

Richard Burden MP



HOUSE OF COMMONS, LONDON, SW1A 0AA

MENTAL CAPACITY (AMENDMENT) BILL

I would like to thank everyone who has contacted me with their concerns about the Mental Capacity (Amendment) Bill.

There are a number of problems with the Bill that have been repeatedly raised by the Law Society, the House of Lords, and the Labour party. The Bill does not provide sufficient measures to ensure independent reviews of Deprivation of Liberty decisions. The option for local authorities to opt out of authorising these decisions means that the Deprivation of Liberty process will, in many circumstances, be undertaken entirely by care home staff, presenting a serious conflict of interest. Yet, the government has dismissed these legitimate concerns in the name of getting the Bill through Parliament as quickly as possible.

Along with my fellow Labour MPs, I voted in favour of changes introduced by the House of Lords that would strengthen safeguards for these vulnerable people by prohibiting pre-authorisation reviews being carried out by people with connections with a care home, and by adding the cared-for person to the list of parties that must be consulted in assessments.

The Labour party strongly believes that the Bill should reflect the draft Bill proposed by the Law Commission, which would put cared-for persons at the centre of this legislation. I will continue to work with my fellow Labour MPs to hold the Government to account on this issue, and to push for adequate protections and safeguarding provisions for cared-for persons.

Thanks again to everyone who has contacted me on this issue. Thanks again to everyone who has contacted me on this issue.

Best wishes,

A handwritten signature in black ink, appearing to read 'Richard Burden'.

Richard Burden MP
Birmingham Northfield

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