

A response From the National Survivor User Network (NSUN)

Interim report for the Independent Review of the Mental Health Act

As the national user-led mental health charity, NSUN very much welcomed that Government seeing the need for a review and is has taken a close interest in it. We know of the improvements which have been put forward in the interim report to be talked about more.



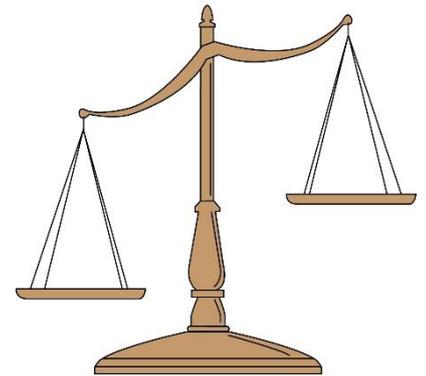
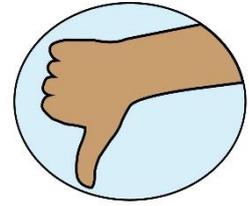
Some of these improvements are more decision-making powers for service users, **advance directives** being stronger, service user choice on choosing the 'nearest relative' and better support.



Advance directives: this is when you decide beforehand who you would want to make decisions for you in the case that you can no longer make decisions for yourself.

However, we also have big worries about the way things are being done:

- The **Terms of Reference** for the Review make an important point of **co-production** with service users who have lived experience of **detention** and **compulsory treatment** and this has certainly led to service users taking part. However, we have not found this to be equal with professionals. We support co-production based on equality



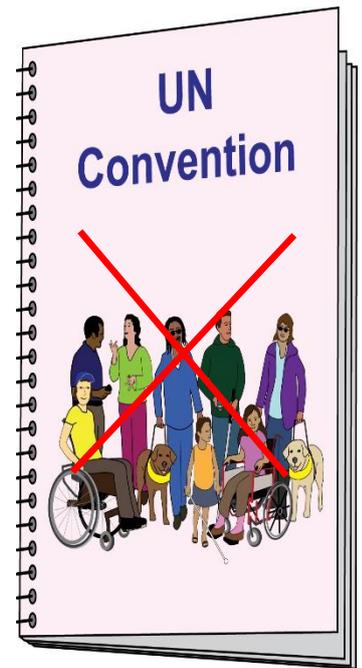
Terms of Reference: this is a document which tells us what the review is there to do, how it should be done and what the limits are to what it can do.

Co-production: this means working together with the people that use or are affected by services or decisions in a real way.

Detention: this means being held by the state, this could be in a hospital, a unit or in prison.

Compulsory treatment: this is a court order which means that a person must get treatment.

- The interim report focuses on improvements to the Mental Health Act 1983. However, it does not look at working to the **United Nations Convention on the Rights of Persons with Disabilities**. This is a human rights model of disability and would bring an end to detentions, substitute decision-making; this is a list of people who can make decisions about a person's treatment, and compulsory treatment.



United Nations Convention on the Rights of Persons with Disabilities: this is an agreement that the UK Government signed up to, to push forward Disabled People's rights.

This is possibly not surprising, given the Review's Terms of Reference and the focus on keeping closely to this and on writing consultation information which does the same. As well as this, the short time frame for the review has been a big barrier to making important changes. However, it is very disappointing that a real chance to bring the Act and related services into line with human rights is being missed.



- Politically it is worrying too. Brexit will lead to losing rights under the European Union Charter of Fundamental Rights. As a result, mental health service users' access to **supranational institutions** for support in accessing equal human rights, will be harder.



Supranational Institutions: here, these are organisations that are part of the European Union that member countries can use for support, such as the European Parliament or the European Courts.

- There are problems with the information collected and information in the report, as well as information from service users who experience many disadvantages. Some of the groups who were not properly able to take part are:



- Black, Asian and other minority ethnic service users with lived experience of detention and compulsory treatment
- and/or people who have more than one type of disability
- Older people
- Trans people
- People who live in poverty



We are calling for these important gaps in information to be dealt with and for evidence to be looked at in a fairer way, especially evidence from people with bad experiences of detention.

