

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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	15 th June 2021
EITEM AR YR AGENDA: TITLE OF REPORT:	Health Board Response to Department of Health Consultation on Review of the Mental Health Act
ARWEINYDD CYFARWYDDWR: EXECUTIVE LEAD:	Mr Andrew Carruthers, Director of Operations
SWYDDOG ADRODD: REPORTING OFFICER:	Mrs 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 purpose of the paper is to update the Mental Health Legislation Assurance Committee on the Consultation feedback to the Department of Health on the Review of the Mental Health Act.

Cefndir / Background

Following an Independent review of the Mental Health Act 1983 which made 154 recommendations the Department of Health issued a White Paper which set out the Government's proposals to reform mental health legislation. The proposals took forward the recommendations made and the full Government response to all 154 recommendations.

The review engaged widely and heard from a range of views to inform its findings, including those of service users and carers and people with lived experience of treatment under the Act.

Assesiad / Assessment

The current Mental Health Act applies in both England and Wales. The majority of the White Paper concerns health policy which is devolved to Wales.

Given that the Act has application in both England and Wales, the findings of the review and the proposals set out in the White Paper will also be carefully considered in the context of how the Act currently operates alongside legislation, mental health services and systems in Wales. In particular, the Mental Health (Wales) Measure 2010 which already has some similar proposals, such as care plans for people subject to detention.

The Welsh Government will continue to engage with the UK Government on the proposals set out in the White Paper as it considers appropriate next steps for Wales and develops its own response to the review.

The changes aim to make sure that:

- People are detained for shorter periods of time, and only detained when absolutely necessary
- When someone is detained the care and treatment they get is focused on making them well
- People have more choice and autonomy about their treatment
- Everyone is treated equally and fairly and disparities experienced by people from black and minority ethnic backgrounds are tackled
- People with a learning disability and autistic people are treated better in law and reduce the reliance on specialist inpatient services for this group of people

Some of the main points set out in the proposals are:

- Strengthened detention criteria
- Giving patients more rights to challenge their detention
- Giving patient's right to choose and refuse treatment by using Advance Choice Documents
- Introducing a Nominated Person in place of the Nearest Relative
- Revising the criteria for Community Treatment Orders
- Proposing that the Act be revised to make clearer that autism or a learning disability are not considered to be mental disorders warranting compulsory treatment under section 3.

The consultation document was circulated widely via the Service Transformation and Partnerships Manager and a number of awareness raising sessions were delivered by the Mental Health Legislation Manager for staff and partners. We received feedback from Older Adult service, Learning Disabilities, CAMHS, Senior nurses, ward managers, forensic staff, service users, Mental Health Act Administration Team and Adult Services. Staff were also able to provide personal responses.

Argymhelliad / Recommendation

This update is for information - An organisational response was formulated and returned to UK Government prior to the closing date of 21st April 21.

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 intervention 2. Support people to live active, happy and healthy lives 3. 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 Assurance 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 Assurance 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:	The Mental Health Legislation Scrutiny Group

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:	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> . Safety of patients Assurance – use of statutory mechanisms
Cyfreithiol: Legal:	Non-compliance with the Mental Health Act could result in legal proceedings being brought against the Health Board who is the detaining authority.
Enw Da: Reputational:	Not Applicable
Gyfrinachedd: Privacy:	Not Applicable
Cydraddoldeb: Equality:	Not Applicable