

Experiences of the ID(CCR)Act 2003

Constructing the lives of 'care recipients'
under the ID(CC&R)Act 2003:
A discourse analysis.

Amanda Smith and Gary Wyatt

What is the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003?

- Prompted by amendments to mental health legislation
- An Act for individuals with an intellectual disabilities who are going through the CJS
- Designed to fill a gap – does it?
- A unique departure from other western jurisdictions
- Very strict criteria regarding eligibility
- Alternative to incarceration

Why research?

- New legislation – no research examining the implementation
- Interesting departure internationally
- What impact does being a ‘care recipient’ have on peoples lives?
 - Social conditions
 - Material conditions

The question that will be explored in the current research is...

‘What discourses come into play when participants speak about care recipients under the Intellectual Disability (Compulsory Care and Rehabilitation) Act and how do those discourses construct individuals who are subject to the Act?’

What does this question mean?

Or what is my methodological framework?

- Qualitative research – based on what people tell me about their experiences.
- Social Constructionism framework – underlying belief that we live in a socially constructed world (Willig, 1999)

Social Constructionism

- Critique taken-for-granted knowledge
- Knowledge is both located within and produced by a specific cultural context
- Knowledge is constructed through our social interactions with each other
- In any interaction a number of constructions are possible (Burr, 2003)

Discourse Analysis – Discourses?

- The ways that an issue or topic is ‘spoken of’, through speech, texts and practice.
- These ways of speaking build up a picture
- Multiple discourses at play
- Discourses are productive and constitutive creating a particular version of the truth
- What do these ‘truths’ tell us about ‘care recipients’?

Who were my participants?

Group 1 (7)

- “Care Recipients”
- 6 months prior to or following expiry of compulsory care order.

Group 2 (8)

- People who work with individuals under the Act.
- Included backgrounds in law, psychiatry, psychology, nursing, support and advocacy.

Demographics

Group 1

- Maori, NZ European and South African.
- Age range – 19 to 45
- Mean - 30

Group 2

- Maori, Scottish, Irish, English, NZ European
- Age range – 34 to 65
- Mean - 48

History (for CR's)

- Length of order – 12 months to 3 years.
 - Original charges range from burglary to sexual offending.
 - CR interviewed reflect growing trend of younger males
-

Early identified themes as reflected by care recipients

1. Transition 'in'
2. Right relationships – trust, equality and respect, reciprocity, consistency.
3. Small Freedoms versus big
4. Transition 'out'

1. Transition 'in'

- Inclusion criteria six months prior/following expiry

- **Going to court**

“The only thing I understood was the judge saying my name (CR, 2010).”

Entering services

“I wasn’t ready to talk to any of the staff or any of the boys. I only just [...] sit under and did my stuff. Because I just kept to myself (CR, 2010)”

“But being in the service I don’t feel like, well once she took me in there the first time I was not happy at all. I was not happy. I really wanted to take off with M and just go home you see (CR, 2010)”

2. Right Relationship

Key elements as described by care recipients:

Trust –

- “Disability or no disability you can both lie, it doesn’t make any difference (CR, 2010).”
- In the person’s eyes I can tell the difference who’s more honest and who’s more trusted. They are, he’s not. So you can, it’s just the eyes that you know that you can trust people (CR, 2010).”

- Equality

“Well because she’s much more easy to get on with because, I trust her because she’s much more herself. She’s not, just um, know it all (CR, 2010).”

- Reciprocity

“But when it comes to J she’s really with me. I’ll stand right next to J whatever happens to me (CR, 2010).”

- Consistency

“It’s like I don’t want a change from one person to another. Once I have one person that’s it. Then the next minute, don’t change it that’s it (CR, 2010).”

3. Small freedoms

- Bed time – natural versus aversive consequences and the reality post service

“when I get waken up out of my bed well my god don’t ask me, don’t blame me if I go off the deep end (CR, 2010).”

- Control versus management of risk

“The rules, being controlled. Being told, get up now, eat now (CR, 2010).”

- Some behaviours reflective of age rather than inherent ‘risk factors’

“Oh just, yeah some, some of the staff were just like, could be like, some were real nice and some were just real, real strict you know what I mean(CR, 2010)?”

“I’m not going to hand you over my books thank you very much. Said, I’m very, very fussy when it comes to my um bank books stuff. When it comes to somebody else looking into it. I don’t trust them at all (CR, 2010).”

Case Study - Paul

- 16-year-old South African male
- Living in NZ since 2004
- Prior to CR status had always lived at home with family
- Two charges of sexual offending
- Parents opposed to compulsory care

Issues

- Negotiating buy in with family
- Age mix
- Therapy
- Legal constraints
- Control versus support

4. Transitioning 'out' – Personal change

“That’s what, that’s what they called it. Yeah. Rehabilitation is like, you know, making sure that you, you having a shower and you know you’re brushing your teeth (CR, 2010).”

“I didn’t used to read and read and write and, spelling and that (CR, 2010).”

“I’ve had enough of going backwards, just got to look forward. Just staying out of trouble and those bad things (CR, 2010).”

“Oh it’s a good thing because you can change your life and deal with gangs and stuff. It’s good to change. It’s pretty cool, freedom. Just pride myself getting out of the gangs (CR, 2010).”

Where to from here?..

- Discourses will be identified that are evident in ID(CC&R)
- Analysed for the following:
 - Identities
 - Power relations
 - Social relations
 - Discursive practices
 - Material conditions

Need for more research!