



# THE SEVENTH NORTH EAST MENTAL HEALTH LAW CONFERENCE 2013

CITY CAMPUS EAST, NORTHUMBRIA UNIVERSITY,  
NEWCASTLE UPON TYNE

FRIDAY 12 JULY 2013

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**northumbria**  
UNIVERSITY

# Conference Details

This will be the 7th *North East Mental Health Law Conference* organised by the Law School of Northumbria University. The first conference was held in June 2003, and the most recent was in June 2011. Sponsorship of the Conference is once more generously provided by Beachcroft LLP, one of the largest national law firms in the UK.

The aim of the Conference is to provide not only an opportunity for reflection on, and debate about, a number of critical issues concerning the application of mental health law, but also a source of relevant up-to-date information and practical assistance. The topics to be addressed by the speakers will be of considerable interest to lawyers, policy makers, managers, doctors, nurses, social workers, academics, service users and all those involved in, or/and interested in, the care and treatment of those suffering from mental disorder.

*The Mental Health Act 2007* amended provisions of the *Mental Health Act 1983*, and the *Tribunals, Courts and Enforcement Act 2007* led to a major re-organisation of tribunals, including of course the Mental Health Review Tribunal. It was in November 2008 that many of the provisions of both of these important pieces of legislation took effect, and so with the benefit of nearly five years experience of them, this conference will provide another opportunity to gauge the significance of the changes, their strengths and their failings.

The proposed programme is set out on the opposite page. Issues to be covered include:

- A review of recent significant decisions of both the Upper Tribunal (Administrative Appeals Chamber) and the Administrative Court;
- A consideration of the implications for the application of mental health law in England & Wales of (1) important decisions emanating from the European Court of Human Rights and (2) the UN Convention for the Protection of the Rights of Persons with Disabilities;
- An examination of legal and other issues arising as a consequence of the Approved Clinician role being open to a wide range of professionals;
- An analysis of the statutory safeguards applicable to the care and treatment of children and young people with mental health problems;
- An alternative interpretation of the caselaw which has addressed the all-important question '*What is a Deprivation?*', as anticipation increases about the approach to be taken by the Supreme Court towards the end of the year;
- A reflection on the general direction of mental health law.

Although the programme is packed, there will be opportunities for those attending to ask questions and to make comments, not only about issues arising from the various talks but also on other matters of relevance to a mental health law conference. A 'Panel Discussion' has been scheduled for the final session.

## CPD Points

Solicitors – the University is approved by the Law Society for the purpose of Continuing Professional Development. Solicitors, barristers and legal executives qualify for 6 hours by attending the conference.

Psychiatrists – the conference organisers have been informed by the Royal College of Psychiatrists that psychiatrists can claim up to 6 hours per day maximum for any conference attended, as long as it is relevant to the individual psychiatrist's clinical, education, research and professional activities.

# Speakers

Once again we have been very fortunate in attracting a highly prestigious panel of speakers.

## Mr Neil Allen

Neil is both a lecturer (University of Manchester) and a barrister (Thirty Nine Essex Street Chambers). He specialises in mental health, incapacity and human rights law. He teaches students, trains professionals and publishes academic commentary in books and journals. His reported cases include *Cheshire West and Chester Council v P and G v E* and *Manchester City Council*.

## Professor Phil Fennell

Phil is employed at Cardiff Law School. He was specialist legal advisor to the Joint Parliamentary Scrutiny Committee on the *Draft Mental Health Bill 2004*, and to the Parliamentary Joint Committee on Human Rights for the Committee's scrutiny of the *Mental Health Bill 2006*. Two recent publications are '*Mental Health: Law and Practice*' (2nd ed.; Jordans; 2011), and, as co-editor, '*Principles of Mental Health Law and Policy*' (Gostin et al; OUP; 2010).

## Dr Bruce Gillmer

Bruce is Chair of the British Psychological Society MHA Working Party. He is a registered forensic and clinical psychologist, and lead consultant for the intellectual and developmental disability forensic psychological services of Northumberland, Tyne and Wear NHS Foundation Trust. He and John Taylor were the first non-medical approved clinicians in England.

## Mr Mat Kinton

Mat has worked for nearly twenty years in the Mental Health Act Commission (MHAC) and its successor body, the Care Quality Commission (CQC). He was the author of the last five biennial reports made to the UK Parliament on the MHAC's monitoring of psychiatric detention in England and Wales. He now writes the Care Quality Commission's annual reports on its monitoring of the use of the *Mental Health Act 1983*.

## Ms Camilla Parker

Camilla is a partner of *Just Equality*, specialising in mental health, disability and human rights law and policy. She is a member of the Law Society's Mental Health and Disability Committee and an LLM tutor at Cardiff University, where she is undertaking (part-time) doctoral research at Cardiff Law School (human rights of young people in need of mental health care).

## Mr Roger Pezzani

Roger is a barrister (Garden Court Chambers). He has a specialist mental health and public law practice, regularly appearing in the Upper Tribunal and the Administrative Court. He has lectured and trained for a number of organisations, and has written for peer reviewed journals. He was an editor of the Mental Health Law Reports for several years

## Professor John Taylor

John is Professor of Clinical Psychology at Northumbria University, and a clinical and forensic psychologist employed by Northumberland, Tyne & Wear NHS Foundation Trust. He is Chair of the BPS AC Peer Review Panel and co-editor of *Offenders with Developmental Disabilities* (Wiley, 2004). He and Bruce Gillmer were the first non-medical approved clinicians in England.

# Conference Programme

|               |  |
|---------------|--|
| 9.00 - 9.30   | Registration and Coffee  |
| 9.30 - 9.40   | Introduction   |
| 9.40 - 10.20  | 'A Critical Survey of recent developments in Mental Health Law'<br>Roger Pezzani                                       |
| 10.20 - 11.00 | 'The Wind from the East: legal challenges from Europe and beyond'<br>Mat Kinton  |
| 11.00 - 11.25 | Coffee/Tea   |
| 11.25 - 12.05 | 'Non-Medical Approved Clinicians: The Good, The Bad and The Conditionally Discharged'<br>Bruce Gillmer and John Taylor |
| 12.10 - 12.40 | Question and Answer session  |
| 12.40 - 1.40  | Lunch  |
| 1.40 - 2.20   | 'A Spotlight on the Legal Framework for the Mental Health Care of Children and Young People'<br>Camilla Parker         |
| 2.20 - 3.00   | 'Mind Your Ps and Qs'<br>Neil Allen  |
| 3.00 - 3.20   | Coffee/Tea   |
| 3.20 - 4.00   | 'The Newer Legalism - Clinical Power and the Limits of Rights-based Approaches'<br>Phil Fennell                        |
| 4.00 - 4.30   | Panel Discussion   |

# Booking Form

The price of the conference is £240 per delegate. A discounted rate of £190 is available for early bookings made prior to 31 May 2013. A discounted rate of £190 is also available for two or more delegates from the same company. These discounts cannot be linked with any other offer. The price includes all conference sessions, lunch and refreshments as advertised and full course materials. The price does not include accommodation.

## How to Book

Bookings can be made online at

<http://www.northumbria.ac.uk/!su> please click on conferences.

Alternatively payment can be made by cheque or credit/debit card using the booking form below.

Name: .....

Organisation: .....

Address: .....

.....

Country: .....

Telephone No: .....

E-mail: .....

Cheques should be made payable to Northumbria University. I enclose a cheque for .....

Please charge my credit card (please note we do not accept American Express)

Mastercard  Visa  Switch/Maestro

Card No: .....

Start Date: ..... End Date: .....

Security No: ..... Issue No: .....

### Please return to:

The Enterprise Unit, Northumbria University, CCE1, Newcastle upon Tyne, NE1 8ST

Fax to: 0191 243 7506

E-mail: [la.law.enterprise.unit@northumbria.ac.uk](mailto:la.law.enterprise.unit@northumbria.ac.uk)

**Cancellation Policy:** If you have to cancel your booking please send us a written cancellation (by letter, fax 0191 243 7506, or e-mail [maureen.cooke@northumbria.ac.uk](mailto:maureen.cooke@northumbria.ac.uk)) not less than 10 working days before the conference. No telephone cancellations will be accepted. A refund of your conference fee less a £25 administrative charge will then be sent to you. After this time we cannot accept any cancellations and the full fee is payable. Failure to attend the conference will be regarded as a late cancellation and your payment will be forfeited.