



CONFERENCE ON THE MENTAL HEALTH ACT

HIGHLAND SOLICITORS

NOVEMBER 2010

Thank you for letting me have an opportunity to talk to you.

I am going to talk about sectioning and the mental health act and tribunals and legal representation.

I have been sectioned in total 10 times and am currently detained under a community treatment order. I have a diagnosis of schizophrenia and depression and alcohol abuse.

If I am going to appeal to those of you who may one day move in to mental health and legal representation then somehow I feel I need to make what we go through as real as I can manage.

What I will talk about, in a moment, may make me seem alien and confusing, it may make you think why deal with such terrible times? but hopefully, as I speak, I can make people like me seem real; as often damaged people but nevertheless people, who, without any doubt are the same loving, feeling, confused, supportive people that you all encounter everyday amongst your friends and your families and your colleagues.

I am 47 years old, I am a father, I lived with my wife for 25 years, I have worked full time for the last 20 years, I am quiet and love writing and reading. I love walking on the beach in gales as the wind whips the sand around my face and I love musing in the late evening as the sun sets and turns the dark water red. I used to be a yacht skipper and could tell you many tales about sailing across the atlantic with no food no engine and no electrics and whales and dolphins for company, I love to walk in the hills and to see my breath panting as I ski badly in the forests. I have a work life that consumes me and wonder every day at the wonderful people that I am privileged to work with. I have served on government committees and in fact was one of the two users who were on the Millan committee that paved the way for the present mental health act. I have an MBE for services to mental health and I find nothing better than walking besides a wee crawling baby as her mother and friends natter outside a café on a Sunday morning.



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INVESTOR IN PEOPLE

And yet I get ill and, even worse for someone who is generally seen as intelligent and rational, I often don't believe that I have an illness or, when I am ill, accept help willingly and then I get sectioned.

So what is there to tell?

Imagine that you have had a long, long day at work, your mind is fuzzy, your eyes itch with the hot prickle of tiredness. It's been a hard day at work and you can't get the arguments and the issues out of your mind.

You crave sleep and a drink and a soft bed and someone to talk to.

You go home and remember you are alone, that you no longer have a wife and son and the friends who populated your past.

You can't be bothered to make a meal and think it would be good to have a shower and then you say you yourself why bother? You'll have one later and you slump into your chair and pour yourself a huge drink.

You think you would love to talk to someone but then realise that there is no one you feel able to speak to. Late in the evening you think that you should go to bed but you feel dragged down with the weight of your thoughts into the heaviness of your chair, so you have another drink.

Finally you go to bed but the mattress on the floor is uncomfortable and the sheets dirty. You lie there absolutely exhausted but you can't sleep. You just can't stop thinking, so you turn on the radio and after a time slip into a doze only to be woken by the shipping news.

You turn off the radio and lie there thinking again, praying for sleep but you don't sleep, sometimes you slip into a doze that is populated by waking dreams that you can't make sense of but which seem as real as day.

You wake early in the morning and lie staring into space, too tired to drag yourself out of bed. Eventually you get up or you'll be really late for work, you quickly drink a cup of coffee and drive to work where you lose yourself for a time in the mechanics of it all and then you come home again and you are even more tired and want a

drink even more and you wish so much for sleep, but again you only doze for a few hours, and this carries on for day after day after day.

As the weeks go by, your thoughts begin to get tangled, life passes in a blur, you can't really concentrate, your pills for depression and schizophrenia lie in the untidy bathroom and sometimes you can't be bothered to take them, until somehow, you never take them and it seems to you that you never needed them in the first place.

In fact the more you think about it the pills are horrible, it's like willingly poisoning yourself so you decide never to take them again.

And as the days go by you realise that it was true all along that you are a horrible person.

All this talk of illness is a lie, in fact you are so horrible that you are evil, all you have ever done is damage people. You damage people because you have a devil in you.

It is terrible to be such a bad person, to be so awful to everyone around you, you wonder what to do to stop it.

You really don't want to die and then you realise that, of course, if you could purify yourself. Maybe, if you could get rid of the evil and welcome purity into your life then you could do some good again.

That is what happened to me in December of last year following a very bitter break up to my marriage. My decision, when I got to that fractured point was to find some way of becoming a spirit of beauty.

I thought I was no good as a human, that if I could just find beauty and purity I could live as a spirit in the air above the beach in Nairn and waft a wonderful energy into the community.

I needed to reach a new dimension and, in order to do that, I thought if I could drain the blood from my body which as I saw it was infected by evil spirits, and then pour petrol over myself and incinerate myself, then I would be bringing a great gift to the world. Not only would I stop destroying everything with my evil but I would actually reach a state of beauty that could only do good.

It seemed so good all this and so laughable that people thought that I had an illness. I wished they would understand me.

I phoned my community psychiatric nurse to tell her I had never been ill and no longer needed help from people like her and within a few hours had been sectioned and put in hospital where I stayed for the next three months and now, although I am at home now and working and content I am still on a section.

So my task now – why on earth would I need representation?

In retrospect, I am so grateful that I was sectioned; it kept me alive, kept me breathing, allowed me to regain an appreciation of myself and this wonderful world.

If a solicitor had somehow managed to represent me at tribunals and we had won, I would be dead today - so what on earth is the point in involving such people when there are professionals far more qualified in the intricacies of mental ill health to make decisions about people's health and treatment than you would be?

And yet let us think.

When I was sectioned, I believed with all my heart that I was on a mission to save the world and my friends, it seemed so unfair to me to take away my freedom and autonomy.

When I was admitted to hospital I was immediately put onto constant observations. This meant that a nurse accompanied me wherever I went.

I had not a moment of privacy. I was not allowed to step foot off the ward. I couldn't go the toilet or have a shower without being watched, I couldn't have any part of my body out of view of the nurse, I wasn't allowed to turn the light off at any time.

I had to take medication that I thought was poisoning me and, in those early days, when I ran off the ward to escape, the alarms would blare and I would be chased down the corridors by nurses and caught and marched back to the ward in front of my friends and acquaintances.

And all the time I was saying "Please, please let me do what I want to do". And the nurses would say "no" and the doctors would say "no" and my friends would visit the ward and say "no you are in the right place" and my family would phone in bewilderment and say "no you should stay there" and my named person, who is my best friend, would say with complete candour that she fully supported all the restrictions being placed on me.

Do you know how terribly, terribly alone you can feel at times like this? When not one living soul agrees with you/ where you have not a scrap of freedom? Where what you think is good is impossible to do? and what you think is a terrible thing, such as taking medication, is forced on you.

The loneliness, as Christmas and New Year and my birthday and Burns night go by, seven weeks where you are deprived of every vestige of privacy and every vestige of freedom. You are voiceless and there is no one at all who sympathises with your point of view

And this is not because I had committed a terrible crime, but because I was ill.

Maybe it is possible to see that in extreme circumstances we need to deprive people of their rights and freedom that we also need safeguards.

We need safeguards, because when liberty is removed, we need to be sure that we do it with justification and morality, we need safeguards because when we take away autonomy, we need to, at least give the person the right to have their views known and we need safeguards because, without those protective features, in a different culture and in a different climate huge abuses can occur. Where people feel voiceless and feel they have no control of their lives because of the intervention of the state, we need to be as sure as we possibly can, that there is an outside form of representation, that keeps the gravity of the intervention and the reasons for the intervention as clear and ethical and as justified as possible.

When I was sectioned, I had a right to advocacy, in the sense that I could have someone help me speak out or speak for me on any issue that affected me and I had the right to a solicitor to help me appeal my detention or accompany me to the tribunal and make sure that my views and my rights had a legal airing.

When you are very, very alone; so alone that you think that not a single person will speak for you, this is a terribly important function but it is a complicated task, it is extremely rare for people to win their appeals at tribunals and this is good to my mind, because although we may not believe it, in most cases we are desperately in need of the protection and treatment we so strenuously reject.

But we need that safeguard, so that we don't get to the point where we pass over complete power to another person to make

fundamental decisions about our lives, without that power being scrutinised and examined and, if we wish it, challenged.

The last time I was sectioned, I didn't seek an advocate or a solicitor.

First of all, I had enough awareness, that I knew that I wouldn't win, and secondly, I didn't want the pain to be dragged out.

I didn't want, yet another person, dragging through my life and with a polite smile rejecting my views but without the words that say it. But more important, I didn't want an interim order to be taken out solely because the solicitor dragged out the process or took so long to come from Glasgow to see me that all I would have, would be one tribunal shortly followed by another one with all the pain that entailed.

In matters as serious as freedom, you would think that a tribunal to determine my detention, would be exceptionally grave but my abiding memory was of my joy that I would have a couple of hours off of the ward and would be able to feel grass under my feet and fresh air on my face.

My nurse was nice and quickly told me what would happen if I ran away whilst off the ward whilst trusting me not to cause an accident whilst being driven across town.

It was great to see my named person and have a hug, the tribunal itself was a source of anxiety, what will happen? where will my future lie? but the clerk joked, in fact we all joked at intervals, and I was told what would happen at each stage.

It is hard hearing people you have spent every day with, saying versions of your reality that you disagree with, it is humiliating when you have your turn to speak and see every word falling on unreceptive ears, to know that each phrase is sealing you to another six months detention and being so desperate to stick to a truth that no one else shares.

I had a tribunal a couple of months ago that turned my section into a community one and this is where it gets complicated – I cannot bring myself to take medication, it pains my very soul but I do know that without it I may die.

At my care program approach meeting it seemed much easier to say as long as you don't involve me or make me participate or have to think about it, I will not contest it and so of course it went through with hardly a murmur.

Lastly I have used a solicitor. The time before last, I was going to be put in a compulsory treatment order and, once I realised what

was happening to me, and saw the solemnity of my mental health officer and all the others at the pre c.t.o. meeting I knew I needed representation.

I had contacted a solicitor earlier, when my 28 day section was imposed but it was half hearted and when I phoned Glasgow and they took my details but never got back in contact I had lost interest.

My new solicitor was very good in that she met me very quickly; she was warm but professional, she understood mental illness and made it clear that she was there for me. She told me I could call her at any time and explained everything she would do, but good as she was, when she told me that if I went more softly on some of my story I would have a better chance of winning I lost some confidence in her.

In my mind it was my truth that needed told, whatever the consequences, I didn't want to distort or to lie. In the event I got better, all of a sudden and the tribunal was dropped at the last moment and I found my freedom and wonderful it was too.

I will end on this note: we go into these horrific worlds for reasons that are still not understood but we do not lose our awareness or our humanity, we may not make sense, we may be a danger to ourselves or even sometimes to others, we may be bizarre, our emotions and reality may be terribly painful to witness and we may be in great need of treatment, despite our fervent wishes not to be, but we still have rights and views and needs and taking away our freedom and control is just as huge a step to take as it is for anyone else and because of this we need representation from people who will at least try to understand us and respect and be there for us when we have no one else.

You may not win many cases and may indeed be aghast if you do, but by giving us representation you give us dignity and a voice in all those other areas where we may ourselves lack the ability to press for and obtain the treatment and conditions we have a right to.

Thank you