

# Ending the Detention of People with a Learning Disability and Autistic People Update December 2025

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## Introduction

There are currently over 2000 autistic people and people with a learning disability in mental health Assessment and Treatment Units (ATUs) with 92% of this group detained under the Mental Health Act (1983) ([National Autistic Society](#)).

Although expert opinion concurs that ATUs are inappropriate for these cohorts, people are often detained for many years (4.7 years on average), far from family and community, and too many are exposed to restrictive practices, isolation and over-medication ([VoiceAbility](#)) ([Hansard](#)).

## New Legislation

The new Mental Health Bill passed on the 8 December 2025, is a meaningful step forward in stopping the unnecessary detention of people with a learning disability and autistic people in mental health settings. However, the Government has stated that changes to the detention criteria used will only happen once there is sufficient community care and support in place.

**We therefore need central and local government action to ensure essential community care and support is in place, when and where it's needed.**

The Government has committed to working with people with lived experience, families, providers and others in the sector to develop a roadmap for change, but concurrently, VODG proposes:

- The Secretary of State for Health and Social Care appoint a lead individual and/or agency to immediately halt inappropriate use of long-stay ATU provision. The lead will:
  - Champion Government prioritisation of community-based support for this cohort within policy, regulatory and commissioning guidance.
  - Secure investment in social care capacity and community-based support by identifying ways to reroute existing funding flows from costly (often privately-run) ATUs ([VODG](#)).

- Work with the CQC to explore regulatory powers that can be used to drive improvements.
- Work across government to address barriers hindering the swift development of community-based alternatives, for example, freeing up housing and land stock through the NHS and Homes England.
- Monitor impact to ensure a reduction in inpatients by at least 50% by the end of this Parliament.
- The Department of Health and Social Care adopts the principles set out by the Department for Education in *Keeping Children Safe, Helping Families Thrive* ([2024](#)) to not tolerate “excessive profiteering” in service delivery; to encourage voluntary sector providers and ethical investors; and reduce barriers to creating/maintaining affordable provision.
- The Minister for Disability continues to utilise cross-government influence to hold Departments to account for the changes needed.