need to be proactive with services. The following is taken from the report ‘Connecting Mental Health and Human Rights, Northern Ireland Human Rights Commission, December 2003. ‘*Additional funding should be provided for mental health promotion, prevention, early intervention services and community mental health and learning disability services with a view to reducing the need for compulsory treatment.*’ Occupational therapists consider promoting health and well being and avoiding, potentially avoidable situations by being proactive as very important and feel



this should be looked at in regard to developing a principles-based approach to legislative provision for our community.

In point six of the same principle: *'The specific rights of children, including the right to education, should be protected.'* Occupational therapists would again like to assert the importance of 'occupation' to health and well being, as relevant, to this age group. *'Occupational therapists are interested in children/young people's occupations. These are the things that children/ young people need to be able to do to live their lives and fulfil their occupational roles: to be part of a family, play, look after themselves, make friends and go to school (self care/productivity/leisure). The occupational therapist's primary goal is to help children/young people, restore and maintain those skills, behaviours and relationships necessary for independent living.'* (Policy review – Special Educational Needs, Part Two Paper to support oral evidence to the Education and Lifelong Learning Committee, Welsh Assembly Government 29th June 2005)

In point one, of the fourth principle *'Least Harm: acting in a way that does not harm the individual'*, while it is not specifically referring to the environment, it is mentioned and as such we would like to comment. Occupational therapists consider that as well as being the *'least restrictive environment compatible with the delivery of safe and effective care'* the environment should be conducive to health and well being with adequate and appropriate facilities, resources, staffing, diet etc. We also feel that as well as individual intervention plans, there should be available, appropriate activities run by properly trained staff.

We fully endorse 5.2 and we would like to include support and appropriate relevant training and/or education which may be helpful in their role and which is at the correct level and updated as needed. This should be planned and delivered by those qualified to do so and should be monitored on an on-going basis.

Occupational therapists look forward to being consulted regarding any *'... new situations, dilemmas and interfaces for which solutions must be found.'* (Para 5.4)

We fully endorse 5.23, point three that *'rights removed are compensated for by appropriate services for both adults and children'* and once again would like to reiterate the importance of occupational therapy as part of the services provided. We also feel it is important that settings and environments are looked at as important aspects of delivering services.

In 5.28 we would like to emphasise again the importance of the input of occupational therapy.

With reference to 5.48 that, *'Children must be assured of their right to services...'* occupational therapy should be an essential component of any service for children and young people.



Occupational therapists believe they have a lot to contribute to services for individuals subject to the Criminal Justice System and who have mental health and learning disability needs

CHAPTER 6

A Proposed Comprehensive Framework for Substitute Decision-Making

Occupational therapists welcome the fact that rather than one piece of legislation relating to mental health per se that this is a framework providing a common approach with common principles, standards and protections for all.

We welcome the plan for designated positions of Approved Clinician and Responsible Clinician. We expect that there will be safeguards to ensure that only experienced members of staff working in mental health such as occupational therapists, will undertake these roles. We would welcome further clarification regarding the function and role of each of these offices.

We believe that research is important but that there needs to be a balance between conducting research and protecting the rights of the individual.

We would question if the Regulation and Quality Improvement Authority (RQIA) is the best placed body to ensure users and carers have a meaningful input into the research agenda.

CHAPTER 7

A Model Application of the Framework

No comments

CHAPTER 8

The Way Forward

Occupational therapists agree with the recommendations outlined and fully endorse 8.8.

4. Conclusion

Occupational therapists welcome the Review's specification of a 'Framework' for future legislation. We believe in applying a principles-based approach, occupational therapy should be recognised as a critical component of care and treatment and occupational therapists should be enabled to maximise their contribution to service design, development and delivery.

We enclose a copy of 'Recovering Ordinary Lives. The strategy for occupational therapy in mental health services 2007-2017. A vision for the next ten years', which we hope, you find useful.

[16th April 2007]

College of
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Please do not hesitate to contact us for further details or if we can be of further help

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