



**Northumbria
University**
NEWCASTLE

Northumbria University Law School, Medical and Mental Health Law Research Interest Group (MELRIG) invite you to attend

“A Mental Health Act Reform two-day legal research Conference at Northumbria University Newcastle”

Including specialist streams from Multi-Professional Approved Clinicians (MPACs) and addressing the mental health of children in the secure estate

Speakers at the conference will critically explore the impact of proposed reforms to the Mental Health Act 1983, with particular focus on the potential impact on professional practice.

The presentations from Multi-Professional Approved Clinicians and Health Education England will be of particular relevance to those intending to seek approval to act as an Approved Clinician.

The stream on the mental health of children in the secure estate will consider, amongst other issues, the complex issue of self-harm within secure units, transitioning out of the secure estate, and the Framework for Integrated Care (SECURE STAIRS).



Date: Monday 17th and Tuesday 18th October 2022 (09:00-17:00)
Venue: The Great Hall at Northumbria University
Address: Sutherland Building, College Street, Newcastle Upon Tyne, NE1 8ST

Conference Programme

Day 1 – Monday 17th October 2022

9.00am	Arrival and Coffee	
9.30am	Welcome and Introductions	Professor Michael Stockdale, Department Head & Carole Burrell, Associate Professor Northumbria University Law School
	Presentations from Multi-Professional Approved Clinicians (MPACs) and Health Education England	MPACs will share their experience in exercising the Approved Clinician (AC) function and will be available to offer advice to those working towards gaining AC approval.
9.45am	Multi-Professional Approved Clinicians – <i>Why and are they safe?</i>	Professor John Taylor, Northumbria University Law School
10.15am	The Reality of Becoming a Non-Medical Approved Clinician	Joanne Nicholls, Nurse Consultant/Approved Clinician, Older Peoples Mental Health
10.45am	The power of role modelling the Multi-Professional Approved Clinician approach within services – <i>the long game of leading by example</i>	Imelda Marshall, Consultant Clinical Psychologist / Approved Clinician
11.15am	MPACs from a social work background and the development of MPAC practice within Devon Partnership Trust	Miles France, Strategic Lead: Multi-Professional Approved Clinicians Devon Partnership NHS Trust
11.45am	Health Education England support for trainee MPACs	Andrea Goodall, Senior Project Manager, New Roles, Mental Health national directorate Health Education England
12.15pm	Lunch	

1.15pm	Introduction	HH Jonathan Butler
1.30pm	The Draft Mental Health Bill – <i>Overview and Q&A</i>	Matt Siddons, Head of Mental Health Act Implementation, Department of Health & Social Care, Mental Health Act Implementation Team
2.15pm	The Draft Mental Health Bill – <i>The Legal Perspective</i>	Alex Ruck Keene KC (Hon), 39 Essex Chambers
3.00pm	Tea Break	
3.30pm	The Draft Mental Health Bill – <i>Compliance with the Convention on the Rights of Persons with Disabilities (CRPD)</i>	Professor Kris Gledhill, Auckland University of Technology, New Zealand
4.15pm	Q&A and Discussant	HH Jonathan Butler
4.30pm	Close	

Eventbrite Links to register

In person: <https://www.eventbrite.co.uk/e/417853409797>

Online Monday: <https://www.eventbrite.co.uk/e/418975064697>

Online Tuesday: <https://www.eventbrite.co.uk/e/425689186817>

Conference Programme

Day 2 – Tuesday 18th October 2022

9.15am Arrival and Coffee

9:35am Welcome and Introductions

HH Jonathan Butler

9.45am Mental Health Legislation and People with Intellectual Disabilities –
The New Zealand Experience

Professor Warren Brookbanks, Auckland University of Technology, New Zealand

10.30am New Zealand Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 –
Policy, Professional and Clinical Issues

Dr Anthony Duncan, Psychiatrist & former National Advisor in the ID CCR Act and Dr Nick Judson, Psychiatrist & former Deputy Director of Mental Health, New Zealand Ministry of Health

11.15am Removing People with Learning Disabilities from the Mental Health Act –
Implications for England & Wales

Professor John Taylor, Northumbria University Law School

12.00noon Q&A and Discussant

HH Jonathan Butler

12.15pm Lunch

Please note that the below is in draft format and may be subject to change. A final version of the programme will be issued in advance of the event

1.15pm	Introduction	HH Jonathan Butler
1.25pm	Developing a new secure unit	Dr Rachel Dunn (Leeds Beckett University), and Professor Nicola Wake (Northumbria University)
1.30pm	Stigmatisation and Deviancy <i>Amplification: Experiences of self-injury inside a Secure Children's Home in England (self-harm in secure)</i>	Dr Caroline Andow (Bournemouth University)
2.00pm		Jack Kennedy (Specialist Children & Young Peoples Services CBU)
2.30pm	Transitions out of the Secure Estate	Dr Ollie O'Mara (Consultant Clinical Psychologist, Forensic CAMHS)
3.00pm	Tea Break	
3.30pm	Mental health needs of young people in secure care – <i>How do we ensure multiagency integrated care planning?</i> ONLINE	Dr Heidi Hales (Consultant Adolescent Forensic Psychiatrist)
4.00pm	Framework for Integrated Care (SECURE STAIRS)	TBC
4.30pm	Close	

Eventbrite Links to register

In person: <https://www.eventbrite.co.uk/e/417853409797>

Online Monday: <https://www.eventbrite.co.uk/e/418975064697>

Online Tuesday: <https://www.eventbrite.co.uk/e/425689186817>

Abstracts & Biographies

Professor Michael Stockdale

Head of Northumbria University Law School

Director for the Northumbria Centre for Evidence and Criminal Justice Studies

Professor Michael Stockdale has taught at Newcastle Polytechnic/Northumbria University since graduating with an LL.B in 1983. In 1983 he enrolled as a PhD student, obtaining a major state studentship awarded on a competitive basis by the British Academy, whilst commencing lecturing duties on a part time basis. On obtaining a full-time lecturing post in 1986 he transferred his PhD to a part time registration and was awarded a PhD in 1991, being promoted to senior lecturer in the same year. He was promoted to Principal Lecturer in 2008 and Professor in 2017, and Has been Head of Law since 2016, initially on an acting basis with a permanent appointment in 2017. He is also Director of the University's Centre for Evidence and Criminal Justice Studies, which has a wide range of domestic and international members, both academics and practitioners from various areas of the domestic and international criminal justice system. He has published extensively on criminal and civil evidence in a variety of journals.

Carole Burrell

Mental Health CPD Project Lead at Northumbria University Law School

Associate Professor at Northumbria University

Carole Burrell is an Associate Professor and Mental Health CPD Project Lead at Northumbria University Law School where she teaches and researches in mental health law and related practice. She is the Programme Leader of the Postgraduate Certificate in Professional Practice in Mental Health Law, an innovative programme of up to 2 years duration for trainee Approved Clinicians, developed and delivered in conjunction with Cumbria, Northumberland, Tyne & Wear NHS Foundation Trust. Carole is a Fellow of the Higher Education Academy, an editor of the International Journal of Mental Health and Capacity Law and the Convenor of the Medical and Mental Health Law Research Interest Group (MELRIG) which brings together academics and practitioners who have a specialist interest in medical and mental health law, policy and practice. She also practices as a Solicitor representing clients in proceedings before the First-Tier Tribunal (Mental Health).

Professor John L Taylor
Professor in the Northumbria Law School and Emeritus Professor of Clinical Psychology in the
Faculty of Health & Life Sciences at Northumbria University
Consultant Clinical Psychologist and Approved Clinician with Cumbria, Northumberland, Tyne
& Wear NHS Foundation Trust

Multi-Professional Approved Clinicians – Why and are they safe?

Removing People with Learning Disabilities from the Mental Health Act – Implications for
England & Wales

Professor John Taylor is a chartered clinical and forensic psychologist. He is Chair of the British Psychological Society (BPS) Mental Health Act Advisory Group and Approved Clinician Peer-Review Panel, a Past President of the British Association for Behavioural and Cognitive Psychotherapies (BABCP), and a former Chair of the BPS Faculty for Forensic Clinical Psychology. He was a member of the UK Government Mental Health Act (MHA) Independent Review Advisory Group. Professor Taylor was one of the first two psychologists to be approved as an Approved Clinician in England following the MHA 2007. He has published more than 150 research papers, articles, books and book chapters mainly concerning the mental health and forensic needs of people with intellectual and developmental disabilities. Professor Taylor received an award for *Outstanding Contribution to Applied Practice* from the BPS Faculty for Forensic Clinical Psychology in 2017 and was elected an Honorary Fellow of the BABCP in 2018 for his work on developing CBT for people with intellectual and developmental disabilities.

Joanne Nicholls
Nurse Consultant/Approved Clinician, Older Peoples Mental Health

The Reality of Becoming a Non-Medical Approved Clinician

Joanne Nicholls qualified as a Mental Health Nurse in 1995. Since this time, she has worked within Older Peoples Mental Health in a variety of roles including inpatients and community. She has worked as a Nurse Consultant since 2016 and qualified as a non-medical prescriber in 2006. She currently works within an acute inpatient ward following a revision of senior nursing roles during the COVID pandemic. Joanne led on the assessment, diagnosis, and treatment of patients with organic and functional mental health difficulties and was recently approved as a Non-Medical approved Clinician in July 2022. Academically Joanne has a keen interest in healthcare law, recently completing a LLM in Healthcare Ethics and Law at Manchester University and currently studying for a Post Graduate certificate in Medical Law at Northumbria University.

Imelda Marshall
Consultant Clinical Psychologist / Approved Clinician

The power of role modelling the Multi-Professional Approved Clinician approach within services – the long game of leading by example

Imelda Marshall studied at Dundee University in the late 80's, and found her first Assistant Psychologist post in the city, before moving to Newcastle University and qualifying as a chartered / clinical psychologist in 1995. Since qualification, she has worked within the learning disability field, mainly in secure services within Lancashire and Northumberland, with a brief sojourn into community services in Blackpool. She was appointed as an Approved Clinician in 2015, with her initial years spent as RC on a male learning disability low secure unit, at Northgate Hospital, Northumberland. She then had a brief break working with NHS England as a clinical expert on Care and Treatment Review panels within secure settings, following a move back to Scotland.

Imelda returned to the AC role in North Cumbria in 2020, as the RC for a learning disability assessment and treatment unit. Her current AC role is very different, and since November 2021, she has been the RC for an acute male unit in North Cumbria. Part of her AC role (although not officially) is supporting psychology, nursing, and medical colleagues in North Cumbria through the development of their AC portfolios.

Miles France

Strategic Lead: Multi-Professional Approved Clinicians Devon Partnership NHS Trust

MPACs from a social work background and the development of MPAC practice within Devon Partnership Trust

Miles France has been continuously practicing within the mental health field since 1987, have been a qualified social worker since 1994, an ASW/AMHP since 1998 and an Approved Clinician since 2013. He has been a member of the MHA Approvals Panels since 2015 and, latterly, the National Reference Group. He is the Strategic Lead: Multi-Professional Approved Clinicians, for Devon Partnership Trust.

Andrea Goodall
Senior Project Manager, New Roles, Mental Health national directorate Health Education
England

Health Education England support for trainee MPACs.

His Honour Jonathan Butler

HH Jonathan Butler was appointed as a Circuit Judge in August 2014. He was Regional Lead Judge (Court of Protection, Northern Region) between July 2015 and June 2021. In addition he is a Tribunal Judge (First Tier Tribunal, HESC, Mental Health) and was appointed as such in 2001. He was also authorised to sit as a judge of the High Court. Prior to his appointment his practice at the Bar comprised the law in relation to mental health, mental capacity, and Family Law. He retired as a Circuit Judge in June 2021. He was based at the Manchester Civil and Family Justice Centre.

He is the author of **Community Care Law and Local Authority Handbook** (Jordans 3rd edition 2015) and **Mental Health Tribunals: Law, Practice and Procedure** (Jordans, 2nd edition May 2013).

Matt Siddons

Head of Mental Health Act Implementation, Department of Health & Social Care, Mental Health Act Implementation Team

The Draft Mental Health Bill – Overview and Q&A

Alex Ruck Keene KC

The Draft Mental Health Bill – The Legal Perspective

Alex Ruck Keene KC is an experienced barrister, writer and educator. His practice is focused on mental capacity and mental health law, in which he is able to provide specialist advice and representation, as well as delivering expert training for front line professionals. He also writes extensively in the field, editing and contributing to leading textbooks and (amongst many other publications) the 39 Essex Chambers Mental Capacity Law Report, the ‘bible’ for solicitors (and others) working in the area. He is the creator of the website <http://www.mentalcapacitylawandpolicy.org.uk/>, providing resources and expert commentary on some of the most difficult mental capacity issues.

Alex is a Wellcome Research Fellow and Visiting Professor at King’s College London, a Visiting Senior Lecturer at the Institute of Psychiatry, Psychology and Neuroscience, King’s College London and a Research Affiliate at the Essex Autonomy Project, University of Essex. He spent

2016 on secondment to the Law Commission as a consultant to their Mental Capacity and Deprivation of Liberty Project and throughout 2018 was legal adviser to the Independent Review of the Mental Health Act 1983. He was a special adviser to the Joint Committee on Human Rights for their inquiry into the human rights implications of the Government's response to COVID-19, and is currently a special adviser into their inquiry into human rights in the care setting.

Professor Kris Gledhill
Auckland University of Technology, New Zealand

The Draft Mental Health Bill – Compliance with the Convention on the Rights of Persons with Disabilities (CRPD)

Dr Warren Brookbanks LLB, LLM, BD, LLD
Professor of Criminal Law and Justice Studies Auckland University of Technology (AUT).

Intellectual Disability: Exclusion from Mental Health Legislation

For over 40 years Aotearoa New Zealand has implemented the closure of large hospitals and the development of community-based services for adults with intellectual disability (ID). Prior to 1992 people with ID in New Zealand were managed under protective mental health legislation where they were diagnosed as suffering “arrested or retarded development of mind”. However, with the enactment of the Mental Health (Compulsory Assessment & Treatment) Act 1992 ID was intentionally excluded from the definition of ‘mental disorder’, ostensibly reflecting official policy encouraging choice, independence and improved access to services for people with ID. Unfortunately, the law change had unforeseen consequences resulting in the criminalisation of people with ID. This led the enactment of dedicated legislation, the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003, and a novel regime of compulsory care for ID offenders.

Dr Warren Brookbanks is a Professor of Criminal Law and Justice Studies and Director of the Centre for Non-Adversarial Justice at AUT Law School. He was previously at Auckland Law School where he taught from 1983 to 2016. He is co-author of Bell & Brookbanks, *Mental Health Law in New Zealand* (3rd edn, (2017), Simester & Brookbanks, *Principles of Criminal Law* (5th edn, 2019) and has co-authored or edited a number of books on forensic psychiatry and law, unfitness to stand trial, criminal justice and therapeutic jurisprudence together with numerous published articles. He is involved in professional consultation and is a regular presenter at professional conferences and seminars.

Dr Nick Judson
Consultant Psychiatrist, Wellington, New Zealand

*What has happened in New Zealand in the 30 years since “Intellectual Disability alone” was excluded from the definition of mental disorder in the newly minted 1992 Mental Health Act?
(with Dr Anthony Duncan below)*

This paper will be delivered by two New Zealand forensic psychiatrists who were the subsequent Deputy Directors of Mental Health at New Zealand’s Ministry of Health between the mid-1990s and the mid-2000s. Since our times at the Ministry, each of us have continued working in the forensic Intellectual Disability (ID) and mental health spaces.

The Mental Health (Compulsory Assessment and Treatment) Act 1992 (the MH CAT Act) eschewed the earlier requirement that a person be assessed as experiencing mental illness, subnormality or infirmity to the extent they needed hospitalisation before becoming subject to mental health legislation. Instead, the definition of mentally disordered now rested on the presence of at least 1 of a list of 5 observable abnormalities of mental state and, as a consequence, the person posing a serious danger to themselves or others, or being seriously impaired in self-care, with a specific exclusion for those with “intellectual disability alone”. The exclusion of ID (described as intellectual handicap in the earlier 1969 Act) as a foundation for civil commitment was consistent with the contemporary philosophy of “normalisation” – the idea that the disadvantage suffered by people with ID and/or Autism (not seem an illness but as a different way of being) arose mainly from their exclusion from normal society. Its proponents arguing it was up to society to make the changes needed to allow them to reintegrate back into mainstream society.

Based on this philosophy, deinstitutionalising people with an ID from large institutions to community based residential care or whenever possible supported independent living, was already well advanced when the MH CAT Act was passed in 1992.

This paper reviews the relevant policy, service delivery and clinical changes in service provision for New Zealanders with an ID and/or Autism associated with risks to others both in lead up to, and the 30 years since the introduction of the MH CAT Act. The application of legislation is dependent on the social and cultural context in which it operates and these contexts change over time. This means the New Zealand experience will not be directly relevant to England and Wales. However, we hope that, when filtered through the lens of your social and cultural context, New Zealand’s experience will be, at least interesting, and hopefully usefully informative.

Dr Nick Hudson recently retired from Capital and Coast DHB in Wellington, where he worked as a consultant psychiatrist in forensic and intellectual disability psychiatry for many years. He is currently the Psychiatrist Member of the Mental Health Review Tribunal, and engages in some part time consultancy. In the past Nick worked as Medical Superintendent at Cherry Farm

Hospital in Dunedin, Director of Area Mental Health Services in Otago and Wellington, and Deputy Director of Mental Health. Nick is originally from the UK, and did his medical training in Newcastle Upon Tyne.

Dr Anthony Duncan
Recently Retired Forensic Psychiatrist

*What has happened in New Zealand in the 30 years since “Intellectual Disability alone” was excluded from the definition of mental disorder in the newly minted 1992 Mental Health Act?
(with Dr Nick Judson above)*

Dr Anthony Duncan is a recently retired forensic psychiatrist who graduated MBChB from the University of Auckland in 1978. He has been a Fellow of the Australian and New Zealand College of Psychiatrists since 1988 and is a member of the College’s Faculties of Forensic Psychiatry and of the Psychiatry of Old Age. He had an eclectic career in psychiatry ranging across general, administrative, intellectual disability, forensic psychiatry, and the psychiatry of old age. He was Deputy Director of Mental Health at the New Zealand Ministry of Health between 1999 and 2003 and the inaugural National Advisor in the Intellectual Disability (Compulsory Care and Rehabilitation) Act (a clinical and quasi legal role) between 2009 and early 2022

Dr Rachel Dunn
Course Director Leeds Beckett university

Developing a new secure unit (with Professor Nicola Wake below)

Dr Rachel Dunn oversees the clinical and employability activities at Leeds Law School. She completed her PhD in 2017 which explored knowledge, skills and attributes developed in law clinics. Rachel continues to research legal education and is a specialist in animal law. Rachel has two main research areas: Legal Education and Animal Law. Her work on Legal Education is mainly focused around Clinical Legal Education, in which she completed her PhD. The main focus of this research is the development of knowledge, skills and attributes in live client clinics and whether they can prepare students for day one training as a solicitor. Rachel has continued her research into legal education, focusing on areas such as the SQE and Qualifying Work Experience and the development of Policy Clinics.

Rachel also specialises in Animal Law, specifically the enforcement of the Animal Welfare Act 2006. Her current research is focused around s.10 Improvement Notices, their use, and whether they can be improved. Her other research projects and publications have focused on zoo licensing, pets in private accommodation and care homes, fur farming, animal experimentation and veganism. Other research projects Rachel has been involved in include areas such as domestic abuse, with a particular focus on protection orders through the family

court, and Youth Justice. Rachel uses various empirical research methods to collect data, including qualitative, quantitative, and visual methods.

Professor Nicola Wake

**Deputy Director for the Northumbria Centre for Evidence and Criminal Justice Studies and
Subject Sections Secretary for the Society of Legal Scholars**

Developing a new secure unit (with Dr Rachel Dunn above)

Professor Nicola Wake is Deputy Director for the Northumbria Centre for Evidence and Criminal Justice Studies and Subject Sections Secretary for the Society of Legal Scholars. Nicola has published widely on mental condition defences, holds several editorial positions, and has secured funding from prestigious providers. Nicola is a research mentor to academic colleagues, and supervises a number of PhD students.

Dr Caroline Andow

Senior Lecturer in Criminology at Bournemouth University

Stigmatisation and Deviancy Amplification: Experiences of self-injury inside a Secure Children's Home in England

Secure Children's Homes (SCHs) accommodate children deprived of their liberty on criminal justice grounds alongside children detained on welfare legislation because they are deemed to pose a significant risk to themselves. This paper, based on a substantial ethnographic study of a SCH in England, explores how this so-called 'welfare justice mix' is experienced in practice. It finds propensity to self-injury is central to constructions of a 'welfare' identity. Goffman's (1959, 1961, 1963) theorising is used as a conceptual lens to illustrate how in this rare social setting, children scarred from self-injury - the 'welfares' - are both stigmatised and empowered. Further, through their acts of resistance towards the institution, their identity is reinforced. This paper therefore argues that children who are deprived of their liberty on the grounds of the danger they pose to themselves through self-injury enter an institution which has the potential to amplify the very deviancy it seeks to address.

Dr Caroline Andow is a Senior Lecturer in Criminology at Bournemouth University. She is the Programme Leader for the new BA (Hons) Criminology with Psychology degree. Prior to this, Caroline was a Senior Lecturer in Criminology at the University of Winchester. Caroline has studied broadly within the Social Sciences. In 2006 she achieved a first-class degree in Sociology from the University of Exeter. During her undergraduate studies, she was awarded two Dean's commendations for outstanding achievement. Caroline then went on to achieve a Master's degree with distinction in Social Policy at the University of Southampton in 2010. In 2016, Caroline successfully defended her ESRC-funded PhD at the University of Southampton. In

2017, Caroline became a Fellow of the Higher Education Academy, having passed her Post Graduate Certificate in Learning and Teaching in Higher Education with distinction.

Caroline teaches on a range of topics in the Social Sciences, including qualitative research methodologies, ethnographies of crime and policing, youth justice and criminological psychology. Caroline welcomes PhD enquiries relating to substantive issues surrounding young people and deviance, institutionalisation and rehabilitation as well as those focusing on the use of qualitative - especially ethnographic - research methods.

Dr Ollie O'Mara
Consultant Clinical Psychologist
Forensic CAMHS

Transitions out of the secure estate

Dr Ollie O'Mara is a Consultant Clinical Psychologist working in Forensic CAMHS with young people who's solutions to early childhood adversity is typically high risk forensic behaviour. Ollie takes an attachment focused trauma approach to his work hoping to create curiosity and reflection. He also wears trauma informed care lead, research lead and EMDR lead hats for CAMHS across the trust.

Dr Heidi Hales
Consultant Adolescent Forensic Psychiatrist
Medical Lead for Community Forensic Services
Supported Return to Training Champion

Mental health needs of young people in secure care – How do we ensure multiagency integrated care planning?

Information for those travelling to Northumbria University

Northumbria University is located in Newcastle City Centre. The Great Hall is located within the Sutherland Building (Building 27 on the map below). If you are arriving by train, it is around a 15–20 minute walk from the train station to Sutherland Building. If you wish to use public transport, the closest Metro station to the building is Haymarket, which can be reached directly from Central Station Metro.

Once you reach Sutherland Building there will be someone there to greet and show you to The Great Hall, where the conference is to take place.



Eventbrite Links to register

In person: <https://www.eventbrite.co.uk/e/417853409797>

Online Monday: <https://www.eventbrite.co.uk/e/418975064697>

Online Tuesday: <https://www.eventbrite.co.uk/e/425689186817>