



PWYLLGOR DEDDFWRIAETH IECHYD MEDDWL MENTAL HEALTH LEGISLATION COMMITTEE

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| DYDDIAD Y CYFARFOD: DATE OF MEETING: | 11 March 2025 |
| TEITL YR ADRODDIAD: TITLE OF REPORT: | Review of the Mental Health Act Update |
| CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR: | Executive Director of Operations |
| SWYDDOG ADRODD: REPORTING OFFICER: | Sarah Roberts, Mental Health Legislation Manager |

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Er Gwybodaeth/For Information

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

As part of the annual review of the Terms of Reference for MH Scrutiny Group it was agreed that an update report on the review of the Mental Health Act would be provided on a regular basis to both MH Scrutiny Group and Mental Health Legislation Committee as it progresses through Parliament.

Cefndir / Background

In 2017 the UK Government commissioned an Independent Review of the Mental Health Act by Sir Simon Wessely. Following the review a White Paper was published in 2021; the review had made 154 recommendations.

In 2022 UK Government published the draft MH Bill which underwent pre-legislative scrutiny. The joint committee published their report in January 23 making 55 recommendations and in March 2024 the previous UK Government published its response to the Joint Committee report.

In November 24 the MH Bill was introduced via the Kings speech to Parliament. It is currently at Committee stage in the House of Lords before it's read in the House of Commons. Further dates are yet to be confirmed.

Asesiad / Assessment

Some of the suggested areas for review are: -

There is to be a revision of the detention criteria, risk of serious harm either to themselves or others and treatment must be of therapeutic benefit. Subject to Parliamentary approval it will no longer be possible to detain a person with a learning disability or autistic person under Part II Section 3 unless they have a co-occurring mental disorder which requires hospital treatment. Length of initial Sec 3 will also be shortened.

More frequent reviews of detention and increased access to Mental Health Review Tribunal are proposed with increased powers to make recommendations regarding a patient's care to facilitate timely discharge.

A revision of the criteria for Community Treatment Orders and to enhance the professional oversight required for any CTO and nominated person to be consulted prior to implementing.

Strengthen the voice of patients, bringing England in line with Wales and the Welsh Measure, i.e. access to IMHAs for informal patients and Care and Treatment Plans.

Abolishing the current role of Nearest relative and replacing it with a nominated person, which the patient can chose, although the AMHP can chose if the patient lacks capacity.

Ending the use of police cells as a place of safety, though this is already a never event following the amendments to Policing and Crime Act in 2017.

To enable discharge the Responsible Clinician is to consult another professional involved in the patients care before discharging.

Introduction of Advance Choice Documents – provide appropriate help to create them

Criminal Justice system – introduction of a 28-day time limit for transfers to hospital from prison.

To draft, consult and publish new Codes of Practice for both Wales and England.

It has been suggested that full implementation of all changes could take approximately 10 years, to enable additional clinical and judicial staff to be trained.

Argymhelliad / Recommendation

This update is for information only.

| Amcanion: (rhaid cwblhau) Objectives: (must be completed) | |
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| Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor: | Provide regular updates on review of Mental Health Act 1983 |
| Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score: | Not applicable |
| Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com) | 7. All apply Choose an item. Choose an item. Choose an item. |
| Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com) | 6. All Apply Choose an item. Choose an item. Choose an item. |
| Amcanion Strategol y BIP: UHB Strategic Objectives: | All Strategic Objectives are applicable Choose an item. Choose an item. Choose an item. |

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| Amcanion Cynllunio Planning Objectives | Not applicable |
| Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022 | Not applicable |

Gwybodaeth Ychwanegol: Further Information:

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| Ar sail tystiolaeth: Evidence Base: | The content of this policy is developed utilising expert advice, with reference to legislation and guidance documentation. |
| Rhestr Termiau: Glossary of Terms: | Contained within the body of the policy |
| Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Deddfwriaeth Iechyd Meddwl: Parties / Committees consulted prior to Mental Health Legislation Committee: | MH Scrutiny Group |

Effaith: (rhaid cwblhau) Impact: (must be completed)

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| Ariannol / Gwerth am Arian: Financial / Service: | Not applicable |
| Ansawdd / Gofal Claf: Quality / Patient Care: | To support patients seeking advocacy support under the Independent Mental Health Advocacy service |
| Gweithlu: Workforce: | Direct legal responsibilities for staff associated with use of Mental Health Act |
| Risg: Risk: | HDdUHB must have an up to date and accurate written policies to avoid risk |
| Cyfreithiol: Legal: | Mental Health Act 1983 Mental Health (Wales) Measure 2010 |
| Enw Da: Reputational: | Not applicable |
| Gyfrinachedd: Privacy: | Not applicable |
| Cydraddoldeb: Equality: | Equality Impact Assessments undertaken in collaboration with Senior Equality and Diversity Officer. |