



**PWYLLGOR DEDDFWRIAETH IECHYD MEDDWL
MENTAL HEALTH LEGISLATION COMMITTEE**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	26 March 2024
TEITL YR ADRODDIAD: TITLE OF REPORT:	Proposed Mental Health Standard of Care (Wales) Bill
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Andrew Carruthers, 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

In December 2023 the Senedd debated a Private Member's Bill to set some new mental health legislation for Wales. The Bill was formally granted 'leave to proceed'. It was met with no objections and received cross-party support. It will undergo formal scrutiny by the Senedd following the current consultation.

Cefndir / Background

The purpose of the proposed Mental Health Standards of Care (Wales) Bill is to reform and replace outdated mental health legislation.

It seeks to improve the delivery of mental health services for both Adult and Child and Adolescent Mental Services in Wales. Additionally, the bill aims to reduce the stigma associated with mental health in Wales.

Asesiad / Assessment

Several elements of the Bill include:

Enshrining principles into how mental health services are delivered in Wales focusing on:-

- *Choice & Autonomy* – Empowering patients to make informed decisions about their care
- *Least Restriction* – Ensuring that restrictions are minimised while providing effective treatment
- *Therapeutic Benefit* – Focusing on treatments that benefit patient's wellbeing
- *Treating the Person as an Individual* – Recognising each person's needs and circumstances.

Key changes proposed by the Bill:

- Replacing the Nearest Relative provisions in the Mental Health Act with a new role of Nominated Person. This Nominated Person will be able to represent the person and exercise relevant statutory functions on their behalf. This introduction was informed by the 2018 Independent Review of the Mental Health Act, which highlighted that patients and stakeholders consistently found the current model of family and carer involvement outdated and insufficient.
- Revising the criteria for detention – people can only be detained if they pose a risk of serious harm to themselves or others, and there must be a reasonable prospect of therapeutic benefit.
- The Bill also sets out to amend elements of the existing Mental Health (Wales) Measure, to ensure that there is no age limit upon those who can request a re-assessment of their mental health and to extend the ability to request a reassessment to people specified by the patient.
- Introduce remote(virtual) assessment for Second Opinion Appointed Doctors (SOADS) and IMHAs

Argymhelliad / Recommendation

- The proposed Bill and its response is for information only.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	Not applicable
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.
Amcanion Cynllunio Planning Objectives	Not Applicable Choose an item. Choose an item. Choose an item.
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022	10. Not Applicable Choose an item. Choose an item. Choose an item.

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	The content of this policy is developed utilising expert advice, with reference to legislation and guidance documentation.
Rhestr Termau: Glossary of Terms:	Contained within the body of the policies
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Deddfwriaeth Iechyd Meddwl: Parties / Committees consulted prior to Mental Health Legislation Committee:	Not applicable

Effaith: (rhaid cwblhau) Impact: (must be completed)	
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:	Not applicable
Cyfreithiol: Legal:	Mental Health Act 1983 Mental Health (Wales) Measure 2010
Enw Da: Reputational:	Not applicable
Gyfrinachedd: Privacy:	Not applicable
Cydraddoldeb: Equality:	Not applicable

To Action 11 March: Consultation on the Mental Health Standards of Care (Wales) Bill

Nesta Lloyd-Jones <nesta.Lloyd-Jones@welshconfed.org>

Wed 13/03/2024 14:35

To: Alex Howells (HEIW) <Alex.Howells@wales.nhs.uk>; BCU CEO (BCUHB - Corporate Office) <BCU.CEO@wales.nhs.uk>; Carol Shillabeer (BCUHB - Corporate Office) <Carol.Shillabeer3@wales.nhs.uk>; Hayley Thomas (PTHB - Chief Executive Officer) <Hayley.Thomas@wales.nhs.uk>; Helen Thomas (DHCW - CEO) <Helen.Thomas5@wales.nhs.uk>; Jason Killens (Welsh Ambulance Service NHS Trust - 020) <Jason.Killens@wales.nhs.uk>; Nicola Prygodzicz (Aneurin Bevan UHB - Executive Board) <Nicola.Prygodzicz@wales.nhs.uk>; Paul Mears (CTM UHB - Executive Directorate) <Paul.Mears@wales.nhs.uk>; Philip Kloer (Hywel Dda UHB - Interim Chief Executive) <Philip.Kloer@wales.nhs.uk>; Richard Evans (Swansea Bay UHB - Interim Chief Executive) <Richard.Evans9@wales.nhs.uk>; Steve Ham (Velindre - Chief Executive) <Steve.Ham2@wales.nhs.uk>; Suzanne Rankin (Cardiff and Vale UHB - Executives) <Suzanne.Rankin@wales.nhs.uk>; Tracey Cooper (Public Health Wales - No. 2 Capital Quarter) <Tracey.Cooper3@wales.nhs.uk>
Cc: Haleema Khan <Haleema.Khan@welshconfed.org>

 2 attachments (216 KB)

Mental Health SOC (Wales) Bill - consultation letter-e.pdf; response-form-mental-health-standards-of-care-wales-bill.docx;

Dear NHS Chief Executives.

The Health and Social Care Committee has just launched a [consultation](#) into the Mental Health Standards of Care (Wales) Bill.

The Bill is a Private Members Bill put forward by James Evans MS – due to the fact it is a Private Members Bill it will require Welsh Government/ Welsh Labour support for it to be successful.

As stated in the consultation “*The purpose of the Mental Health Standards of Care (Wales) Bill is to replace outdated mental health legislation; improve the delivery of mental health plans for Child and Adolescent Mental Health Services and adult services in Wales; improve the accountability of Welsh public sector organisations; help to establish parity between the treatment of physical and mental health; and help to reduce mental health stigma in Wales. The reforms proposed in the Bill will ensure that patients are more empowered, have more choice and influence over their treatment and receive the dignity and respect they deserve. The measures proposed within the Bill will also strengthen the patient voice*”.

Could you please ask the relevant representative from your organisation to complete the attached **response form and return it to us by the 11th of March** so that we can develop a response on behalf of our members.

If you have any questions, please let me know.

Kind regards,

Nesta

Information about the Bill

- Consultation Document: <https://business.senedd.wales/documents/s500010654/Consultation%20Document.pdf>
- Response form: <https://business.senedd.wales/mgConsultationDisplay.aspx?ID=545>

Nesta Lloyd-Jones

Assistant Director/Cyfarwyddwr Cynorthwyol

Welsh NHS Confederation / Confedderasiwn GIG Cymru

Mobile: [07884 233 935](tel:07884233935)

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From: Rogers, Gareth (Staff Comisiwn y Senedd | Senedd Commission Staff) <Gareth.Rogers@senedd.wales>
Sent: Friday, February 2, 2024 1:25 PM
To: Biliau Aelod | Member Bills <BiliauAelodau@senedd.wales>
Subject: Ymgynghoriad ar y Bil Safonau Gofal Iechyd Meddwl (Cymru) / Consultation on the Mental Health Standards of Care (Wales) Bill

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.


<p>Annwyl gyfaill</p> <p>Rwy'n atodi llythyr gan James Evans AS, yr Aelod o'r Senedd dros Brycheiniog a Sir Faesyfed, ynghylch ymgynghoriad ar y Bil Safonau Gofal Iechyd Meddwl (Cymru). Mae gwybodaeth am sut i gyfrannu ar gael ar dudalen yr ymgynghoriad.</p> <p>Daw'r ymgynghoriad i ben ar 22 Mawrth 2024. Mae croeso i chi rannu'r neges e-bost hon ag eraill a allai fod â diddordeb yn yr ymgynghoriad.</p> <p>Os oes gennych unrhyw gwestiynau pellach, mae croeso i chi gysylltu â ni drwy e-bost.</p> <p>Cofion</p>	<p>Dear colleague</p> <p>Please find attached a letter document from James Evans MS, Member of the Welsh Parliament for Brecon and Radnorshire, regarding a consultation on the Mental Health Standards of Care (Wales) Bill. Information on how to contribute is available on the consultation page.</p> <p>The consultation closes on 22 March 2024. Please feel free to share this email with others who may be interested in the consultation.</p> <p>If you have any further questions, please do not hesitate to get in touch by email.</p> <p>Regards</p>
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Gareth Rogers
Clerc – Cymorth Craffu, Senedd Cymru
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Senedd Cymru yw'r corff sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl. Mae'r Senedd, fel y'i gelwir, yn deddfu ar gyfer Cymru, yn cytuno ar drethi yng Nghymru, ac yn dwyn Llywodraeth Cymru i gyfrif.

The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

[Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English](#)

Dylid ystyried unrhyw ddatganiad neu sylw a geir yn y neges hon fel un personol ac nid o reidrwydd yn fynegiant o safbwynt Senedd Cymru, unrhyw ran ohono neu unrhyw gorff cysylltiedig.

Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Parliament, any constituent part or connected body.

Proposed Mental Health Standards of Care (Wales)

Bill Consultation: Response form

Name: [Click or tap here to enter text.](#)

E-mail: [Click or tap here to enter text.](#)

Are you submitting this response in a professional or personal capacity?:

<input type="checkbox"/> Professional capacity (including on behalf of an organisation)	<input type="checkbox"/> Personal capacity
Are you responding on behalf of an organisation? <input type="checkbox"/> Yes <input type="checkbox"/> No	Age: <input type="checkbox"/> I am under 13 years old <input type="checkbox"/> I am aged 13 to 17 <input type="checkbox"/> I am aged 18 or over and wish my contribution to be anonymised <input type="checkbox"/> I am aged 18 or over and happy for my name to be published with my contribution
Are you (your organisation) currently a provider of mental health services? <input type="checkbox"/> Yes <input type="checkbox"/> No	In what capacity are you responding? <input type="checkbox"/> Child / Young person <input type="checkbox"/> Parent / Carer <input type="checkbox"/> Other

If professional, or a provider of mental health services, your role and the name of organisation for which you are responding:

[Click or tap here to enter text.](#)

Consultation questions

Question	Response
Enshrining overarching principles in legislation	
<p>Question 1: Do you think there is a need for this legislation? Can you provide reasons for your answer.</p>	
<p>Question 2: Do you agree or disagree with the overarching principles that the Bill seeks to enshrine?</p>	
Specific changes to existing legislation	
A. Nearest Relative and Nominated Person	
<p>Question 3: Do you agree or disagree with the proposal to replace the Nearest Relative (NR) provisions in the Mental Health Act 1983 with a new role of Nominated Person? Can you provide reasons for your answer.</p>	

B. Changing the criteria for detention, ensuring the prospect for therapeutic benefit

Question 4: Do you agree or disagree with the proposal to change in the criteria for detention to ensure that people can only be detained if they pose a risk of serious harm either to themselves or to others?

Can you provide reasons for your answer.

Question 5: Do you agree or disagree with the proposal to change in the criteria that there must be reasonable prospect of therapeutic benefit to the patient?

Can you provide reasons for your answer.

C. Remote (Virtual) assessment

Question 6: Do you agree or disagree with the proposal to introduce remote (virtual) assessment under 'specific provisions' relating to Second Opinion Appointed Doctors (SOADs), and Independent Mental Health Advocates (IMHA)?

Can you provide reasons for your answer.

D. Amendments to the Mental Health (Wales) Measure 2010

Question 7: Do you agree or disagree with the proposal to amend the Measure to ensure that there is no age limit upon those who can request a re-assessment of their mental health?

<p>Can you provide reasons for your answer.</p>	
<p>Question 8: Do you agree or disagree with the proposal to amend the Measure to extend the ability to request a re-assessment to people specified by the patient?</p> <p>Can you provide reasons for your answer.</p>	
<p>General Views</p>	
<p>Question 9: Do you have any views about how the impact the proposals would have across different population groups?</p>	
<p>Question 10: Do you have any views about the impact the proposals would have on children's rights?</p>	

Question 11: Do you have any general views on the proposal, not covered by any of the previous questions contained in the consultation?



James.Evans@senedd.wales

Welsh Parliament
Cardiff Bay
CF99 1SN

Senedd Cymru
Bae Caerdydd
CF99 1SN
0300 200 7266

2 February 2024

Dear colleagues

Mental Health Standards of Care (Wales) Bill: Consultation

On 13 December 2023, the Welsh Parliament agreed that I could introduce proposals for a new law in Wales, called the Mental Health Standards of Care (Wales) Bill.

The purpose of the Bill is to replace outdated mental health legislation; improve the delivery of mental health plans for Child and Adolescent Mental Health Services and adult services in Wales; improve the accountability of Welsh public sector organisations; help to establish parity between the treatment of physical and mental health; and help to reduce mental health stigma in Wales.

The reforms proposed in the Bill will ensure that patients are more empowered, have more choice and influence over their treatment and receive the dignity and respect they deserve. The measures proposed within the Bill will also strengthen the patient voice.

As part of the process, I now have until 13 January 2025 to introduce a Bill that meets that purpose. My proposed law will then be scrutinised in detail by the Senedd, before a final decision is taken on whether it should become law. If passed, the Bill would become the Mental Health Standards of Care (Wales) Act.

I am now consulting as widely as possible on my proposal. The attached document gives further background information and asks a number of questions about the proposal and how it might be developed. I want everyone who could be affected by this proposed Bill, who has views on it or has expertise, to contribute. I will consider all responses, which I hope will help inform my approach to drafting the Bill.

I would, therefore, be very grateful if you could find the time to contribute to this consultation and let me have your or your organisation's views on the proposed Bill and what it is seeking to achieve. I look forward to receiving any comments you wish to make by 22 March 2024.

Thank you for your time.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'James Evans', with a stylized flourish at the end.

James Evans MS
Member of the Welsh Parliament for Brecon and Radnorshire