

Oral presentation

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Ethical and legal issues in behavioral interventions for treating challenging behavior

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Objectives

This presentation aims to review current opinion regarding the ethics and law surrounding the use of behavioral interventions in people with Intellectual Disability (ID) in the UK and the wider international community. In particular the paper contrasts the position relating to adults with ID with that of children with ID.

Methods

The paper presents a selected review of the literature including Statute, Case law, authoritative works and the medical press.

Results

The use of behavioral treatments forms an important component of the management of individuals with ID and challenging behavior that prevents their integration into the community. Such interventions are useful in reducing the frequency and severity of challenging behaviors and the concomitant distress experienced by the individual and their carers. However the use of coercive treatment raises several ethical and medico-legal considerations particularly in relation to individuals who lack capacity. These include valid consent, capacity and the principle of best interest. Recent changes in UK legislation such as the Human Rights Act 2000 and the Mental Capacity Act have formalised the process that clinicians and other professionals must follow in order to make decisions for adults who lack capacity. However, this is not the situation with regard to children who lack capacity. Clinicians working with individuals below the age of majority are required to seek authority from differing sources including case law and best practice guidelines.

Conclusion

Practitioners as well as other caregivers are working within very complex theoretical and practical issues. In addition to this there are marked discrepancies in the literature relating to the use of coercive treatments in adults and children with ID that further contributes to the complexity.