

NEWS

U.K. government faces lawsuit over mistreatment of autistic people

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Following a series of scandals in the United Kingdom over people with autism being held against their will and mistreated in hospitals, a watchdog group has issued a legal challenge to the government.

The incidents highlight that the entire system of care for people on the spectrum is in need of an overhaul, the challengers say.

“We have heard so many heartbreaking stories about people with learning disabilities and autism being detained in secure hospitals, often far away from home and for many years,” says a spokesperson for the Equality and Human Rights Commission (EHRC), an independent watchdog group funded by the U.K. government. “Urgent action is needed.”

As of December 2019, more than 2,000 people with autism or learning disabilities in the U.K. were **living in hospitals**. That is **in violation** of the government’s Care in the Community policies, passed decades ago, which say they should be cared for in their community whenever possible.

“We welcome this legal challenge and urge the government to listen and fix this scandal once and for all,” says **Tim Nicholls**, head of policy and public affairs at the National Autistic Society, a London-based charity. “Despite repeated promises from different governments, the number of autistic people reported in mental health hospitals keeps going up.”

Denial of rights:

In 2011, a BBC investigative program **went undercover** to film **serious abuse** at a private hospital in South Gloucestershire called Winterbourne View. According to the report, people at the hospital were “repeatedly pinned down, slapped, dragged into showers while fully clothed, taunted and teased.”

Last year, the same program exposed similar abuse at Whorlton Hall, where people with autism and learning disabilities were shown being **intimidated, mocked and restrained**.

“If you’re autistic, being in a hospital can be traumatic in itself — let alone in these circumstances,” Nicholls says.

On 12 February, the EHRC **launched a legal challenge**, accusing the U.K.’s Department of Health and Social Care of “repeated failure to move people with learning disabilities and autism into appropriate accommodation.” By doing so, the EHRC maintains, **the department is violating** the European Convention on Human Rights.

“This suggests a systemic failure to protect the right to a private and family life, and right to live free from inhuman or degrading treatment or punishment,” says the spokesperson.

The department received an extension until 17 March to respond to the legal challenge and sent a response by that date. However, the department and the EHRC both declined to reveal details of the response. A spokesperson for the EHRC says the organization is considering its next steps.

Dire need:

A September 2019 report revealed **a dire lack of support** for autistic people: 58 percent need counseling, for example, but only 21 percent get it.

“There is a crisis in social care funding, both for adults and for children,” Nicholls says. “Mental health services are stretched beyond capacity at the moment.”

One reason autistic people in the U.K. end up in hospitals is that social care workers transfer them there to deflect the costs of their care. Once an autistic person has been institutionalized, they can be released only when social care is in place, which is often unaffordable.

Another challenge is that the U.K. government defines autism as a ‘mental disorder,’ along with conditions such as schizophrenia, which means people can be hospitalized purely because they have autism. By contrast, people with neurological conditions such as stroke or epilepsy cannot be hospitalized against their will.

Many advocacy groups, including the National Autistic Society, say autism should also be classified as a neurological condition. However, that move could have an unwelcome consequence: Autistic people who exhibit challenging behavior might instead find themselves in the criminal justice system. “It does need to be reviewed,” Nicholls says.