



Mental Health Alliance

## Community Treatment Orders – removal of the ASBO condition

House of Commons Committee stage amendment briefing

Clause 32, page 21, leave out line 46

### Purpose of amendment

- A CTO can require that a patient must “abstain from a particular conduct”. This amendment deletes this condition.

### Reason for the amendment

- Widespread concerns have been expressed – including the Joint Parliamentary Scrutiny Committee - that this particular condition of a CTO could make supervised community treatment into a form of psychiatric ASBO.

It is likely that the use of CTOs will impact on key aspects of a person's life such as dictating which persons someone can and cannot associate with, and places they can and cannot go whilst not having committed any offence.

- The draft Code of Practice states that the aim of conditions is to "to highlight to the patient what is expected of him while the order is in force". This language implies a punitive use of these orders rather than the positive provision of services portrayed by the Government.
- The draft Code refers specifically to prohibitions on the use of illicit drugs. The implication is that what the Government envisages is not so much restrictions on a person's movements, but behaviours which form part of the person's mental health problem or may be closely linked to it. A CTO may therefore be used to impose sanctions on symptoms of a health condition, which an individual may have little or no control over.
- Refraining from these behaviours is likely to be unachievable without a great deal of support. In any case, it is very clear from the widespread national concern about drinking and drug taking in the general population that merely telling people not to drink or take drugs is not an effective public health strategy, partly because some of these behaviours are deeply engrained in our society and cultures. If it were as straightforward as simply stopping when told to do so, many societal issues would be a great deal more easily resolved. People need a great deal more help than this to achieve reduction in behaviours which are a risk to health.
- The Mental Health Act Commission has raised serious concerns that “over time those clauses would start to be used in a way that would provide controlling arrangements, perhaps, for young black people who are thought to be drug addicts and they are placed on

what would be the equivalent of an Anti-Social Behaviour Order but run under the Mental Health Act. I think that is a very serious concern.”

- Even the National Forum for Assertive Outreach – which is a strong supporter of CTOs – has agreed that it would be ‘morally wrong’ to place conditions on a CTO such as preventing a patient from visiting the pub and not to beg.
- In addition, we believe the extent to which a mental health professionals will be able to keep “a close eye” on an individual has been greatly overstated. In reality it will be left to carers to police these conditions of a CTO – such as trying to make sure the patient does not go to the pub or is back at home by a certain time. This will merely add to the burden of carers.