

Draft Mental Health Bill, Letter From Campaign Headquarters, Number 4

Another year over, a new one just begun - at least in Parliamentary terms. A great deal has happened since my last newsletter.

The Draft Mental Incapacity Bill.

One of the procedural options open to a Government is to put a Draft Bill before a Joint Select Committee of both Houses of Parliament for what is called pre-legislative scrutiny. The Committee takes both written and oral evidence and then advises Government on the provisions that should, or should not, be in the Bill (and hence Act). This procedure is used for complex issues when the policy objectives are clear and agreed. An example was the Adoption Bill. Difficult to get right but everyone is agreed about what is needed. The same applies to the Draft Incapacity Bill (most of us would have liked – would still like – the Mental Health Bill to go through the same process. Of course our policy objectives and those of the Government may not be the same for this Bill).

The College gave both written and oral evidence to the Joint Committee. The College's slot for giving oral evidence was alongside the British Psychological Society. The BPS sent five psychologists, the College sent me (with Rob Jones and Gregg O'Brien sitting behind me, for passing notes and moral support). The BMA gave evidence earlier that afternoon. I found it a very anxiety provoking experience although the Committee members were charming. It is fair to say that I was able to cope for two reasons. I should explain that approximately 2 days before appearing you are sent the list of questions which you will be asked (they then add supplementary questions). Having done my homework, by reading transcripts of previous sessions, I realised that the Committee were unaware of most of the matters which concern us. Without boring you with details they included such issues as the interface between this Bill and the Mental Health Bill, giving treatment for physical illness to incapacitated non-compliant patients, Bournemouth Gap scenarios and so on.

Fortuitously Agnes Wheatcroft (the College's parliamentary officer) had organised a dinner at the Labour Party Conference. Amongst the guests were two members of the Joint Committee. We explained our concerns. Following the dinner they had discussions with other members of the Committee. The list of questions we finally received addressed all the areas we wished to speak about.

The second reason was the support from colleagues. In particular I must mention; Roger Freeman, Rob Jones, Greg O'Brian and, as always, Mike Shooter,

The College's written evidence is available on the College web-site.

<http://www.rcpsych.ac.uk/new/index.htm>

A transcript (uncorrected) of the oral evidence is on Parliament's web-site at

<http://www.publications.parliament.uk/pa/jt/jtdmi.htm>

It is worth noting that the Bill, which is welcomed by the vast majority of organisations involved with health and social care, is bitterly opposed by a group of 'Right to Life' organisations which perceive it as opening the door to euthanasia.

The Joint Committee is due to report by the end of November.

The Draft Mental Health Bill

First I must mention the Party Conferences. Roger and Agnes attended the Liberal-Democrats (as last year I had to attend another conference at that time). They, the Lib-Dems, are with us.

The three of us then went to Bournemouth for the Labour conference with our President joining us to host the dinner. Of course there is a new Ministerial team at the DoH. The Minister responsible for the Bill is Rosie Winterton. Prior to her current appointment she was the Minister in the Lord Chancellor's department (now the Department of Constitutional Affairs, known as DeCAff) responsible for introducing the Draft Incapacity Bill. I spoke on the same platform as the Minister at a fringe meeting. We also had a private meeting with her. Contacts were made or renewed with other (hopefully) significant people, both MPs and Peers. I have no doubt that having made contacts last year was very helpful in increasing the value of this year's meetings.

The three of us then went on to Blackpool and the Conservatives. The weather was awful. Contact with the Shadow Minister was helpful. Hearing the Party Chairman in her opening address to the conference talking about "loonies" and "nutters" (albeit in reference to Lib-Dem policies) was painful. Agnes and I left early to enable us to get to the Houses of Parliament for me to give my evidence, described previously. Roger was rewarded for manfully staying on – "I will long remember the flocks of about to migrate starlings swooping around me on a windswept and nearly deserted Blackpool North Pier".

The Tories have stated that if the Mental Health Bill is not in the Queen's Speech they will introduce their own Bill.

Where are we with the Draft Mental Health Bill? I don't know. The Minister has been accessible and is very well informed. She has established a further series of meetings at the DoH which she attends. They are covering such areas as; patient safeguards, criteria for compulsion, ECT, community treatment orders, offenders and compulsion in prison. The Minister listens and asks questions. In a brief debate in the Commons on mental health services she stated "In my discussions with organisations from the Mental Health Alliance, we are reaching a consensus over some of the principles and we are discussing some of the practicalities of how the legislation will work." At a subsequent private meeting Mike and I had with Rosie Winterton we asked what she meant by "consensus". I think the best way to describe her answer is to say that it was bland.

I have no idea whether or not the proposals in the Draft Mental Health Bill will be altered. We have been given no indication of any changes. I can say that we currently have a degree of dialogue with the DoH which was notably absent previously. Of course we don't even know which department (Health or Home Office) is in the driving seat.

The Queen's speech is on November 26th. By the time many of you read this we will know which, if either or both, of the Bills are listed. It is important to remember that absence from the speech does not mean a Bill will not be introduced. All three departments (Health and Home for the Mental Health Bill and DeCaff for the Incapacity Bill) have teams of civil servants working on their respective Bills.

I will keep you informed.

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