

Advocacy in Birmingham for people with Mental Health Issues

Advocacy and Suresearch

I am suggesting that Suresearch conduct a mapping exercise of advocacy services for people with mental health issues in their local area.

Why?

1 This exercise would enable us to use the strength of the Suresearch membership across the West Midlands. It would also mean we would have a database of Member's mental health trusts and local authorities.

2 It could also serve as something we could put in our "shop window", that is, on our Website, to show the type of work we can do.

3 It may be possible to "sell" this exercise to a body (such as the Strategic Health Authority), once it is underway. However, I am not suggesting we try to get it commissioned before starting the exercise, mainly because of points **1** and **2**.

4 It would be a very useful source of information that could be used by mental health Service users/survivors, carers and allies.

I have been undertaking this task in Birmingham for the Birmingham LINK and it is amazing how much I learned in doing so.

Introduction

In June 2009, I volunteered to undertake a mapping exercise of advocacy services for people with mental health issues in Birmingham. This was carried out for the Birmingham LINK Mental Health Working Group. This report was completed in December 2009. All the opinions expressed are my own and not those of Birmingham LINK.

There are four categories of advocacy services for people with mental health issues.

- **Independent Mental Capacity Advocates (IMCA's)**. Established under Section 35 of the Mental Capacity Act 2005 came into effect April 2007. A related but different role is that of the Relevant Person's Representative (RPR), established in April 2009 because of the Deprivation of Liberty Safeguards (DOLS), Mental Health Act 2007 amendments to the Mental Capacity Act 2005.
- **Independent Mental Health Advocates (IMHA's)**. Established under Section 130A-D of the Mental Health Act 1983, (as amended by the Mental Health Act 2007) came into effect April 2009.

General mental health advocacy. This can be regarding any issue depending on the advocacy service. It may be: crisis; long term; citizen; peer, or group advocacy.

{Only advocacy services that explicitly state that they include people with mental health issues as one of their target groups have been included in this exercise. This probably means some services that do provide significant advocacy to people with mental health problems are not included because of reputation or location. I have also excluded services that give only advice – though it should be noted that there is a fine line between some advocacy services and some advice services. These decisions were taken both for pragmatic reasons (of time) and to try to keep a tight focus to the exercise}.

- **Legal advocacy.** For people detained under the MHA 1983 solicitors (and others, including barristers) play a key advocacy role, at First Tier Tribunals (Mental Health), Reviews of Detention by Hospital Managers and in other legal proceedings. The Law Society has an accredited panel of solicitors and others who specialise in mental health law.

With both **IMCA's** and **IMHA's**, where certain criteria are met, there is a statutory duty to provide advocates. With general mental health advocacy there is a power to provide advocacy.

This report covers the first three of the above categories. Its findings are presented in three parts.

Part One provides an overview of the arrangements in Birmingham for each type of advocacy.

Part Two is concerned with the advocacy arrangements for inpatients in the Children and Adolescent Mental Health and the Learning Disability Services.

Part Three summarises the advocacy arrangements in the independent sector, that is, registered establishments which can take patients detained under the Mental Health Act 1983.

I then raise **four** issues of concern, before finishing with acknowledgements.

Part One

The IMCA and RPR services

When a person is assessed as not having the mental capacity to make a decision about serious medical treatment or a change of accommodation (including going to hospital for at least 28 days) and they do not have friends, family or unpaid carers able and willing to be consulted then an **IMCA** must be involved. Following the

implementation of the Deprivation Of Liberty Safeguards (DOLS), introduced by the Mental Health Act 2007 as an amendment to the Mental Capacity Act 2005 (in April 2009), there is also an obligation to appoint an **IMCA** when a person lacking capacity does not have friends, family or unpaid carers able and willing to be consulted, and a deprivation authorisation is sought.

There must be a consideration of whether to call the **IMCA** when a person without capacity does not have friends, family or unpaid carers able and willing to be consulted when that person is having their residential placement reviewed; or when there is an adult protection concern about somebody and either the subject, or the alleged perpetrator, is assessed as not having capacity.

The **IMCA** service is commissioned by Birmingham's Adult and Communities. It was established in April 2007. A lengthy pilot phase involved **Rethink** providing a front of office service, reception, taking referrals, while **Advocacy Matters** provided the advocacy. The service was re-commissioned until 2012 and now **Advocacy Matters** fulfils both functions (for all contact details please see Appendix 1). It covers individuals normally resident in Birmingham and residents who are placed by Birmingham **PCT**'s in independent hospitals in Birmingham.

Many of the early referrals were inappropriate, as they did not fit the categories for which **IMCA**'s were able to operate (see the figures for Birmingham below from the First National Report on **IMCA**'s). However the providers believe that the situation is improving as people become more familiar with the **IMCA** role

There is another small provider of an **IMCA** service in Birmingham. This is **Just Services Limited**, which has one advocate who assists older adults in Part 3 Residential accommodation or who attend the attached day centres. This provision is being made because the Local Authority is planning to close these facilities. The contract is until at least August 2010, with a possibility of it being extended to 2012.

The "First National Report on the **IMCA** service: April 2007-March 2008" gave the following figures.

Year total: 7,336 referrals, of which 5179 were eligible and 2157 ineligible (page 22). Birmingham had 126 referrals, of which 75 were eligible and 51 were ineligible. According to the "Nature of Client's Impairment" breakdown, 658 or 12.7% had "mental health problems" while a further 1,919 or 37.1% had dementia (page 25). So presumably, the former figure relates to so called "functional mental health problems". The total therefore is 49.8% of people referred had either "functional" or "organic" "mental health problems". Referrals for Birmingham from April 2008-March 2009 have almost tripled.

Following the implementation of the Deprivation of Liberty Safeguards (DOLS) an amendment to the Mental Capacity Act 2005, by the Mental Health Act 2007, a new role has been established. This is the Relevant Person's Representative (**RPR**). This RPR can be paid or unpaid and has been described as "akin to an advocate", (Blackstone's Guide to The Mental Capacity Act 2005, Peter Bartlett, Oxford 2008,

para 4.17).

Birmingham Adults and Communities have commissioned **Rethink** to provide a pilot **RPR** service from April 2009-March 2010.

The IMHA service

Any service user who is detained under: Section 2; Section 3; Section 35; Section 36; Section 37; Section 38; Section 45A; Section 47; Section 48 or Section 51 of the Mental Health Act 1983, becomes a qualifying patient entitled to the **IMHA**. As are people on Section 7 (Guardianship), Section 17A (Community Treatment Orders) or conditionally discharged under Section 42, Section 73 or Section 74 MHA 1983. Informal patients also qualify if a Section 57 treatment is being considered or an informal patient under 18 years if Section 58A (ECT) treatment is being considered.

The **IMHA** service is commissioned by the Birmingham Primary Care Trusts (PCT's). This service was established in April 2009. The current provider is **Friendship Care and Housing Advocacy**. There are four full time IMHA's. This service covers qualifying patients who are Birmingham residents or detained in NHS Birmingham Mental Health Hospital wards or units. Currently it does not cover qualifying patients in the Forensic Services in Birmingham.

There does not appear to be an **IMHA** service for forensic patients in Birmingham. There is a statutory duty to provide such a service. (see issues of concern at the end of this report).

General mental health advocacy service

This is commissioned both by the PCT's and the Local Authority.

Birmingham PCT's have commissioned **Friendship Care and Housing (FCH)** to provide this service. The service is called **Voice**. This service is for people aged 18-65 years. There are six full time advocates, two in each of the three Birmingham PCT areas. In each area one advocate is for Black and Minority ethnic communities and the second is for the other communities.

These advocates do not usually work with qualifying patients (subject to the MHA 1983) unless there are clear issues that do not relate to their detained status or treatment. They do not work with people aged over 65 years.

Birmingham Adult and Communities partly fund a number of Advocacy Services some under the Mental Health Grant and others under the Third Sector Grant.

Adults and Communities (Birmingham) Customer relations service of the Local Authority. This service deals with complaints. If appropriate and the service user agrees, an advocate is appointed to assist the service user through the complaints procedure. There are fourteen advocates who are independent, self employed workers.

Alzheimer Society Birmingham has recently been successful in obtaining funding from the Local Authority for a full-time advocate for people with dementia and their carers. This post has a citywide brief. The Alzheimer Society also has a number of Dementia Support Workers across the city. These workers, in the absence of explicit advocacy projects, also undertake informal advocacy for people with dementia and their carers.

Birmingham Citizen Advocacy (BCA) is funded by a variety of funding streams. The regional forensic services, Reaside and Ardenleigh have a general advocacy service provided by **BCA**. **BCA** also provide general advocacy to the Jasmine Suite, which is a regional service for deaf people with mental health issues. Reaside, Ardenleigh and the Jasmine Suite are all part of the Birmingham and Solihull Mental Health Foundation Trust .

Other **BCA** services are Asian Older Adults with mental health issues advocacy and a generic Older Adults with mental health issues advocacy. Finally, **BCA** run an Adults in Crisis mental health advocacy. These last three services are only for South Birmingham. **BCA** also trains volunteer advocates.

Birmingham Tribunal Unit (BTU). **BTU** is an independent voluntary organisation providing a free welfare benefits legal service. It is partly funded by the Local Authority. It provides advice and representation (advocacy) at Benefit Appeal Tribunals.

Citizens Advice Bureau (CAB). The **CAB** has a mental health team working with benefit and debt issues. It is commissioned by Birmingham Adults and Communities. It covers fifteen locations within the Birmingham and Solihull Mental Health Foundation Trust (BSMHFT). People have to be service users of the BSMHFT resource centre or mental health team to access the **CAB** team. The team consists of six case workers and a team leader. The following locations and mental health teams are covered.

Bridge House

Harry Watton House

Ladywood Community Mental Health Team

Longbridge Community Mental Health Team

Main Street Resource Centre

Morcombe House Assertive Outreach Team and the Homeless Team

Patrick House

Riverside Park (Yardley Community Mental Health Team)

Shenley Fields Centre

Small Health In-Patients Unit

Soho Home Treatment and Community Mental Health Team

Spring Road Centre
Underwood Centre (also deals with Highcroft Hospital)
Yewcroft Mental Health Resource Centre
Zinnia Centre

There is also one Assertive Out Reach Team, the South Team based at Adams Hill, which has a welfare rights and debt worker directly employed by BSMHFT. There are problems with some teams and locations not being able to access a welfare rights and debt worker, (please see section "issues of concern").

COPE Black Mental Health Foundation. Birmingham wide organisation, based in Aston. Undertakes advocacy for black people with mental health issues. Partly funded by Adults and Communities.

Independent Complaints Advocacy Service (ICAS). This service deals with complaints against the National Health Service (NHS). It covers G.Ps, dentists, hospital services whether in-patient or out-patient, any aspect of the NHS. This will include any NHS mental health service. In Birmingham this advocacy Service is provided by **POhWER**.

North Birmingham Advocacy (Rethink) is mainly funded by the PCT. It currently covers King Standing , Erdington, Perry Bar, Stockland Green and Oscott. It does group advocacy and one to one advocacy. It undertakes some "safeguarding" work with vulnerable adults. It provides sessions at GP surgeries. There is a small team which also trains volunteer advocates. It like, **Voice**, is commissioned to work only with people under 65 years of age, (please see section issues of concern).

Only one advocacy post directly funded by the Birmingham and Solihull Mental Health Foundation Trust (BSMHFT) was identified. It is in the Mental Health Service for Older People (MHSOP). However, it is clear from the job description that the post is for a "dementia adviser" as recommended by "Living well with dementia: A National Dementia Strategy", (pages 39-40) and not an advocate.

Part Two

Children and Adolescent Mental Health Service (CAMHS) The in-patient provision for CAMHS is provided by Birmingham Children's Hospital NHS Foundation Care Trust. Provision is at both the Children's Hospital and Parkview Clinic. It is a West Midlands Regional Service. The Mental Health Act Commission (MHAC) visit to Parkview Clinic in June 2008 reported 3 detained patients. ***The National Youth Advocacy Service*** provides general advocacy. [***Advocacy Matters***

provide the **IMCA** Service. At this time, there is not an **IMHA** service (see *issues of concern* section).]

Learning Disability Services

Learning Disability in-patient services are managed by the South Birmingham Primary Care Trust. I have included advocacy that may be accessed by people with a learning disability and mental health issues. Also included are advocacy that is available to people with a learning disability that are detained under the MHA 1983. The **IMCA** service is provided by **Advocacy Matters**. The **IMHA** service is now **FCH Advocacy**, while the general advocacy service is **Citizen Advocacy South Birmingham Area (CASBA)**.

Part Three

Independent Hospitals

There are 4 independent hospitals in Birmingham that are registered with the Care Quality Commission and can take patients detained under the Mental Health Act 1983. They all state that they have an independent advocacy service. See Appendix 2 for contact details.

1. The Woodbourne Priory Hospital.

This hospital provides services for: adult general psychiatry; eating disorders; addiction treatment and adolescent services. It has total of 45 beds, 14 in the adolescent unit and 31 in the adult unit. The Mental Health Act Commission (MHAC) on its visit June 2008 recorded 4 detained patients. **Advocacy Matters** provide the **IMCA** service. If an **IMHA** service is needed for an NHS patient, a referral is made to the commissioning Primary Care Trust. For private patients a separate arrangement would be made. **Mind** provide general advocacy.

2. St. Andrews Hospital, Birmingham.

This independent hospital opened in March 2009. It has 128 beds for men aged 18-65 years. It has eight units.

- 2 x 15 bed units Men's Mental Health Medium Secure
- 1 x 18 bed unit Men's Mental Health Enhanced Low Secure.
- 2 x 16 bed units Men's Mental Health Low Secure.
- 1 x 16 bed unit Men's Step-down pre-discharge.
- 1 x 16 bed unit Men's Learning Disability Low Secure.
- 1 x 16 bed unit Men's Autistic Spectrum Disorder.

The **IMCA** service is **Advocacy Matters**.

The **IMHA** service is provided by **Speaking Up**.

General advocacy is also provided by **Speaking Up**, an advocacy service based in Cambridge, which also provides advocacy to the St. Andrews Hospitals in Northampton and Essex

3. Harriet Tubman House (Options for Care Ltd).

Harriet Tubman House is based in Handsworth Wood, Birmingham. It is registered to take 15 patients, It provides a service for African-Caribbean and Asian women. On the MHAC's visit in February 2008 it had 8 detained patients.

Advocacy Matters provide the **IMCA** service.

The **IMHA** and **general advocacy service** is provided by **Friendship Care and Housing Advocacy**.

4. Newbridge House.

Newbridge House, Sutton Coldfield, is a new 20 bed unit which started taking patients in January 2009. It provides a service for people with eating disorders aged 14-17 years and a women only service for people over 17 years. As of mid-November 2009 it has not had any detained patients and has not yet commissioned an **IMHA** service.

General advocacy is provided by the **National Youth Advocacy Service**.

Issues of Concern

I identified **four** issues of concern from this mapping exercise.

The **first** issue is the appalling lack of a statutory service (**IMHA's**) for some qualifying patients in Birmingham. This is despite the best efforts of the various mental health act managers. This service should have been available to all qualifying patients from 1st April 2009. I raised the fact that it is not available to all as an issue of serious concern to the Care Quality Commission (CQC). I am currently engaged in discussion with the CQC over this issue.

The **second** issue is that there does seem to be age discrimination in the commissioning in the general advocacy sector for people with mental health issues aged over 65 years of age. Both **North Birmingham Advocacy** and **Voice**, do not deal with people aged 65 years or over.

Alzheimers Society, **Birmingham Citizen Advocacy** and the **CAB** mental health team operate with people regardless of age. There does not seem to be any general advocacy services commissioned by the PCT's for people aged 65 years and over.

The **third** issue is a lack of co-ordination/communication between the commissioners in this area of service provision. There are Local Authority (both Adults / Communities and Children / Families) and Primary Care Trust Commissioners, also the West Midlands Specialist Commissioning Team. It may be that there exists some liaison arrangements but I found no evidence of it.

The **fourth** issue is the lack of a welfare rights and debt service to all service users. Some locations and teams are covered by a welfare rights services and others are not. For example the Zinnia Centre is covered but the Barbary and Oleaster Centres are not. This seems to be the result of a historical configuration of services. In my personal opinion this should be a service available to all service users of BSMHFT and it ought to be jointly commissioned.

Acknowledgements

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Dr. Lynne Jones, MP and Co-Chair of the All Parliamentary Mental Health Group, was very helpful in my attempts to get a response from the Care Quality Commission and I thank her.

I would like to thank everyone who has assisted me in this piece of work.

In particular I thank Cllr. Sue Anderson (Cabinet member for Birmingham Adults and Communities) who was the first person I interviewed and who was greatly helpful.

NB In earlier drafts of this report I included some figures about the cost of contracts. As it was really difficult to track systematically the complex and changing funding streams for services I decided to omit the information I had gathered about the costs of some such contracts .

Alex Davis, December 2009

Appendix One

Adults and Communities (Birmingham). Customer Relations Service, Milton Grange, 16 Handsworth Wood Road, B20 2DR. Telephone 0121 303 5161, SCHComplaintsTeam@birmingham.gov.uk and www.birmingham.gov.uk

Advocacy Matters (IMCA). 198 Boldmere Road, Sutton Coldfield, B 73 5UE. Telephone 0121 354 6136, info@advocacymatters.co.uk and www.advocacymatters.co.uk

Alzheimers Society. Birmingham and Solihull Branch, 149-153 Alcester Road, Moseley B13 8JP. Telephone 0121 442 6565, and BirminghamAndSolihull@alzheimers.org.uk and www.alzheimers.org.uk

Birmingham Citizen Advocacy (BCA). Southside, 249 Ladypool Road, Sparkbrook, B12 8LF. Telephone 0121 440 2029, info@bcadocacy.org and www.bcadvocacy.co.uk

Birmingham Tribunal Unit (BTU). Suite 9B, 9th Floor, Albany House, Hurst Street, B5 4Bl, Telephone 0121 666 7533, office@btu.org.uk and www.btu.org.uk

Citizens Advice Bureau (CAB). Handsworth Bureau, Mental Health Team, 171 Churchhill Parade, Birchfield Road, B19 1LL. Telephone 0121 687 5323, wallj@bcabs.org.uk and www.bcabs.org.uk

Citizen Advocacy South Birmingham Area (CASBA). St. Laurence Pastoral Centre, 173 Church Road, Northfield, B31 2LX. Telephone 0121 475 0777, and casba@btconnect.com and bldpb.cswebsites.org

COPE Black Mental Health Foundation. 160 Hamstead Road, B20 2QR. Telephone 0121 551 7984, info@familycontactcentre.org.uk and www.copefoundation.org.uk

Friendship Care and Housing Advocacy (IMHA). 17 Braithwaite Road, Sparkbrook B 11 1LB. Telephone 0121 212 8458, enquiries@fch.org.uk and www.fch.org.uk and **(Voice)** Telephone 0121 212 8424, other contact details the same as above.

Independent Complaints Advocacy Service (ICAS). Please see **POhWER**.

Just Services Limited (IMCA). Beaumont Enterprise Centre, 72 Boston Road, Beaumont Leys, Leicester, LE4 1 HB. Telephone 0116 2293102, justandwhitehill@yahoo.com

Mind. Newtown Office Suite 1, 1st Floor, Newtown Shopping Centre, Aston, B19 2SS. Telephone 0121 359 1151, admin@mind-birmingham.co.uk and www.mindinbirmingham.co.uk

National Youth Advocacy Service (NYAS). Egerton House, Tower Road, Birkenhead, Wirral CH41 1 FN, Telephone 0808 808 1001, info@nyas.net and www.nyas.org.uk

North Birmingham Advocacy. St. Michaels's Court, Victoria Street, West Bromwich B70 8 ET. Telephone 0121 685 8899, nba.birmingham@rethink.org and www.rethink.org

POhWER (ICAS). iBIC Holt Court South, Jennens Road, Aston Science Park, B7 4EJ. Telephone 0845 120 3748, [e-mail form](#) available on website www.pohwer.net

Rethink (DOLS Reps). West Midlands Rethink, 9 St. Michael's Court, Victoria Street, West Bromwich, B 70 8ET. Telephone 0121 525 8009, westmidlands@rethink.org and www.rethink.org

Speaking Up. Mount Pleasant House, Huntingdon Road, Cambridge, CB3 0RN Telephone 01223555800, info@speakingup.org and www.speakingup.org

Appendix Two

Harriet Tubman House (Options for Care). 70-72 Handsworth Wood Road, Handsworth Wood, B20 2RZ .Telephone 0121 523 5573, admin@htubman.co.uk and www.optionsgroup.co.uk

Newbridge House. 147 Chester Road, Streetly, Sutton Coldfield, B74 3NE. Telephone 0121 580 8362, enquiries@newbridge-health.org.uk and www.newbridge-health.org.uk

St Andrews Health Care. 70 Dogpool Lane, Stirchley, B30 2XR. Telephone 0121 432 2100, enquiries@standrew.co.uk and www.stah.org/birmingham

Woodborne Priory. 21 Woodbourne Road ,Edgbaston, B1 8BY. Telephone 0121 434 4343, Woodbourne@priorygroup.com and www.priorygroup.com

Appendix Three

Other useful organisations

Advocacy Resource Exchange. Maps national advocacy services. Telephone 02380 234 904, advocacyfinder@advocacyresource.org.uk and www.advocacyresource.org.uk

BME Mental Health Advocacy Network. Currently mapping national mental health advocacy services in and for BME communities. Telephone 0207 582 0444, advocacy@afiya_trust.org and www.afiyatrust.org.uk

Carers Advisory Service (CASI). Short-term Crisis advocacy in Birmingham for carers. Telephone 0121 464 5957, 16 Handsworth Road, B20 2DR

deafPLUS Birmingham Advocacy. An advocacy service for people with hearing issues. With mental health service users deafPLUS will refer to the **Birmingham Citizen Advocacy** deaf worker. 3rd Floor, BVSC, The Centre for Voluntary Action, 138 Digbeth, B5 6DR. Telephone 0121 678 4343, midlands@deafplus.org and www.deafplus.org

Dementia Advocacy Network (DAN). National network for dementia advocacy workers. Telephone 0207 297 9384, dan@wassr.org and www.wassr.org

Equalities National Council. Advocacy service targeting black and ethnic disabled people and carers and those with mental health difficulties and long term impairments. States, "run for its users by its users". Telephone 0207 474 8912 enquires@equalitiesnational.org.uk and www.encab.org.uk

National Advocacy Network. For anyone, individuals, groups or networks interested in advocacy. www.advocacynetwork.org.uk