

Use Your Power!

The Secretary of State for Health and Social Care must use their new 'general power to direct NHS England' to urgently improve support for people with a learning disability and autistic people to live in the community and reduce their detention in mental health hospitals.

Detained in unsuitable environments for years, subjected to restraint including solitary confinement, the experience of people with a learning disability and autistic people in mental health hospitals is leading to lifelong trauma and loss of life.¹

Despite repeated scandals and media exposés of neglect and abuse (Cawston Park, Edenfield Centre, Whorlton Hall, Winterbourne View) and a succession of inquiries, reports and government strategies,² the number of people with a learning disability and autistic people in mental health hospitals remains stubbornly over 2000.³

There is a widespread consensus that better support in the community is the key to avoiding people being admitted to mental health hospitals and to discharging those who are currently 'stuck' in hospital.⁴ However, in a complex health and care system where responsibility is spread across a multitude of public and private bodies, a "lack of political focus and accountability to drive change" has been identified by the Joint Committee on Human Rights as the "biggest barrier to progress".⁵

We need renewed political leadership, drive and public accountability to counter what former Health Minister Sir Norman Lamb described as "the failure of a voluntary system to deliver results".⁶

We are calling on all UK political parties to commit to using the new 'general power to direct NHS England' to improve support for people with a learning disability and autistic people to live in the community and reduce their detention in mental health hospitals.

How can you support the Use Your Power campaign?

You can support in the following ways:

- Sign the petition at: www.change.org/p/use-your-power-stop-the-detention-of-people-with-a-learning-disability-autistic-people
- Visit www.voiceability.org/useyourpower to watch our new film of Lucy, Pam and Jeremy (Bethany's Dad) talking about their lived experience and hopes for the future.
- Contact stephen.hinchley@voiceability.org, Senior Policy and Public Affairs Officer, VoiceAbility for more information and to get involved in our influencing work.

¹ [Learning-disabled and autistic people are being neglected and tortured. How much longer? | John Harris | The Guardian](#)

² [SN07058 Learning Disabilities: health policies.pdf \(parliament.uk\)](#)

[CBP-7172 Autism: Overview of policies and services.pdf \(parliament.uk\)](#)

³ [Learning Disability Services Statistics - NHS Digital](#)

⁴ [Treatment of autistic people and individuals with learning disabilities \(parliament.uk\)](#)

⁵ [Detention of children and young people with learning disabilities and/or autism \(parliament.uk\)](#)

⁶ [Treatment of autistic people and individuals with learning disabilities \(parliament.uk\)](#)

Power to direct NHS England

We are calling on the Secretary of State for Health and Social Care to use their new ‘general power to direct NHS England’ under section 45 of the Health and Care Act 2022. The direction would focus on ensuring that NHS organisations and local authorities, working within the new Integrated Care Systems (ICSs), improve their support for people with a learning disability and autistic people to live in the community. Examples of good practice already exist such as the Black Country Healthcare NHS Foundation Trust commissioning an emergency response team to help avoid people being admitted to mental health hospitals.⁷

The government is failing to achieve its target (in the NHS Long Term Plan) to halve the number of people with a learning disability and autistic people in mental health hospitals by the end of March 2024.⁸ Using the power of direction would ensure greater public accountability for progress in improving the support for people with a learning disability and autistic people to live in the community and reduce their detention in mental health hospitals.

What is the Secretary of State’s ‘general power to direct NHS England’?

Section 45 of the Health and Care Act 2022 inserted clauses 13ZC-F into the National Health Service Act 2006 so that the Secretary of State for Health and Social Care:

- “may give NHS England directions as to the exercise of any of its functions” alongside a statement that the Secretary of State considers the direction to be in the public interest
- can take over functions of NHS England where there is “significant failure”

The Bill’s explanatory notes stated that: “The policy intention is that the Secretary of State will be able to use these powers to ensure that NHS England continues to work effectively with other parts of the system for which the Secretary of State has responsibility including social care and public health, to support integration and tackle broader priorities such as health inequalities”.⁹ As far as we are aware, the power has not yet been used. There are separate powers for direct government intervention in local authorities.¹⁰

Why have we prioritised calling for the power to direct NHS England to be used?

Using the ‘general power to direct NHS England’ is an attractive option as it already exists in legislation, would focus on the key issue of public accountability for achieving progress and would be relatively straightforward to implement without institutional upheaval. Enhanced public accountability is even more important if there is no renewed commitment to the targets in the NHS Long Term Plan (see above). Evidence on other initiatives to prioritise public policy and delivery challenges, such as establishing special government units or appointing tsars, suggests relatively few have been a clear success.¹¹

⁷ [Baroness Hollins' final report: My heart breaks - solitary confinement in hospital has no therapeutic benefit for people with a learning disability and autistic people - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/104444/Baroness_Hollins_final_report_My_heart_breaks_-_solitary_confinement_in_hospital_has_no_therapeutic_benefit_for_people_with_a_learning_disability_and_autistic_people.pdf)

⁸ [NHS Long Term Plan](https://www.longtermplan.nhs.uk/)

⁹ [Explanatory Notes - Health and Care Bill \(parliament.uk\)](https://www.parliament.uk/explanatory-notes/health-and-care-bill/)

¹⁰ [Statutory intervention and inspection: a guide for local authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/104444/Statutory_intervention_and_inspection_a_guide_for_local_authorities.pdf)

¹¹ [CENTRAL UNITS FINAL \(instituteforgovernment.org.uk\)](https://www.instituteforgovernment.org.uk/publications/central-units-final)

[House of Commons - Goats and Tsars: Ministerial and other appointments from outside Parliament - Public Administration Committee](https://www.parliament.uk/publications/2023/11/house-of-commons-goats-and-tsars-ministerial-and-other-appointments-from-outside-parliament-public-administration-committee/)