

Webinar

Children Challenging their Detention Under the Mental Health Act 1983: the Right to Receive Child-Friendly Information as a Core Feature of their Participation Rights

Date & Time:

13.01.2024, 2 to 3.30 PM, UK Time

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Background:

Children in England and Wales who are being detained in hospitals under the provisions of the Mental Health Act (MHA)1983 have the right to be provided with an explanation of their legal status including details of which section they are subject to, the effect of their detention and their rights to apply for review of their continued detention. This seminar will present the research we have been engaging in (funded by the British Academy) which aims to understand the extent to which children are being provided with accessible, effective and appropriate information in relation to their legal status, and in particular their right to challenge their detention. At the core of this study is a conception of children who are detained in mental health settings as social actors who are capable of participating in decision-making about their detention and treatment.

Aim:

This seminar aims to advance our understanding of how children detained under the Mental Health Act 1983 are supported in understanding and exercising their Article 12 right to participate in decision-making regarding their detention.

The first part of this seminar will examine a selection of the materials provided by NHS Trusts to children regarding their right to appeal to the First Tier Tribunal to challenge their detention. We will adopt a problem-driven content analysis analytical approach to consider whether this material was appropriate to children's needs and whether it complied with the Council of Europe Guidelines on Child Friendly Justice and the UNCRC.

The second part of the seminar involves examining how children have engaged with these materials. The methodology for this project has been specifically designed to give a voice to young

people involved in the mental health system. Methods which rely solely on verbal and written competence have been shown to provide limited access to the emotional and symbolic aspects of children's experiences and may not give children a meaningful voice. The data collection and evaluation methods will focus around the "Diamond 16" collection method, which allows each participant to rank their views, experiential knowledge, lived experiences and emotional responses. The Diamond 16 creates the space for the young people to express their emotions and opinions, providing them with some power and control over the research process.

Outcome:

The seminar aims to examine how children are empowered to participate in decision-making regarding their detention in secure care under the Mental Health Act 1983. It will analyse the information provided to children to consider the extent to which it is child-friendly. It will also examine children's own experiences of exercising their right to challenge their detention and their understanding of their rights in relation to this. It will be of benefit to academics interested in children's rights, and in particular how children exercise their Article 12 right to participate in decision-making; academics or professionals who undertake research with children. professionals who work with children in secure care, law students, social sciences students,

Featured Speakers:

- Ray Arthur (School of Law, Northumbria University)
- Carole Burrell (School of Law, Northumbria University)
- Rachel Dunn (School of Law, Leeds Beckett University)

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Partners:

The research was supported by funding from the British Academy and supported by the NHS Research Ethics Committee, the Health Research Authority and the NIHR Clinical Research Network.