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**OF PEOPLE WITH
MENTAL INCAPACITY, SAY DISABILITY CAMPAIGNERS**

PRESENTER: WINIFRED ROBINSON

ROBINSON

New laws are needed to protect the interest of adults who are incapable of making important decisions for themselves. More than a million people are affected - that's about one in fifty of the population - and the numbers will rise as dementia becomes more common. But the Government has so far failed to find parliamentary time for new legislation. Today an alliance of charities is launching a campaign to draw attention to the gaps in the current laws. These mean, for example, that people like Sarah Newman, whose sister Ali has severe learning disabilities and autism, have no legal authority to make decisions on her behalf. Ali's family discovered that the law gave them no say over the way her care home treated her.

SARAH NEWMAN

When Ali turned 18 she was moved into an adult residential care home. Within four days of her new placement in this home my sister was drugged forcibly against my parents wishes. Within days of being given this medication my sister became very withdrawn and uncommunicative, desperately upset but physically powerless to tell us what was wrong. My sister was a very outgoing bubbly, cheerful, individual who loves talking, chattering and loved having a good old natter and gossip. So the symptoms of her becoming uncommunicative and unable to get out what she was saying was very distressing, not just for her but for us. My mother stopped the

medication to my sister, Ali, on a home visit one weekend. However, the care home manager reacted to this by telling us that they would turf my sister out of the home if we didn't comply with their decision to drug her. We didn't have any choice, we had to comply with the home, we had to comply with what we felt was a wrong decision taken by the GP and we had to see my sister suffer mentally, physically, gain weight and be unable to communicate.

ROBINSON

How does the law stand now in providing for people with mental incapacity, because it is possible, isn't it, to get, for example, powers of attorney?

CRARMER

It is - it is possible to plan for the future in non-medical matters and the real concern is that carers don't have that legal right to be consulted so they feel very vulnerable about what decisions they can or cannot make. But health professionals also would benefit from the law because they're uncertain about how to get the consent of someone who may have difficulty making decisions.

ROBINSON

So what changes is it that you want to see?

CRARMER

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approach - not only do we need to be getting on with the work of actually preparing the draft bill but we also need to be working with organisations, like the Making Decisions Alliance and others, who I have got on my consultative forum, to make sure that we're all clear about the implications of the codes of practice and that, in a sense, we're all signed up to them as well.

ROBINSON

So what are you suggesting then - that you mustn't rush this and that the Scot's have had problems?

WINTERTON

I'm not suggesting that the Scot's have had problems but there's a lot that we can do to make sure that we learn from what happened there and certainly in terms of the timing - they were very clear that the code of practice was something that they felt it would have been more useful, put it that way, to