

## **UPDATED MENTAL HEALTH ACT MUST PROMOTE CIVIL RIGHTS, NOT DAMAGE THEM, SAYS ALLIANCE**

**Embargoed until 11.30 hours, 23 March 2006**

“The Government’s decision to abandon much of its controversial draft Bill is an unprecedented change of plan, but some of its proposed amendments to the current Mental Health Act are cause for concern,” Mental Health Alliance chair Paul Farmer said today.

“The decision to abolish the treatability test risks increasing compulsory powers unnecessarily for people who will have no therapeutic benefit from being deprived of their liberty. The lack of any provision for race equality or for independent advocacy in the Government’s plans is also extremely worrying.

“We welcome, however, the decision to limit the use of compulsory powers outside hospital and to abandon plans to reduce the power of families over how people are treated. Those changes are a recognition of the eight years of campaigning our members have undertaken.

“Our 77 members, and the thousands of people they represent and support, will be heartened by the Government’s decision to abandon many of its previous plans for a Mental Health Bill. But they will be anxious about what will come in its place and must now be given the chance to shape the new Bill.

“We are now in uncharted waters. The Government’s plans to bolt-on these amendments to an outdated Mental Health Act will need careful consideration and full consultation. We will continue our campaign to ensure that the amended Act both respects civil rights and protects the public.

“The Mental Health Act is one of the few pieces of legislation that can deprive people of their freedom without their having committed any crime. It must be amended with care and with the full involvement of all those who will have to live with it in the coming years. We urge the Government to work with us to make this outdated Act fit for the 21<sup>st</sup> century.”

Members of the Mental Health Alliance today gave their views about the decision to amend the current Mental Health Act:

Andrew McCulloch, chief executive of the Mental Health Foundation, said:  
"We warmly welcome the fact that Government has at last listened to the real experts - professionals, service users and carers - and abandoned its unworkable proposals. We look forward to working with them to help update the 1983 Act which is out of date but was fundamentally sound in its day. In doing so we must pay attention to the wider issues including the poor quality of most of our psychiatric hospitals and the over-representation of black people in the mental health care system. We must not allow existing

legislation to be undermined through amendment - instead we will fight for major improvements"

Sophie Corlett, director of policy at Mind said: "We are pleased that the Government has listened to mental health organisations and dropped a draconian Bill. Mental health legislation, to be effective, and to be fit for a civilised society, most be based on dignity, human rights and compassion. But we still have concerns about the new proposals. If the government is to get this right, it's essential that they continue to listen to the views of mental health organisations, professionals, and people with experience of mental health problems. This is particularly important if we are to get a tribunal system that will effectively safeguard the human rights of people affected by these laws."

Cliff Prior, chief executive of Rethink, said: "we are giving a cautious welcome to the news that the government intends to drop the draft mental health bill that has united so many in opposition to it over the past 8 years. However, we are extremely concerned that the new proposals to amend the 1983 Act will merely serve to change the process for this bill and not fundamentally change the content. Rethink is calling for a workable and ethical solution to providing the proper care and treatment that people deserve in the 21<sup>st</sup> Century. It seems that they have kept all of the bad elements of the original proposals and left out all the good. Any change in legislation must include a right to advocacy and a right to care and treatment. Merely tagging on to the old legislation the bits that were proposed in the draft will simply undermine efforts to improve the lives of those affected by mental illness."

Dr Tony Zigmond, Honorary Vice-President of the Royal College of Psychiatrists said: "We welcome the government's change of heart. The 2004 draft Bill alienated many of us in the mental health sector from the process of reform. An ethical, non-stigmatising and workable Mental Health Bill is achievable and must continue to be our aim. I hope that we can now all work together to improve legislation and services."

Angela Greatley, chief executive of the Sainsbury Centre for Mental Health, said: "The Government's decision to revise its plans for the Mental Health Act provide an important opportunity to bring forward a more workable alternative to its previous proposals. But the devil will be in the detail. We need to see proposals to promote race equality and to give people with mental health problems a right to independent advocacy. The feasibility of the workforce reforms will also need to be investigated in great detail before this legislation is brought forward."

Marjorie Wallace, chief executive of SANE, said: "While we believe it has been an expensive missed opportunity that the Government has failed to deliver much needed reforms, we welcome some of the new measures provided they are matched by increased resources for the struggling mental health services. We are disappointed that the changes do not include more positive rights, because we believe it has been the failure to respond to disturbed people in crisis which has been a major cause of the rare tragedies which appear to have driven the Government's agenda. We hope these

measures will mark a new start in improving care and treatment for mentally ill people and ensuring that their families do not continue to be ignored.”

Lord Adebawale, Turning Point Chief Executive, said: “Turning Point welcomes the government’s decision to amend the 1983 Mental Health Act rather than press ahead with the proposed new bill but we still have significant concerns. Even with the amendments to the 1983 Act, we will still see too many people from black and ethnic minorities being detained. There must be a full Racial Equality Impact Assessment and effective measures taken to tackle this inexcusable discrimination. We know that people from black and ethnic minorities face glaring inequalities in the mental health system. They are far more likely to be detained or secluded and they are disproportionately represented in mental health.”

Su Sayer, chief executive of United Response, said: “We welcome the government’s decision today to publish a bill to amend the 1983 Act. But we continue to believe that everyone with a mental health need has a right to early intervention and assessment. Early intervention plays a crucial role in providing people with the support they need and want. It is essential that where possible, people are supported to speak out and exercise choice about the types of support that suit them best. We are pleased that in today’s bill the government has recognised that people with learning disabilities have their own individual needs.”

**-ends-**

### **Notes to Editors**

To arrange an interview with a member of the Mental Health Alliance please contact Martin Ball on 020 7061 3458 or 07740 488576 or Joanna Squires on 020 7061 3456.

For other media enquiries to the Alliance contact Andy Bell on 020 7827 8353 or 07810 503638.

The Mental Health Alliance is a coalition of 77 organisations working together for a better Mental Health Act. This month it launched the *Stand Up for Mental Health* campaign with a new web site, a public petition (which together with Mind’s companion petition now has over 1,000 signatures) and an Early Day Motion proposed by Lynne Jones MP with 120 signatures.

The website is available at [www.mentalhealthalliance.org.uk](http://www.mentalhealthalliance.org.uk).

Members of the Mental Health Alliance:

**Core members:** Afiya Trust; British Association of Social Workers; British Psychological Society; Caritas Social Action; College of Occupational Therapists; Ethnic Health Forum North West; Hafal; IMHAP; King's Fund; Manic Depression Fellowship; Mental Health Foundation; Mental Health Nurses Association; Mind; National Autistic Society; NUS; Rethink severe

mental illness; Revolving Doors Agency; Richmond Fellowship; Royal College of Nursing; Royal College of Psychiatrists; Sainsbury Centre for Mental Health; SANE; SIRI; Together; Turning Point; UK Federation of Smaller Mental Health Agencies; UKAN; UNISON; United Response; Voices Forum; Witness; Young Minds;

**Associate members:** The 1990 Trust; ADSS; African Caribbean Community Initiatives; Age Concern England; Alcohol Concern; AWAAZ (Manchester); AWETU; BME Mental Health Network; British Institute of Human Rights; British Medical Association; Carers UK; Church of England Mission & Public Affairs Council; Confederation of Indian Organisations; Democratic Health Network; Depression Alliance; Drugscope; East Dorset MH Carers Forum; Family Welfare Association; GMC; Haldane Society; Having a Voice; Homeless Link; Imagine; HUBB; JAMI; Justice; Law Society; LGA; Liberty; Manchester Race and Health Forum; Mencap; NHS Confederation; Race on the Agenda (ROTA); RADAR; Royal College of GPs; Sign; Social Action for Health; Social Perspective Network; Somali Mental Health Project; Southdown Housing Association; Supporting Carers Better Network; University of London Union (ULU); UK Council for Psychotherapy; West Dorset Mental Health Forum; Women in Secure Hospitals (WISH).