

Making a difference: Working in mental health and mental capacity law

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Heading up Browne Jacobson's health advisory and inquests team, Rebecca has over 20 years' experience in mental health and mental capacity law. Known for her expertise in the areas of mental health, consent, capacity, and best interests, she is driven by the variety of work in this challenging area and her passion for making a difference in the lives of vulnerable adults and children.

When did your interest in mental health start and why?

My mum worked as a health visitor with families who had children with severe learning difficulties. I also volunteered in my teens teaching children and young adults with learning disabilities at a local residential school and swimming club, which gave me an early understanding of some of the challenges people can encounter around mental health. Back in the 1980s, there was still a lot of stigma around mental health; people were scared of it. Attitudes have thankfully changed a lot now, but I never saw people with a learning disability or a mental health issue as different to anybody else. These were just health issues that could happen to anyone. My early experiences gave me empathy and the ability to see the person, not "a problem" - something that has been valuable in my career.

How did you get into mental health and capacity law?

I originally thought about working for Amnesty before being inspired to become a legal aid or human rights lawyer at a careers fair. I took time out to teach English abroad after graduating with my law degree, and when I returned to start my training contract, I was asked to support the firm's small mental health team representing patients detained under the Mental Health Act. That was how I fell into mental health law - which I quickly fell in love with.

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After qualifying, I moved to a firm in the North West to do a mix of personal injury and mental health, but quickly decided personal injury really wasn't for me. I tried to increase the mental health workflow by visiting local mental health providers, getting to know their Mental Health Act administrators, and running free training sessions for local charities and advocacy groups. Through my volunteering, I also became active in Mind, and eventually became Chair of Manchester Mind for a few years.

How did you develop your career and what was most important to you?

I began to be contacted by an increasing number of clients looking for support with their community care and special educational and wider healthcare needs. Through this, I started to build a more diverse practice including judicial review and inherent jurisdiction medical treatment cases, dealing with many high-profile reported cases.

The driving force for my career has always been to have a positive impact on vulnerable people's lives; that could be through securing specialist medical treatment for individuals in distress, arranging respite care to enable carers to have a holiday (or even just a full night's sleep), or appropriate s.117 aftercare services for people with complex mental health needs. After my daughter was born, in 2005 I moved across to act for healthcare providers and commissioners, although I missed the patient interaction, so I also started sitting as a fee paid judge in the First Tier Tribunal (Mental Health) around the same time.

When you're acting for providers, you're still focusing on getting the best outcome for the service user, but you're also working with doctors, nurses, and clinicians. I felt I could make an even bigger difference in this field, whether through training large numbers of professionals after the new Mental Capacity Act came into force or advising and representing healthcare clients in urgent medical treatment applications.

What do you love about working in this area of law?

It's intellectually stimulating and there's always something that I haven't come across before. I'm at my happiest with my nose in Jones' Mental Health Act Manual looking up some novel point that a client has asked for advice on. I love the people side of it, both the clients and my team. In this type of work, you tend to attract those who want to make a positive difference. It can be challenging sometimes though, as we get a lot of urgent 'out of hours' work. The other side to it is trying to have a Christmas dinner and then having to rush off for a court hearing...

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What is your greatest professional achievement so far?

Doing all the above and being a single parent – which is not always easy! The team of lawyers I head regularly helps the NHS to save the lives of vulnerable adults and children in urgent medical treatment cases. This gives me a lot of satisfaction, and over the years I've had a lot of reported cases that have helped to shape best practice - something that makes me very proud.

One case I look back on with a particularly warm feeling was early in my career where I represented a group of children pro bono in judicial review proceedings, relating to the funding of specialist treatment for their haemophilia that carried a lower risk of developing other illnesses such as HIV and hepatitis via infected blood. Many of these children had lost loved ones due to the infected blood scandal and were severely affected as a result. We negotiated a settlement where the funding was provided to all the children and led to a change in government policy so that all under 16s were entitled to this lower-risk treatment thereafter.

What's the most unusual thing that has happened to you in your career?

On my second day in training, I was sent to take instructions from a client in a secure unit - and instead was taken hostage for 20 minutes. The woman barricaded the room I was in and while the staff were outside banging on the door. I managed to persuade her to open the door. I didn't feel threatened at the time, but I was very naive with limited knowledge of how to approach situations like that. I just took it all in my stride, but I look back now with disbelief!

What are some of the best aspects of working at Browne Jacobson?

I've been at Browne Jacobson for eight years now and I value how the [firm's culture](#) empowers every member of staff to be who they are at work rather than feeling they must 'fit a mould'. I've also been a big supporter of the firm's decision to make social mobility a key pillar of its strategy and the work it's done around this. We are seeing some great talent come through our doors and transformative changes to the business as a result.

What are your ambitions now and how does Browne Jacobson support these?

My ambition is to keep building my team and have a good succession plan in place. We've put together a high-performing collaborative group of people who are all progressing in their own careers, doing something they love. It's amazing how well people do with the right support; and how often they don't realise how good they are. They just need the right culture and support - and then watch them fly. That's another part of my job that gives me great satisfaction.

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