

PWYLLGOR MONITRO'R DDEDDF IECHYD MEDDWL MENTAL HEALTH LEGISLATION ASSURANCE COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	19 September 2022
EITEM AR YR AGENDA: TITLE OF REPORT:	Review of the Mental Health Act, 1983 – Draft Mental Health Bill
ARWEINYDD CYFARWYDDWR: EXECUTIVE LEAD:	Mr Andrew Carruthers, 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)**

For information

ADRODDIAD SCAA SBAR REPORT

Sefyllfa / Situation

The UK Government has appointed a Joint Committee of the House of Commons and House of Lords to call for evidence seeking views about the Draft Mental Health Bill prior to it being formally introduced at some point in 2023.

Cefndir / Background

An independent review report of the Mental Health Act 1983 made 154 recommendations covering reform to legislation, policy and practice is referred to as the Wessely report. The Government's response to this was published in its White Paper 'Reforming the Mental Health Act' in January 21. A subsequent consultation was undertaken and reported on in July 2021.

Assesiad / Assessment

Respondents were overall supporting on the proposals set out in the Reform document and it takes forward a majority of the recommendations. This includes putting service users at the centre of decisions about their care.

Some of the main recommendations are below:

Use of the MHA for people with autism and learning disability

People with LD and/or autism will only be able to be detained under Section 3 if they meet the criteria that they are suffering from a co-occurring mental disorder which is not LD or autism. This seems to end stays on long-stay wards which often do not provide any therapeutic benefit.

Grounds for detention

People will only be detained under certain sections if they pose a risk of serious harm to either themselves or others and will need to fulfil specific criteria to meet the threshold for detention. This new risk criteria will also apply to CTO patients

New role of Nominated Person

This will be a new statutory role to the MHA and the Nominated Person will replace the nearest relative. Patients will have the ability to personally select a Nominated person as opposed to the current hierarchical list of relatives which must be identified by the Approved Mental Health Professional. A NP will be able to represent the patient and be more involved in aspects of the patients care.

Change in Detention Periods

Some detention periods will be shortened along with their review periods. This in turn will mean that patients will have more frequent rights of appeal to the Mental Health Review Tribunal for Wales or referral to Welsh Ministers by the hospital managers for certain patients. The Bill also proposes amendments to extend the period in which patients may apply and widen the group of patient who would have automatic referrals.

Appropriate medical treatment and making treatment decisions

A new requirement will require any medical treatment to be of therapeutic benefit to the patient and will also be applicable to CTO patient. Encouragement is to be sought from patients to make participate in treatment decisions and to take people close to patients and ensure that clinical decisions are based around patient's wishes.

Community Treatment Orders

There will be a requirement for there to be a consultation between the inpatient and community clinicians regarding the use and operation of CTOs including decisions to recall and discharge patients enhancing professional oversight.

The Bill also proposes that services in England will align with Wales with respect to Care and Treatment Plans are wider access to Independent Mental Health Advocacy.

Argymhelliad / Recommendation

This update is for information and further updates will be provided when UK Government provides them.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Cyfeirnod Cofrestr Risg Risk Register Reference:	Not applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s): Hyperlink to NHS Wales Health & Care Standards	Governance, Leadership and Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives: Hyperlink to HDdUHB Strategic Objectives	All Strategic Objectives are applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Statement	<ol style="list-style-type: none">1. Improve population health through prevention and early intervention2. Support people to live active, happy and healthy lives3. Improve efficiency and quality of services through collaboration with people, communities and

	partners
Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 - Pum dull o weithio: The Well-being of Future Generations (Wales) Act 2015 - 5 Ways of Working: Hyperlink to Well-being and Future Generations Act 2015 - The Essentials Guide	Please explain how each of the '5 Ways of Working' will be demonstrated
	Long term – can you evidence that the long term needs of the population and organisation have been considered in this work?
	Prevention – can you evidence that this work will prevent issues or challenges within, for example, service delivery, finance, workforce, and/or population health?
	Integration – can you evidence that this work supports the objectives and goals of either internal or external partners?
	Collaboration – The Mental Health Legislation Committee comprises external agencies, carer representatives and local authorities
Involvement – can you evidence involvement of people with an interest in the service change/development and that this reflects the diversity of our population?	

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Agendas, papers and minutes of the Mental Health Legislation Committee, Power of Discharge sub committee and scrutiny group
Rhestr Termau: Glossary of Terms:	Included within the body of the report.
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Cyfarfod Bwrdd Iechyd Prifysgol: Parties / Committees consulted prior to University Health Board:	N/A

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Not Applicable
Ansawdd / Gofal Claf: Quality / Patient Care:	SBAR template in use for all relevant papers and reports.
Gweithlu: Workforce:	Not Applicable

Risg: Risk:	<p>Risk of non-compliance with the 1983 Act and with the Welsh Government's <i>Mental Health Act 1983 Code of Practice for Wales</i>; the <i>Mental Health (Wales) Measure 2010 Code of Practice</i>; and with the <i>Good Governance Practice Guide – Effective Board Committees (Supplementary Guidance) Guidance</i>.</p> <p>Safety of patients</p> <p>Assurance – use of statutory mechanisms</p>
Cyfreithiol: Legal:	<p>Non-compliance with the Mental Health Act could result in legal proceedings being brought against the Health Board who is the detaining authority.</p>
Enw Da: Reputational:	<p>Not Applicable</p>
Gyfrinachedd: Privacy:	<p>Not Applicable</p>
Cydraddoldeb: Equality:	<p>Not Applicable</p>