

Draft Mental Health Bill, Letter from Campaign Headquarters, Number 1

Colleagues will be aware of the considerable unity of opposition to the Bill. I must emphasize that this briefing deals only with the situation in England and Wales. The Scottish position is entirely different (for 'different' read 'better'). You should all have received a letter from the President and me setting out a number of concerns in relation to the Bill. We also wrote a somewhat fuller letter to the Chief Executives and Medical Directors of all Mental Health Trusts and PCTs to assist them in responding to the Consultation Document. The College's response to the Department of Health was prepared by the Law Sub-Committee chaired by Professor Nigel Eastman. A copy of this is available on the College web site.

We have received over 70 responses from you, all but one being extremely supportive of the College's stance. Many of you also copied your responses to the DoH (which received nearly 2000 responses altogether). It is essential we continue to hear your views both to ensure we represent your hopes and aspirations and as a continuing source of new ideas and issues. We have also received written support from a number of other organisations.

The College has joined the Mental Health Alliance, an organisation which now represents 55 professional bodies, voluntary organisations and user and carer groups.

Our President has expressed our concerns, both in writing and personally, to the Minister, Jacqui Smith. In addition to the many occasions our views have been quoted in the Press, we have had articles published in the Independent on Sunday (a newspaper which is being particularly supportive) and the Daily Telegraph. Articles have also been published in pH7 (the Parliamentary Health magazine), Parliamentary Monitor, which was included in the delegate pack given to all attendees at all the Party Conferences, and Hospital Doctor. We have given interviews on radio and television.

On August 7th the College was host to a meeting organised by the President for all interested parties in relation to opposition to the Bill. There were representatives from the Mental Health Alliance, the Law Society, professional bodies representing Nurses, CPNs and Social Workers, the Chairman of the Mental Health Act Commission, representatives from MIND, MACA, the Sainsbury Foundation and the Confederation of Health Service Managers in addition to other voluntary groups and user and carer organisations. There was unanimity of purpose.

The College has had representatives at the Conferences of the three major Political Parties. Roger Freeman and I attended the Labour and Conservative Conferences, and he also attended the Liberal-Democrats (whilst I spoke to the MHAC conference). For those of you who are Party Conference virgins (as I was) it has been extremely interesting. I must be careful as I don't wish to display my personal politics. I will, however make the following observations. First the scale of the conferences. The number of stands, fringe meetings and lobbying organisations is considerable, greater at Labour (presumably because it is more important to lobby the government than the opposition). It would be possible to attend meetings from 8.00 am to 10 pm (and there may be up to 10 fringe meetings at any one time), and eat and drink (alcohol) at every one. Secondly I was struck by the security. Thirdly I was impressed by the quality of the hotel in Blackpool at £25.00 per night including breakfast and by the illuminations. The sea and palm trees are more attractive at Bournemouth although the weather was very much warmer at Blackpool. Finally I have to report that Ex-President Bill Clinton is awesome. He made me go weak at the knees.

It is worth mentioning that I took part in a debate with the Minister, Jacqui Smith, at a fringe meeting at the Labour conference. She stated clearly that the government believes the Criteria for compulsion need amendment (she also said I was offensive with my quoted comments in the Independent on Sunday about the Bill being morally indefensible and ethically corrupt). She acknowledged, privately, that “something has gone wrong with the process”. Oliver Heald, the opposition junior minister and his boss, the shadow Secretary of State for Health, Liam Fox, both stated their opposition to the Bill (and their support for greater expenditure on mental health services). Evan Harris, Liberal Democrats spokesperson, expressed particularly well informed opposition to the Bill. We are promised considerable support in the House of Lords (whether it will be enough to delay the Bill, if it is introduced, I cannot say).

We have attended meetings with Members of the Parliamentary All Party Mental Health Group. A mass lobby of Parliament, organised by the Mental health Alliance took place on October 23rd at which Roger Freeman spoke.

By the end of October we were assured that there would be genuine negotiations, at least in relation to the criteria for compulsion set out in the Draft Bill.

Then, at a conference organised by the Zito Trust, David Blunkett, Home Secretary, said the Draft Bill is excellent, does not need amending and that the professions are looking after their own interests rather than the needs of society. Following this the President and I met Jacqui Smith and asked about the process for negotiations. She declined to tell us.

The next event was a report from the Joint Committee of the Lords and Commons which declared the Draft Bill is likely to contravene the Human Rights Act. Followed two days later by the surprise omission of the Draft Bill from the Queen’s Speech. Any possible relief was short-lived as, the day after, Alan Milburn announced the Bill is still to be introduced to Parliament this year.

What does all this mean? I confess I don’t know.

There is to be a series of meetings between representatives of the Mental Health Alliance and Louis Appleby and Anthony Sheehan. Up to 40 or more people will attend these meetings and so they might not be ideal for detailed discussion. The Alliance, with us as members, are continuing to meet to formulate both policy and strategy. The College is hosting a further meeting for interested parties on November 27th.

We must continue to define and refine what we want in a new Mental Health Act. Should new legislation be based on incapacity or at least on impaired decision making (as in Scotland)? (It is interesting to speculate as to whether or not Gretna Green will once more become a place to escape to if the Act on the two sides of the Border is so different that people who meet the criteria for compulsion on the English side do not do so on the Scottish side). Is a ‘treatability test’ useful/necessary? Do we want Community Treatment Orders? I have chosen these three examples because I think they are fundamental to the Bill and it is likely that the views of colleagues differ. Should you wish to express your views on these questions, or any other aspects of the Bill or how you would like it amended, please do so via mha@rcpsych.ac.uk or in writing to me at the College.

As our proposals continue to develop so we will continue trying to influence Government, Opposition (both Official and unofficial) and, as the Bill passes through its stages, Parliament.

I will keep you informed.

Tony Zigmond
College lead on the Mental health Bill
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