



Submission to the Department of Justice and Equality on the mid-term review of the National Disability Inclusion Strategy 2017-2021

November 2019



St. Patrick's Mental Health Services (SPMHS) is Ireland's largest independent, not-for-profit mental health service provider. St. Patrick's Mental Health Services' vision is a society where all citizens are empowered and given the opportunity to live mentally healthy lives. SPMHS works to provide the highest quality mental healthcare, to promote mental wellbeing and mental health awareness, and to advocate for the rights of those experiencing mental health difficulties. SPMHS achieves this through a human rights-based approach, through the enhancement of evidence-based knowledge, and by striving to be at the cutting edge of new initiatives and advances in the field. SPMHS is committed to furthering the development of the competencies of those choosing to work in mental health and of the organisations providing mental health care services, and to enhancing partnership with service users. Our strategic plan for 2018-2022 – [‘Changing Minds. Changing Lives’](#), is firmly rooted in these principles and commitments.

SPMHS welcomes the opportunity to contribute to the mid-term review of the National Disability Inclusion Strategy (NDIS) 2017-2021.

This submission will focus on several mental health issues pertinent to aspects of the Strategy.



Reform of the Mental Health Act, and Progression of the Assisted Decision-Making (Capacity) Act and the Decision Support Service

SPMHS fully endorses the highlighted needs to reform mental health legislation and progress the Assisted Decision-Making (Capacity) Act and the Decision Support Service included within Section 1 (Equality and Choice) of the NDIS 2017-2021¹, and welcomes the ongoing review of the draft Heads of Bill of the revised Mental Health Act by the Mental Health Commission. To ensure the strengthening of the rights of people with mental health difficulties it's essential that these legislative developments are progressed urgently and that the Decision Support Service is operationalised in a timely manner. SPMHS further highlights the current inequality created by the exclusion of involuntary patients from having their Advanced Healthcare Directives respected within the Assisted Decision-Making (Capacity) Act presently, and supports the progressing of the related Amendment Bill through the Oireachtas².

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and Article 27 – Work and Employment

Reasonable accommodations

Since the drafting of the NDIS 2017-2021, the State has ratified the UNCRPD (3). SPMHS advocates that our obligations under the Convention should be a key influence on progressing the Strategy overall, but highlights Article 27 – Work and Employment as especially pertinent to Section 4 (Employment) of the Strategy and of particular significance with regard to addressing the needs of people with mental health difficulties (4). For example, concerning the following objective included under section 4, “People who become disabled are given the supports they need to remain in or return to work if they so choose” - both job-seekers and employers may benefit from increased awareness and understanding of the role and nature of reasonable accommodations in enabling employment for people with mental health difficulties, and of their rights and protections, and obligations, respectively⁵.

Addressing mental health stigma and discrimination

The 2018 *Disability and Discrimination in Ireland* report noted as a key finding that “when people with disabilities are looking for work, or in the workplace, the odds of experiencing work-related discrimination was twice as high compared to those without disabilities” (6). The report highlights mental health discrimination in the context of employment as a significant and complex problem, and notes that more generally for people with disabilities “discrimination – or the fear of discrimination – discourages people with disabilities from seeking work or remaining in employment after the onset of disability” (7)

The persistence of mental health stigma and discrimination within the workplace is further evidenced by findings from the 2018 annual Mental Health Attitudes Survey carried out by St Patrick's Mental Health Services (8). The survey found that 39% of respondents (from a representative sample of 1000) would not feel comfortable



informing their boss if they needed time off due to a mental health difficulty, while 33% did not believe someone who experienced panic attacks could be head of a company.

SPMHS advocate for an end to mental health stigma and discrimination and recognise the importance of meaningful productive roles and occupations to mental health recovery, and thus asserts that robust strategies are considered within the remaining period of the Strategy, and in particular in relation to Section 4 (Employment) to tackle stigma and discrimination, and to ensure employers and job-seekers are informed of obligations, rights and protections in this respect via their engagement with employment services.

Advocacy Services for Children with Mental Health Difficulties

With regard to point 60, Section 5 – Health and Wellbeing, an independent advocacy and information service exists for adults with mental health difficulties,⁹ but there remains no equivalent national, independent service for those under 18 years, particularly those using in-patient services as recommended by the UN Committee on the Rights of the Child in its examination of Ireland in January 2016.¹⁰ This is a violation of the child's right to access information,¹¹ to be heard in decision-making,¹² and to participate fully as service users in mental health service provision.¹³ SPMHS welcomes the piloting of a youth mental health advocacy service in Galway further to the recommendation of the National Youth Mental Health Task Force Report to establish such a service¹⁴, but notes there has been no published update on its progress and feels this should be addressed as a matter of urgency.

END

Louise O'Leary
Advocacy Manager, St Patrick's Mental Health Services



References

- ¹ Department of Justice and Equality. (2017, p.28) *National Disability Inclusion Strategy 2017-2021*. Available online at: <http://www.justice.ie/en/JELR/dept-justice-ndi-inclusion-strategy-booklet.pdf/Files/dept-justice-ndi-inclusion-strategy-booklet.pdf>
- ² Assisted Decision-Making (Capacity) (Amendment) Bill, 2019. Available online at: <https://data.oireachtas.ie/ie/oireachtas/bill/2019/55/eng/initiated/b5519s.pdf>
- ³ UN General Assembly *Convention on the Rights of Persons with Disabilities*, 24 January 2007, A/RES/61/106
- ⁴ UN General Assembly *Convention on the Rights of Persons with Disabilities*, 24 January 2007, A/RES/61/106
- ⁵ Department of Justice and Equality. (2017, p.28) *National Disability Inclusion Strategy 2017-2021*. Available online at: <http://www.justice.ie/en/JELR/dept-justice-ndi-inclusion-strategy-booklet.pdf/Files/dept-justice-ndi-inclusion-strategy-booklet.pdf>
- ⁶ Irish Human Rights and Equality Commission; Economic & Social Research Institute (2018. p. x) *Disability and Discrimination in Ireland: Evidence from the QNHS Equality Modules 2004, 2010, 2014*. Available online at: <https://www.ihrec.ie/app/uploads/2018/09/Disability-and-Discrimination.pdf>
- ⁷ Irish Human Rights and Equality Commission; Economic & Social Research Institute (2018. p. 61) *Disability and Discrimination in Ireland: Evidence from the QNHS Equality Modules 2004, 2010, 2014*. Available online at: <https://www.ihrec.ie/app/uploads/2018/09/Disability-and-Discrimination.pdf>
- ⁸ St Patrick's Mental Health Services (2018) Time to break the cycle of harm and build a mentally healthy future for Irish children. Press Release, 10 September 2018. Available online at: <https://www.stpatricks.ie/media-centre/press-releases/2018/september/time-to-break-the-cycle-of-harm-and-build-a-mentally-healthy-future-for-irish-children>
- ⁹ Irish Advocacy Network <<http://irishadvocacynetwork.com/wp/>> [accessed 25 August 2016].
- ¹⁰ Such a service is needed to support a child experiencing mental health difficulties to know how to get the help they need and to ensure they are aware of their rights and entitlements.
- ¹¹ Article 17 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989).
- ¹² Article 12 UN Convention on the Rights of the Child, A/RES/44/25 (20 November 1989).
- ¹³ UN Committee on the Rights of the Child (2009) General Comment No. 12: The right of the child to be heard, CRC/C/GC/12, para. 36.
- ¹⁴ Department of Health, *National Youth Mental Health Task Force Report* (2017) <https://health.gov.ie/wp-content/uploads/2017/12/YMHTF-Final-Report.pdf> [Accessed 17 July 2018]