

The Mental Health Act Administrator

Our Ref: SL/MHU

Your Ref:

Date: 22 July 2008

Dear [name]

Availability of legal services in your hospital

In 2006/7 mental health legal aid providers opened approximately 30,000 mental health cases at a cost of £28 million. We are keen to ensure continued access to publicly funded legal services for clients detained under the Mental Health Act. We would like to invite your comments on the availability of services for patients treated in your hospital.

Fixed Fees

You may be aware that since January 2008 the way we pay legal providers has changed. Legal providers are now paid a system of fixed fees for the work they undertake, including a component for travelling to visit the client and provide representation. Additional costs such as experts' reports are paid in addition to the fees. The fees were calculated based on the average cost of cases, with a sample of over 1000 cases being reviewed. We have predicted that approximately 75% of our provider base will increase their income under the new scheme.

The typical fee for tribunal work, including a component for representation, is £791. Should a provider undertake a significant amount of work above this level they are still paid an hourly rate for that work. Providers can continue to represent clients at Managers' Hearings providing they can justify their attendance, a position that has not altered with the advent of the fixed fee.

Impact on access for Clients

We believe that by introducing fixed fees for providers we are paying a fair rate to all for the work they undertake, and that they will help to ensure access to legal advice and representation for our clients by controlling our limited budget. It has been suggested that

DX No: 14208 Liverpool 1

Main switchboard : 0151 242 5200 **Fax:** 0151 242 5394

Mental Health Unit : 0151 242 5324

Email: liverpool@legalservices.gov.uk

Web: www.legalservices.gov.uk



changes in our payment regime could affect providers' willingness to undertake certain cases and visit some locations, which is not the intention of the changes. This is why we are so keen to receive your feedback so, if necessary, we can take action.

(We highlighted your hospital as one, which might experience access problems due to the distance travelled by providers to assist your patients and ran a bid round for providers inviting them to conduct work in your hospital in November 2007. XXXX provider (name and address) was successful in this process and have been afforded extra cases to deliver services in your hospital in addition to the existing supply.) A list of legal providers in your area can be access on the CLS Direct website at www.clsdirect.org.uk

Working closely with the MHRT

We are working closely with our partners, including the Mental Health Review Tribunal, with the aim of reducing the number of adjournments, understanding their causes better and to make the system more efficient for all, particularly the patient. Your feedback concerning this work and any difficulties you experience would also be gratefully received.

How to provide your comments to us

You can provide your comments to us on any of these issues by e-mail, phone, letter or the attached feedback form. Can you please identify your hospital, the Mental Health Trust and Strategic Health Authority that you work in to help us map any access problems. We may wish to discuss the issues you raise with you further, so please provide full contact details. Electronic versions of this form can be requested from liverpoolmhu@legalservices.gov.uk and returned to us by e-mail, alternatively you can e-mail your comments directly to us, or fax us on 0151 242 5394. Postal returns can be sent to;

National Mental Health Unit
Merseyside Regional Office,
Cavern Court ,
8 Matthew Street,
Liverpool, L2 6RE.

If you would like to read further about our reform programme and mental health initiatives you can access our web site at;

www.legalservices.gov.uk/civil/mental_health_other_areas.asp#about

Many thanks for your time and assistance,

Yours sincerely,

Stuart Lee
Lead Contract Manager Mental Health.

DX No: 14208 Liverpool 1
Main switchboard : 0151 242 5200 **Fax:** 0151 242 5394
Mental Health Unit : 0151 242 5324
Email: liverpool@legalservices.gov.uk
Web: www.legalservices.gov.uk



Name	
Contact Details (e-mail and phone number)	
Hospital.	
NHS Trust/ SHA located within.	
Approximate number of clients detained in hospital under the Mental Health Act.	

Have your patients experienced difficulty accessing a legal provider. If so can you provide details concerning the circumstance, type of case (section etc) and how the issue was resolved?

How many legal providers regularly provide services in your hospital? How are the volume of cases distributed between them?

Have you seen any recent changes in the legal provider base? Can you provide us with details?

As you are aware we are in dialogue with the Mental Health Review Tribunal. Have you experienced any recent problems with the administration of the MHRT, and if so can you give specific examples?

Have you got any suggestions how this might be improved?

If the Legal Services Commission are to regularly engage with Mental Health Administrators concerning access to services and our future plans how would you like this to take place? What do you think would be the best way of doing this?

Have you got any more information that you would like to share with us?