

Mental Health Law Briefing

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Solicitors

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Mental Health Act 2007: Independent Mental Health Advocates

The Mental Health Act 2007 provides a statutory right to access an Independent Mental Health Advocate (IMHA) for patients who are subject to certain aspects of the Mental Health Act. It is intended that the IMHAs are an important new safeguard to help and support patients understand their rights and exercise these. IMHAs will therefore be available for most detained patients and those on supervised community treatment or guardianship.

The Minister for Social Care, Phil Hope MP, made a written ministerial statement on 16 December 2008 in support of the regulations laid before Parliament that day to implement the IMHA regime from April 2009. This provides that Primary Care Trusts will be responsible for commissioning IMHA services which are to be available nationally from 1 April 2009.

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The IMHAs' role will (in summary) be to help patients to obtain information and understanding regarding:

- The basis for their detention.
- The conditions or restrictions on their detention.
- Proposed treatment, why it is proposed and the basis for it.
- Their rights under the Act.
- Help in exercising those rights.

Further details regarding the role of the IMHAs is set out in Chapter 20 of the Code of Practice.

For more information on Mental Health Law contact Andrew Parsons at RadcliffesLeBrasseur on 020 7222 7040, or email andrew.parsons@rlb-law.com

Out of office emergency advice available 24hrs on 07802 506 306.

Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

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