



## **Submission to Department of Health**

**for**

### **Public consultation on draft legislation to update the Mental Health Act, 2001**

*The College of Psychiatrists of Ireland is the professional training body for psychiatrists in the Republic of Ireland. It is the sole body recognised by the Medical Council and the HSE for the training of doctors to become specialists in psychiatry and for the continuing assurance of the career long competence of specialists in psychiatry. The Mission of the College of Psychiatrists of Ireland is to promote excellence in the practice of psychiatry.*

Access to care and treatment are fundamental rights for all across the lifespan, not least for the most unwell patient group with whom psychiatrists and multi-disciplinary teams concern themselves.

Any revision of the Mental Health Act 2001 should, at its core, maintain and enhance, those rights, and ensure patient care and treatment is not undetermined at any stage of the process of involuntary hospitalisation and treatment.

Psychiatrists in Ireland undergo a lengthy period of training in order to equip them to provide the best evidence-based assessment, diagnosis and treatment of their patients with mental illness, in accordance with a biological, psychological and social needs model. This can only occur with support from the wider health service and if adequate resources are in place for service provision.

The group of patients who require involuntary admission under the Mental Health Act are the most unwell group in any mental health service. Their care brings into sharp focus the ethical, moral and contractual obligations of psychiatrists as well as their clinical expertise.

They are the group of patients who by definition have a mental illness of such severity that they can lack insight into their need for treatment. They therefore constitute a very vulnerable group whose need for treatment is urgent.

The purpose of treatment under the Mental Health Act is to restore dignity and autonomy for this group, by treating their mental illness and restoring their capacity. The primary purpose of the Mental Health Act, namely to provide for care and treatment to restore dignity and autonomy to this unwell vulnerable group of patients, must be kept to the forefront in any revision and drafting of new legislation that affect this group.

Some aspects of the Expert Group report are concerning with regards the aforementioned. The College of Psychiatrists of Ireland will respond to the Heads of Bill drafted with the patient at the forefront and, where applicable, their families and carers. The views of our REFOCUS committee of service users/patients, family members and carers will also be included in our response.

The Department of Health has the College 2016 submission commenting on each of the recommendations of the Expert Group Report.