



Department  
of Health &  
Social Care



# The rights of young people with a learning disability or autistic young people in hospitals

What the Government says about  
2 reports that have been written about this.



The government response to the Joint Committee on Human Rights reports on the detention of young people with learning disabilities and/or autism and the implications of the Government's Covid-19 response.



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# About this document

We are the Government.



This document is about young people with a learning disability and autistic young people.

But a lot of the work in this document is for adults too.



Some young people with a learning disability and autistic young people have to stay in hospitals.

These hospitals are not like other hospitals.

They support people with their mental health if they are very unwell.

We will call them hospitals in this document.



People should only be in these hospitals if they really need to be.



A group of people looked at what was happening for young people with a learning disability or autistic young people in these hospitals.

They were worried that people are not getting the right care.



The group is called the **Joint Committee on Human Rights**.

They work in politics. They check laws and plans in the UK to make sure they work for people's human rights.



Human rights are rights that everyone has. Like the right to be safe and treated fairly.



The group of people wrote 2 reports.  
One in 2019 and one in 2020.

The reports say what they want  
us to change.



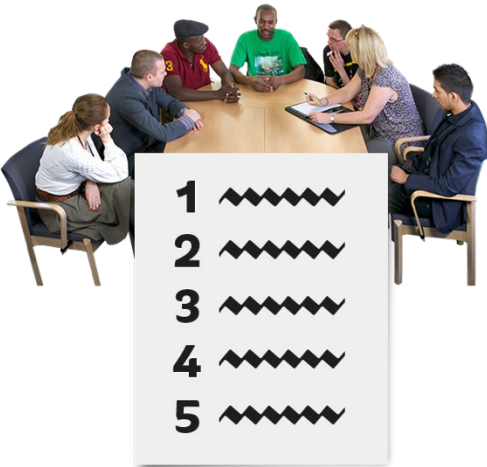
This is to make sure that young people  
with a learning disability or autistic  
young people are treated fairly.

We are doing a lot of work on this already  
because we think it is very important.

This document is about:

- The main things that the reports want the  
Government to change.
- What we say about things the reports  
want us to do. And what we plan to do to  
make things better.

We are working with other groups  
on many things in this document.



# The main things that the reports want the Government to change

## And what we say about each thing



**1. Stopping young people with a learning disability or autistic young people from staying in hospitals where possible.**

**Making sure they get good support near where they live instead.**

### What the reports say should change

Young people with a learning disability or autistic young people should be moved out of hospitals more quickly.

Very senior people in the Government should be in charge of this.







## **What the Government says about this point:**

**We already have a very senior government person in charge of this work.**



**We are working to make sure that people are moved out of hospitals and get better support near where they live.**

**We have a plan to make this happen. It is called Building the Right Support.**

**And we are looking at what more we can do to make this happen.**

## **What the reports say should change**

There must be enough support for young people with a learning disability or autistic young people near where they live.

There should be a new law to make this happen in local areas.



## **What the Government says about this point:**

**We plan to make changes to the law about mental health.**

**This will help people get support near where they live.**

**And it will help to stop people going into hospital.**

**As part of this work we will ask people what they think about the new law and how it can work.**

**But we want the new law to do even more.**

**The changes we want to make will help local areas stop big problems happening for people in the first place.**

**This will help to stop people going into hospital.**







## **What the reports say should change**

It must be easier for families to get money and advice to help them go to court if their child gets bad care.

## **What the Government says about this point:**

**We are looking again at when people should get this money and advice.**

**This work should finish by spring 2021.**

**Then we will ask people what they think of our plans for this.**

## **What the reports say should change**

There are some meetings about the care people need in hospital.

The meetings are very important. They can stop people going into hospital if they don't need to.

And they can make sure people get good care if they are in hospital.





There should be a new law to help the meetings work better.



It should be harder for young people with a learning disability or autistic young people to go into hospitals.

For example, they should only be there if they really need to and it helps them.



### **What the Government says about this point:**

**We are looking at how to make the meetings about people's care better.**

**This will also help to keep people out of hospital unless they really need to be there.**



**We are writing a big report about our plans to change the law and make care better.**

## 2. Better rights for families

### What the reports say should change

Families should have the right to go to meetings to decide if their child should go into hospital.

And what care they should get.

There should be a new law to make sure this happens.

### What the Government says about this point:

It is important for families to have a say.

Families already have rights to know decisions about their child's care.

So we don't think there needs to be a new law at the moment.

But we are looking at how to make the meetings work better.



## What the reports say should change

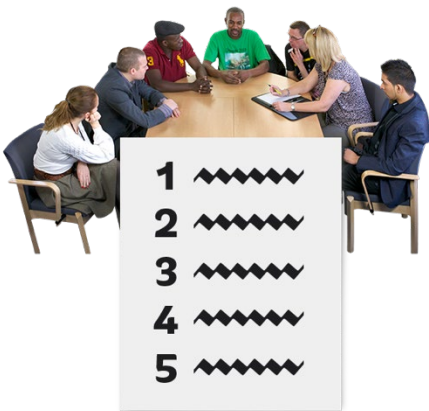


It should be easier for young people with a learning disability, autistic young people and their families to get support from **advocates**.

Advocates help people to speak up and know their rights when they are in hospital.

## What the Government says about this point:

There are already advocates to help people know their rights about their care.



We have a list of things that could make advocates better.

We are looking at this now before we make any final decisions.

## What the reports say should change



Some health and care groups might try to stop families speaking up if they are unhappy with their child's care.

This should not happen.



The Government should know when this might happen. And the Government should say yes or no first.

## What the Government says about this point:



**Families should not be stopped from speaking up about their child's care.**

**We will give health and care groups information to make sure they are not stopping families speaking up.**



**We will make health and care groups tell the Government if they want to try to stop families speaking up.**



### 3. Life in hospitals



#### What the reports say should change

Staff in hospitals might do some things if they think that someone might hurt themselves or other people.



For example, staff might:

- Keep the person away from other people so they are on their own.
- Hold the person's body for a bit to stop them moving.



Staff should only do something like this if they really have to.



Families should be told if staff do something like this.



Hospitals must give the Government better information about when these things happen.

For example, information every week.

This is so the Government can make sure people are not treated badly.

### **What the Government says about this point:**



**We will ask people what they think about telling families if their child is kept away from other people.**



**And we will see if it could work for hospitals to give us information more often about this.**

**We are making a new plan about care for young people in hospitals.**

**It says that families should be told if their child is kept away from other people.**



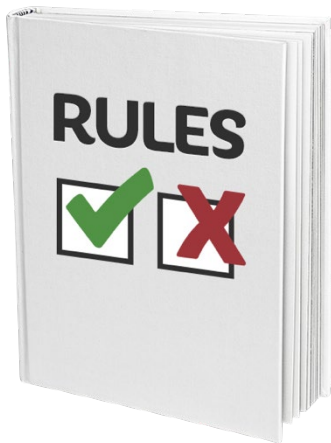


## **What the reports say should change**

Young people should not be put in hospitals far away from home.

Families should get money to visit their children if they need it.

## **What the Government says about this point:**



The rules say that families should get help where possible to visit their children.

This might include money.

We plan to make better rules about helping families keep in touch.

## **What the reports say should change**



There should be a group that looks into problems where young people with a learning disability or autistic young people get bad care or die in hospitals.

These people should not be part of the Government.

## **What the Government says about this point:**



**We plan to set up a new group to look into problems with unsafe care and how to stop them happening again.**

**This group will not be part of the Government.**

## 4. Checking care in hospitals to make sure it is safe

A group of people called the **CQC** check hospitals to make sure they are good and safe.



### What the reports say should change

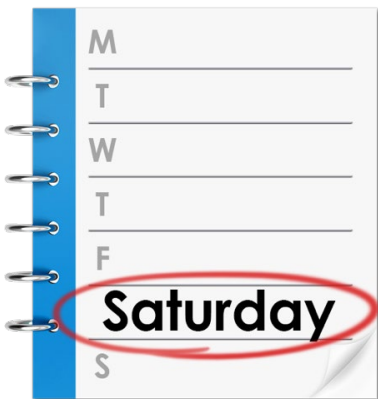
There should be some changes to the way the CQC check hospitals.

For example, they should not always tell hospitals when they will visit.

The CQC should just turn up in the evenings or weekends.

And they should use other ways to check places if they can.

Like hidden cameras to make sure people get good care.







## **What the Government says about this point:**

**The CQC are doing more checks like this at weekends.**

**The CQC cannot use things like hidden cameras because of the law.**

## **What the reports say should change**



The CQC must always do something if people and their families speak up about problems with care.

The CQC needs to work more quickly if there are problems with bad or unsafe care.



## **What the Government says about this point:**

**The CQC has a new way for people and families to speak up about their care.**



**People can do this by phone or on the internet.**

**This can help the CQC know when there are problems.**



**The CQC is checking places that could have unsafe care more closely.**

**This means they can do something quickly if there is a problem.**

**The CQC are still checking places like this during Covid-19.**

**Covid-19 is a new illness that many people are getting.**



**The CQC is doing a lot of work about how to find out if bad care is happening and how to stop it.**

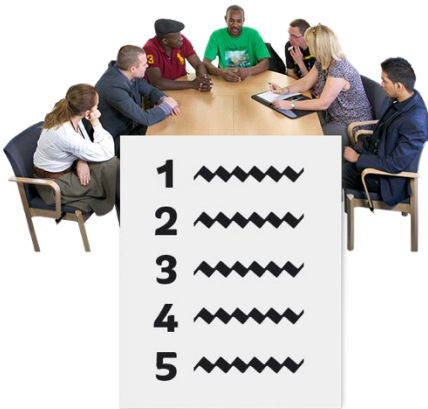


**The CQC asked some people to look into this and say what they could do better.**

**The CQC agreed with what the people said.**

**They are looking at what needs to change.**

**For example, they are looking at:**



- **How to find out if bad or unsafe care is happening.**
- **How people and their families can be listened to more.**
- **How to make sure people are treated fairly.**

## 5. During Covid-19



### Some of the main things the reports say

Families must be able to visit people in hospital unless it is unsafe for that person.

People should be told if they cannot visit and why.



We must know how many young people with a learning disability or autistic young people have died of Covid-19.

### What the Government says about this point:

The rules say that family visits should already be happening in this way.

We are getting information about people with a learning disability or autistic people who have died of Covid-19.

This is so we can help keep people safe.

