

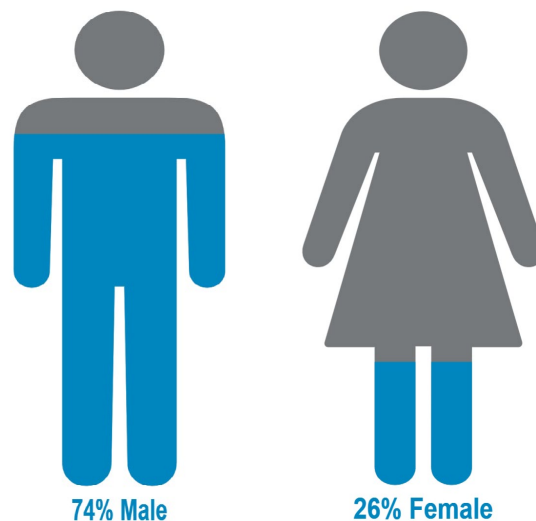
New compulsory treatment orders for people with learning disabilities in 2022-23

The Mental Health (Care and Treatment) (Scotland) Act 2003 applies to people with a mental illness, personality disorder, learning disability, dementia and related conditions.

We know that a small number of people with a diagnosis of learning disability might need care and treatment according to this law. This paper looks at compulsory treatment orders and aims to understand how the law has helped this small group of people with a diagnosis of learning disability only.

There were 19¹ new Compulsory Treatment Orders for people whose primary diagnosis was Learning Disability (with no other diagnosis on file) in 2022-23.

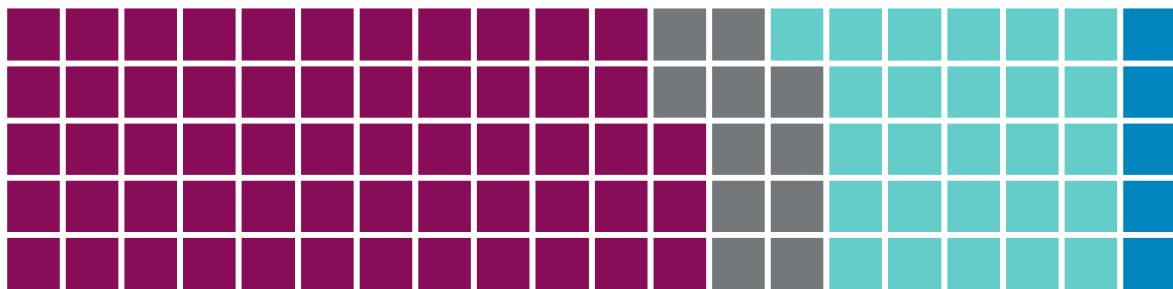
Gender



74% of the new orders were for males and 26% were for females.

¹ In 2022-23, there were 1783 compulsory treatment orders granted in Scotland (19 of which were for people with a diagnosis of learning disability and no other mental illness).

Age



■ 18-24 years= 58% ■ 25-44 years= 11% ■ 45-64 years= 26% ■ 65-84 years= 5%

58% of the new orders were for people aged 18-24 years and 26% were for people aged 45-64 years.

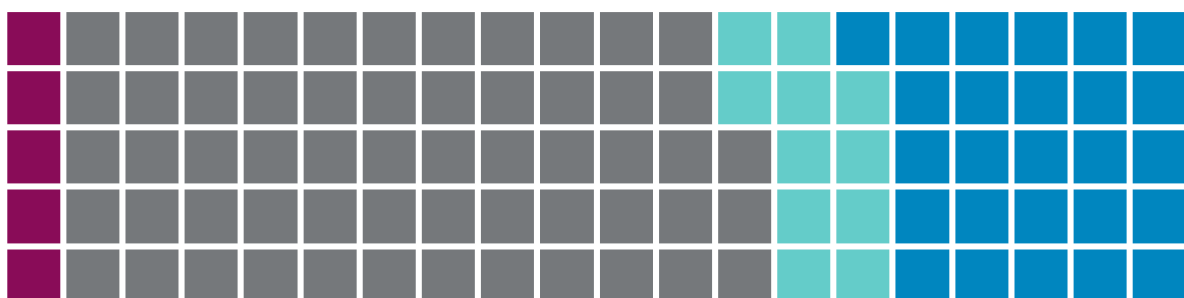
Level of Learning Disability



■ Mild = 32% ■ Moderate = 26% ■ Severe or Profound = 42%

We looked at the forms completed by the doctors and found that 42% of people on the new orders had a severe or profound learning disability and 58% of people had a mild or moderate learning disability.

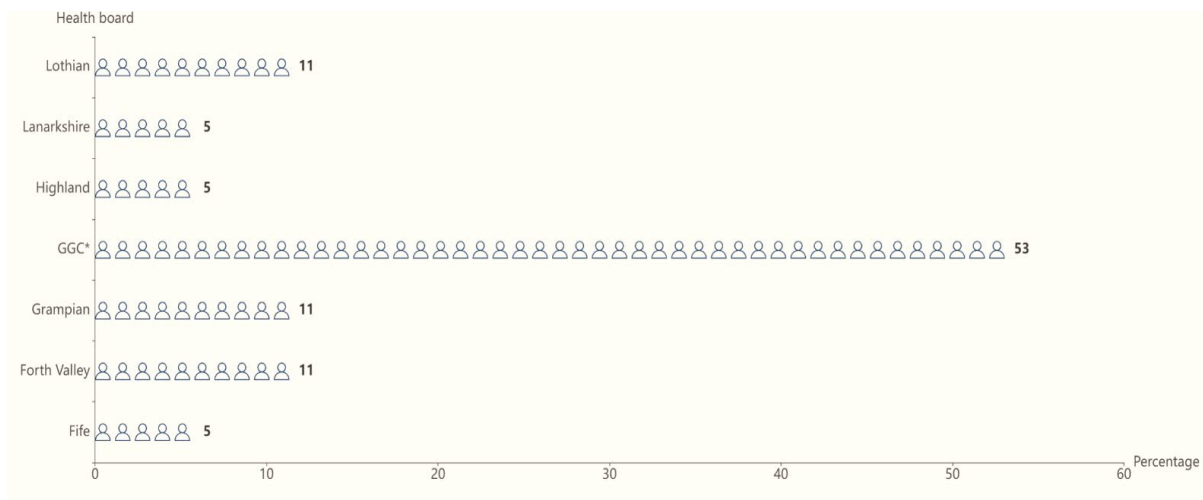
Ethnicity



■ Asian= 5% ■ White-Scottish= 58% ■ White- Other or Other British= 11% ■ Not Provided= 26%

58% were White Scottish, ethnicity information was not provided for 26% of the people.

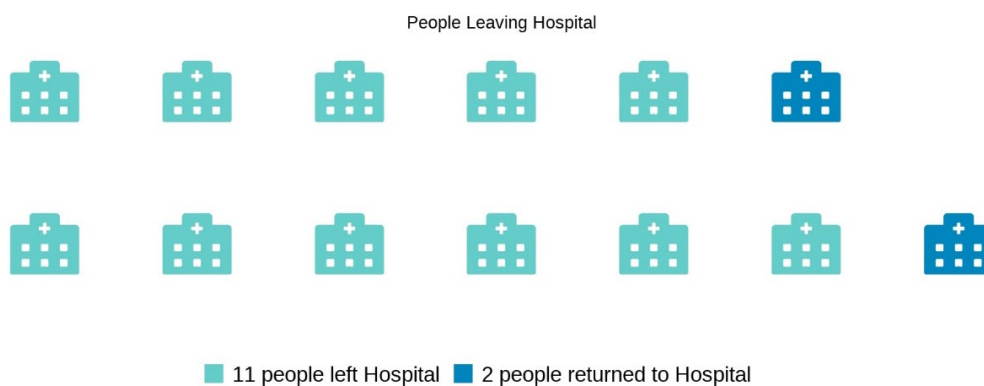
Health Board



*Greater Glasgow & Clyde

53% of new orders were in Greater Glasgow and Clyde health board area.

Hospital Stays



11 of the 19 people have been discharged from hospital, two of whom required re-admission. In one of those cases the person was reported to have a serious mental illness when they went back to hospital.

We have looked at the circumstances of the people in this group of 19. We note below some common themes identified together with three anonymised cases to give an idea of how the mental health act has been used.

Themes

The 19 people with a primary diagnosis of learning disability who were placed on compulsory treatment orders in 2022-23 were mainly within two age groups (18-24 years and 45-64 years).

Those in the younger age group often had a learning disability, autism and challenging behaviour, specifically physical aggression (10 cases).

Those in the 45-64 years age group tended to have experienced a deterioration in mental health with associated physical aggression linked to signs of the start of a dementia type illness (four cases).

Hospital admission allowed for physical health investigations in five cases because of risks identified. This related to diabetes treatment for one person, noncompliance with epilepsy medication for one person, severe weight loss for two people, and investigating physical injury as a result of one person harming themselves.

All 19 cases featured physical aggression. Other challenging behaviours (including destruction of property) and risk to self also often featured. In the younger group, families had often sought help to manage behaviours that challenge over a number of years.

Escalation in long standing challenging behaviour leading to hospital admission was sometimes noted to relate to changes in the person's life which included changes in support during or after the Covid-19 pandemic, delay in moving from adolescent to adult services, exclusion from day services and support staff shortages. Other triggers which impacted on the person's routine included leaving school, the festive season and parental illness.

Eight people remain in hospital. Of these, four people were said to have had their discharge from hospital delayed although do have appropriate supported accommodation in place and are progressing towards discharge in the coming weeks.

Of the remaining four people in hospital, two now have an additional diagnosis of dementia.

Case study A

Mr A has a severe learning disability and autism. He sometimes has difficulty understanding social behaviours and interactions. As a child his behaviour was sometimes aggressive and included assaults on family members, including brothers and sisters.

Mr A was admitted to hospital under the mental health act after he assaulted other people. The people he assaulted had serious injuries.

Without specialist medical and nursing treatment there were risks of increased distress for Mr A, destructive behaviour by Mr A and further aggression towards others. He was not able to agree to treatment or understand why treatment and support was necessary because of his severe learning disability.

No other setting was able to keep Mr A safe and provide treatment. If the mental health act was not used to support Mr A, the only alternative would have been to ask the police for help. If Mr A then ended up in prison he would not have had the care and treatment he needed or had the ongoing contact with his family.

Mr A is now living in his own home in the community with lots of support from his family and other services.

Case study B

Mr B has a severe learning disability, autism and attention deficit hyperactivity disorder (ADHD).

He was admitted to hospital very quickly under the mental health act because being at home was dangerous for Mr B. He had had a long history of worrying behaviours which included including hurting himself and hurting others. These had increased to the point that he was not safe.

Mr B had stayed in different supported places in the community. Mr B, his family and carers have had a lot of support from the community learning disability health and social care team to understand and help him. Despite this his support staff and family have found it really difficult to support him and keep him safe. They were also afraid of him because he was unable to understand that he was hurting himself and others because of his severe learning disability.

Mr B is still in hospital. He no longer needs hospital care but it is very difficult to find somewhere in the community where Mr B can be supported to live safely.

Case study C

Mr C has a moderate learning disability.

Mr C was admitted to hospital under the mental health act because there were concerns about his aggressive behaviour and risk to himself and others. He was also not looking after himself or eating well. He was very agitated but because of his learning disability he was not able to explain how he was feeling. He was obviously distressed though and not sleeping.

Specialist care and treatment in hospital allowed for a full assessment. The medical team were able to provide support to ensure all tests were done for Mr B's physical health. His physical health problems are now all ok. At the same time, the medical team were able to find out that Mr C has some early signs of a dementia type illness. Mr C now has support from dementia services.

Mr A, Mr B and Mr C were not able to make decisions about the detailed medical treatment needed because of their learning disabilities. The mental health act was used to provide their care and treatment according to the law.



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