

# A Response to: Mental Capacity and Mental Health Legislation: Policy Proposals under Consideration

Issued by: South Eastern Health and Social Care Trust

November 2009

## Introduction

- 1.1. The Women's Support Network (WSN) welcomes the opportunity to respond to this consultation issued by South Eastern Health and Social Care Trust in relation to the Department's high level summary policy paper on Mental Capacity and Mental Health Legislation.
- 1.2. The Women's Support Network (WSN), established in 1989, is an infrastructural umbrella organisation, which provides support services to, and represents, 56 community based Women's Centres, women's groups and projects, and women's infrastructure groups and 14 associated members across Northern Ireland (see Appendix 1).
- 1.3. Our members provide a wide range of women-centred front line services across Northern Ireland, including:
  - Specialist Advice
  - Childcare and Family Support
  - Counselling, Support and Advocacy
  - Complementary Therapies
  - Training & Education
  - Health & Wellbeing Programmes
  - Personal Development & Employment Support
  - Volunteering, Leadership & Empowerment
- 1.4. WSN aims to achieve social, political and economic justice through the promotion of the autonomous organisation of women. The Network aims to strengthen the collective voice of women's groups and to promote and develop networking opportunities, to enable collective action and to impact upon policy and decision making processes. WSN provides an accessible, feminist, relevant and high quality support service and resource for its member groups. The Network is also an important information resource on issues relevant to community based women's organisations and for other infrastructure groups, nationally and internationally.

- 1.5. Over the past 30+ years, the community based women's sector has developed a range of childcare, support, advice, and education & training services in response to the needs they identified at a grass roots level. Women's groups continue to meet the particular needs of women and their children living in areas considered to be some of most affected by the conflict, and recognised as some of the most disadvantaged areas across Northern Ireland today. Network members are actively engaged with their local communities, cross-community initiatives and regional structures throughout Northern Ireland.

## **2 Comments**

- 2.1 WSN welcomes the opportunity to comment on the department's policy proposals which are currently under consideration. In particular WSN welcomes the department's proposal to replace the nearest relative provision with a system of nominated persons. WSN believes that this proposal will have a positive impact on same sex couples.
- 2.2 WSN recommends that the department refers to relevant human rights provisions in its policy position on mental capacity and mental health legislation. Some of relevant provisions include: the European Convention of Human Rights, in particular, Article 5 (the right to liberty), Article 8 (right to private and family life), and Article 14; and Article 12 of the International Covenant of Economic, Social and Cultural Rights (the right of everyone to the enjoyment of the highest standard of physical and mental health). WSN believes that making reference to international human rights standards will enhance the effectiveness of this policy and we would urge the department to include these provisions in its final policy position paper.
- 2.3 The department refers to the principle of justice which includes fair and equal application of the law. WSN acknowledges that the department has issued a summary paper on its policy position. The summary paper only provides a brief outline of the Bamford principles such as justice and autonomy. WSN believes that the Bamford report sets out detailed

and important definitions of these principles and we recommend that the department indicates its clear support of the Bamford definitions. In particular the Bamford report has a rich understanding of equality and diversity which goes beyond the reference to fair and equal application of the law and non discrimination.

- 2.4 WSN recommends that department includes disaggregated gender data in it equality impact assessment. This data should also include information which reflects the multiple identities of women, e.g. older women, lesbian/bisexual, ethnic minority and traveller women etc.

### **Conclusion**

WSN welcomes the opportunity to comment on the department's summary policy position paper. We have provided some suggestions which we hope that the department will take into consideration. We would be happy to discuss our comments further if required.

### **For further Information, contact:**

Fiona O'Connell- Policy and Research Co-ordinator

Tel: 028 90236923

Email: [policy@wsn.org.uk](mailto:policy@wsn.org.uk)

## Appendix 1

	<u>Member Group</u>
1	All Ireland Mother's Union
2	An Munia Tober (Travellers)
3	Antrim & Ballymena Women's Aid
4	Ardmonagh Women's Group
5	Ardoyne Women's Group
6	ATLAS Women's Centre
7	Al Nisa Women's Group
8	Ballybeen Women's Centre
9	Ballymurphy Women's Group
10	Belfast & Lisburn Women's Aid
11	Belvoir Women's Improvement Group
12	Carrickfergus Women's Forum
13	Carew II
14	Causeway Women's Aid
15	Chrysalis Women's Centre
16	Clan Mor Women's Group (Sure Start)
17	Derry Well Woman
18	Derry Women's Centre
19	Falls Women's Centre
20	First Steps Women's Group
21	Footprints Women's Centre
22	Foyle Women's Aid
23	Foyle Women's Information Network
24	Granaghant District Women's Group
25	Greenway Women's Centre
26	Kilcooley Women's Centre
27	Lesbian Advocacy Services Initiative
28	Lesbian Line
29	Lenadoon Women's Group
30	Ligoneil Family Centre
31	Link Women's Group
32	Manor Women's Group
33	Markets Women's Group
34	NI Women's Aid Federation
35	NI Women's European Platform
36	Manor Women's Group
37	Newry & Mourne Women
38	Newtownabbey Women's Group
39	Older Women's Network NI
40	Omagh Women's Aid
41	Rape Crisis Centre
42	Rasharkin Women's Group
43	Shankill Women's Centre
44	Strabane & Lifford Women's Centre
45	Strathfoyle Women's Centre
46	The Learning Lodge
47	Voices Women's Group
48	Waterside Women's Centre
49	Windsor Women's Centre
50	Women Connect Project
51	Women into Politics
52	Women's Information Group
53	Women's News
54	Women's TEC
55	Women 2 Gather
56	Women's Resource & Development Agency

	<b><u>Associate Members</u></b>
	Ballymena Community Forum
	CiNI
	Community Relations Forum
	East Belfast Community Partnership
	Employers for Childcare
	HIV Centre (Women's Support Group)
	Mencap
	National Women's Council of Ireland
	Playboard
	RNIB (Women's Group)
	Good Morning Newtownabbey
	Monkstown Community Association
	WAVE Trauma Centre
	WEA
	Parents Advice Centre
	Templemore Community Action Group