

# The Scottish Commission for People with Learning Disabilities Response to the Scottish Mental Health Law Review



The Scottish Commission for People with Learning Disabilities (SCLD) is against learning disability and autism being included in the Scottish Mental Health (Care and Treatment) Act (2003) as a 'mental disorder'.



SCLD believes calling a learning disability and autism 'mental disorders' leads to people being unfairly placed in hospital and kept there.



SCLD agrees with People First (Scotland) and other people that it is wrong to have a law that says that a learning disability is a mental disorder.



A report called The Rome Review said that learning disability and autism should be taken out of the Scottish Mental Health Act.



If this happened people with learning disabilities could not be held in hospital against their will, just because they have a learning disability.



People with learning disabilities and SCLD were pleased with this recommendation.



After the Rome Review there was another review called the Scottish Mental Health Law Review.



SCLD thinks The Scottish Mental Health Law Review ignored the views of people with learning disabilities in Scotland and those who support them.



The Scottish Mental Health Law Review said they think learning disability should remain within the Mental Health Act.



They also said they think that mental health law should be the only law to help people with learning disabilities have their human rights respected, protected and fulfilled.



SCLD think this is wrong because it means nothing will really change and people with learning disabilities can still be detained in hospital.



SCLD believes that if learning disability and autism continue to be included in the Mental Health Act, people with learning disabilities in England and Wales will have more human rights than people with learning disabilities and autism in Scotland.



This is because a review of mental health law in the United Kingdom said that learning disability and autism should not be included in their mental health law.



SCLD want to see learning disability and autism taken out the Scottish Mental Health Act.



SCLD thinks that the human rights of people with learning disabilities should instead be protected through two other laws.



The first is a new Human Rights Law for Scotland.



This law needs to make sure that all the human rights in the United Nations Convention on the Rights of Persons with Disabilities are protected.



The second law is the Learning Disability, Autism and Neurodiversity Bill.



SCLD believes this law could be used to say exactly what rights people with learning disabilities and autism and people whose brain works in a different way to others.



If this happened people with learning disabilities could no longer be held in hospital just because they have a learning disability.



SCLD is asking the Scottish Government to disagree with the Scottish Mental Health Law Review Report and remove learning disability and autism from mental health law.



SCLD has said this is important. If the Government do not, this will lead to more people with learning disabilities not having their human rights respected.



SCLD has said they want people with learning disabilities to live full, safe, equal and loving lives.