

Rt Hon Sajid Javid MP
Secretary of State for Health and Social Care
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

cc The Rt Hon Rishi Sunak MP, Chancellor of the Exchequer

22 September 2021

Re: Advocacy in reforms to the Mental Health Act

Dear Secretary of State,

We welcome your commitment to bring the Mental Health Act into the 21st century and the emphasis within the white paper on strengthening and supporting the voice of people who are in hospital for mental healthcare. In order to ensure the realisation of that vision, we write to you to urge you to make an unequivocal commitment to improving access to Independent Mental Health Advocates (IMHAs) as part of the reform of the Mental Health Act. In practical terms, this can be implemented by the following measures:

- Legislating for 'opt-out' advocacy so people automatically get support from an advocate when they are admitted to hospital, rather than having to ask for one, but can still choose to 'opt-out' if they don't want an advocate
- Extending the right to an advocate to voluntary patients, who are often on locked wards and subject to restrictions and coercion, as is already the case in Wales
- Ensuring all IMHAs have high quality training and support, including in age and culturally-appropriate advocacy and advocacy for people with a learning disability and autistic people

We warmly welcome the recent commitment to "take forward legislative changes to extend eligibility of IMHA services to all mental health inpatients, including informal patients". However, we are concerned that the government has committed only to "consider the requirements needed for an opt out service" in its recent response to the white paper public consultation. The independent review of the Mental Health Act concluded that an opt-out approach was "essential".

Improving access to advocacy is an important element in fulfilling the manifesto commitment for people to "have greater control over their treatment and receive the dignity and respect they deserve". We ask you for reassurance that both 'opt-out' and the extension to voluntary patients will be fully funded and legislated for as part of this once in a generation reform of the Mental Health Act, in order to ensure that people admitted to hospital or on a Community Treatment Order can understand and exercise their fundamental human rights.

We look forward to hearing from you.

Yours sincerely,

Jonathan Senker, Chief Executive, VoiceAbility
Paul Farmer, Chief Executive, Mind
Mark Winstanley, Chief Executive, Rethink Mental Illness
Akiko Hart, CEO, National Survivor User Network
Kathy Roberts, CEO, Association of Mental Health Providers
Caroline Stevens, Chief Executive, National Autistic Society
Edel Harris OBE, CEO, Royal Mencap Society
Sean Duggan, CEO, NHS Confederation's Mental Health Network
Natalie Bailey, Chair, British Association for Counselling and Psychotherapy (BACP)
Sanchita Hosali, Director, British Institute of Human Rights
Jabeer Butt, Chief Executive, Race Equality Foundation
Derek Caren, CEO, Richmond Fellowship and wider Recovery Focus group of charities
Mark Rowland, Chief Executive, Mental Health Foundation
Andy Bell, Deputy Chief Executive, Centre for Mental Health
Marjorie Wallace CBE, Chief Executive, SANE
Fay Maxted OBE, Chief Executive, The Survivors Trust
Vivien Cooper OBE, CEO, The Challenging Behaviour Foundation
Linda Bryant, Chief Executive, Together for Mental Wellbeing
Carolyne Willow, Director, Article 39
Rita Waters, Group Chief Executive, NYAS
Jon Wheeler, CEO, Advocacy for All
Ewan Hilton, Chief Executive Officer, Platform
A Rauf, CEO & Head of Research, Strategies & Innovation, Ethnic Health Forum
Simon Kitchen, CEO, Bipolar UK
Leigh Wallbank, Chief Executive Officer, OCD Action
Alun Thomas Prif Weithredwr/Chief Executive, Adferiad Recovery
Dr Dan Robotham, Deputy Research Director, McPin Foundation
Peter Kinderman, Professor of Clinical Psychology, University of Liverpool
Laurie Rackind, Chief Executive, Jami
Suzi Henderson, CEO, Cloverleaf Advocacy
Matthew Hilton, CEO, The Advocacy People
Kate Harvey, CEO, Onside Advocacy
Philip Bramson, Chief Executive, The Advonet Group
David Blacklock, Chief Executive Officer, People First Independent Advocacy
David Woolley, Chief Executive, Your Voice Counts
Helen Moulinos, Chief Executive, POhWER
Joyce Kallevik, Director, Wish
James Voller, Chief Executive, Solihull Action through Advocacy
Mandy Taviner, Manager, Warrington Speak Up
Kate Mercer, Director, Black Belt Advocacy
Rachel Hill, Advocacy Manager, Swindon Advocacy Movement
Jacqui Jobson, Director, Jacqui Jobson Consulting
Claire Camplin, Advocacy Team Leader, Disability Advice Service Lambeth
Cherry Pedler, Manager, Community Support Network South London
Amanda Brooks, Head of Service - Advocacy, n-compass
Leanne Hignett, Service Delivery Director, Advocacy Focus
Diana Evans, Blackpool Advocacy Hub Manager, Empowerment
Patricia Curran, Advocacy Service Manager, York Advocacy Hub
Ben Whalley, Head of Operations, Gaddum
Patsy Corcoran, Community Advocacy Manager, Asist
Duncan Double, Retired Consultant Psychiatrist