We write as a coalition of national charities who work with and advocate on behalf of people with dementia, learning disability, autism, acquired brain injury and mental health concerns. Collectively our organisations support and advocate for some of the most vulnerable people in society.

As such, it is with dismay that we note the lack of improvement within the Mental Capacity (Amendment) Bill. The Bill has been criticised in the House of Lords, and by human rights NGOs, service providers, academics and national mental health and capacity organisations. Time is of the essence, as the Bill continues to progress through parliament.

The Bill aims to replace current Deprivation of Liberty Safeguards (DoLS) with an entirely unfit new system of protection. To avoid the risk of exploitation and abuse it is vital that there are robust safeguards in place. These safeguards should ensure those who lack the mental capacity to consent to their care arrangements have their fundamental rights upheld; that they receive the least restrictive care possible and are not detained for longer than necessary.

Alarmingly the Bill proposes to triple the time people can be deprived of their liberty without review - from one to three years – whilst not doing enough to guarantee that all patients have access to independent and impartial advocates or ensure that patients are given information to understand their rights. The Government has not yet clarified how additional protections would translate for 16 and17 year olds who are now in scope of the new system. The Bill also creates a worrying conflict of interest for care home managers, giving them a greater role in the assessment process. Many vulnerable people will find it hard to express their concerns to a person providing them with care.

On top of this, the Government has published the Bill before anyone has seen its full response to the Independent Review of the Mental Health Act – a review with clear implications for this Bill around the dividing line between the Mental Health Act and the Mental Capacity Act.

Furthermore, there has there been no up-to-date impact assessment outlining the costs of the legislation, nor a code of practice setting out how it must be implemented on the ground. History shows us that a Bill which exists without a clearly defined implementation and funding strategy will not achieve change in practice.

The result is a rushed, incomplete and unworkable Bill that will only replace one dysfunctional system with another, and for which MPs will be unable to provide meaningful scrutiny in the House.

We urge the Government to reflect on the remaining challenges within the Bill and take the time needed to set out a unified proposal that actually serves the people who need our protection most.

Signed

**National Autistic Society,** Mark Lever, Chief Executive

**POhWER,** Mark Lister, CEO

**Parkinson’s UK,** Steve Ford, Chief Executive

**Liberty,** Corey Stoughton, Advocacy Director

**The British Institute of Human Rights,**  Sanchita Hosali, Director

**Sense,** Richard Kramer, Chief Executive

**Compassion in Dying,** Sarah Wootton, CEO

**Mind,** Paul Farmer, CEO

**YoungMinds,** Emma Thomas, Chief Executive

**Learning Disability England,** Samantha Clark, Chief Executive

**Voluntary Organisations Disability Group,** Rhidian Hughes, CEO

**Alzheimer’s Society,** Jeremy Hughes, CEO

**Headway**, Peter McCabe, Chief Executive