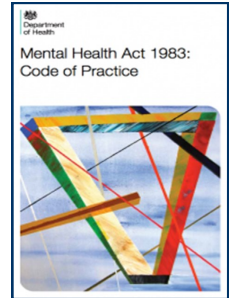




Mental Health Legislation



Volume 5 Issue Four

August 2022

This bulletin is published for all groups of staff working within our Trust.
Please share with members of your team. The bulletin is best viewed online to enable users to click onto the links.

Health and Care hub—free resources

[Mills and Reeve](#) are providing free access to their excellent Health and Care hub to colleagues from CWPT.

The hub contains briefings, information, and updates covering a range of issues from integrated care systems, primary care, mental health law, mental capacity, workforce, health tech, health and care regulatory to information governance and much more.



Please click on this [link](#)—from here all you need to do is click the “Request access” box and complete the required information

Mental Health Tribunal and Associate Hospital Manager panels returning to face-to-face hearings

Under a pilot scheme, from 3/10/22 (for non-s2 cases) and from 7/11/22 (for s2 cases) the patient will be asked to express a preference (“hearing by video”, “hearing at the hospital” or “no preference”; in the last case the default will be video).

A face-to-face hearing preference must be communicated at least 14 days (for non-s2 cases) or 72 hours (for s2 cases) before the hearing. The intention is to meet the patient's preference when possible (subject to panel availability, lockdowns etc); an urgent application should be made if the patient changes his mind.

The responsible authority can also express a preference. Regional listing will resume, but national listing will be available for video hearings to meet demand. Legal representatives will be asked to complete a survey.

Associate Hospital Managers will also offer face to face hearings from November 2022.

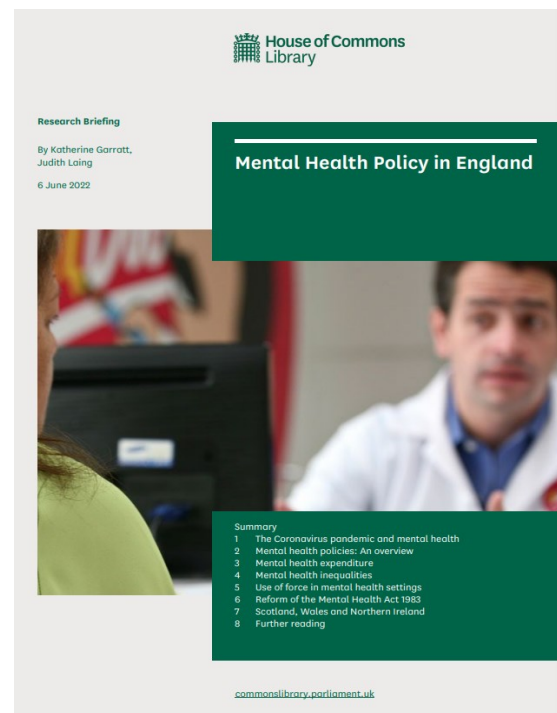
Mental health policy in England

This [briefing](#) provides a useful overview of mental health policy in England.

Section 1 looks at the impact of the Covid-19 pandemic on the population's mental health and the NHS and Government response

Section 2 provides a timeline of recent Government and NHS mental health policies in England

Section 3 looks at mental health expenditure



Section 4 covers inequalities in mental health and the strategies the Government has proposed to address them.

Section 5 outlines current guidance on the use of force in mental health settings, including the Code of Practice to the Mental.

Section 6 sets out progress on reforming the Mental Health Act 1983.

- if you need further information or have a comment or query, please contact the Mental Health Act Team on 024 7693 2520
- Head of Mental Health Legislation - Steve Trunk 024 7693 2530 or 07748 321939 steven.trunk@covwarkpt.nhs.uk
- Newsletter Author - Steve Trunk

From the Web:

Recording of event: Marking 20 years since 'Breaking the Circles of Fear' report by Centre for Mental Health

A webinar which took place on the 06 July, to mark 20 years since the publication of the landmark report 'Breaking the Circles of Fear'. Click [here to watch the recording](#) and [click here to read the original report](#) "Breaking the Circles of Fear". This event was an important moment to review what has and has not changed since 2002, to set a renewed ambition for change in tackling systemic racism in mental health care and in wider society, and to honour people's lives and struggles.

Suicide and the (mis)use of capacity – in conversation with Dr Chloe Beale

In [this conversation](#), Alex Ruck Keene talks to [Dr Chloe Beale](#) about the uses and misuses of capacity in the context of responding to suicide risk. Warning, they do get quite deep into the issues involved.

Children and Young People's Treatment: When Parents, Doctors and Local Authority Disagree

From vaccination to life-sustaining treatment – who can consent when the patient is under 18 and what happens when there is no agreement about the best way forward? [This session](#) was presented by Katie Gollop QC of Serjeants' Inn Chambers.

Human Rights in Care Settings: Joint Committee on Human Rights reports

The Joint Committee on Human Rights has published its report into Human Rights in Care Settings, following an inquiry running since September 2021. Please [see here](#) for a summary of the report. Read the [full report here](#).

Case (Residence). K v N Council [2022] MHLO 1 (COP)

The court had to decide where K (who only spoke Polish) should reside: (a) her current culturally Polish care home, where all staff and residents could speak Polish; or (b) a care home proposed by her Polish family which was much closer to them, enabling regular visits, but at which Polish staff were only sometimes on duty. The "magnetic factor" was the need for K to be able to communicate freely 24/7, unhindered by any language barrier, so it was in her best interests to remain where she was. Read Judge Buckingham's [ruling here](#).

Case (Non-treatment of eating disorder). A Mental Health NHS Trust v BG [2022] EWCOP 26

The judge decided it was not in BG's best interests to receive further treatment for eating disorder, and she subsequently died. (2) It would not be proper for a decision for this gravity to be made in secret, so the blanket reporting restrictions order was discontinued and publication of some information was permitted. See the [judgement here](#).

Annual DoLS statistics (England) released

NHS Digital has released the [annual DoLS statistics for England](#), covering the period April 2021 to March 2022. The figures show an increase of 5.5% in applications following a drop during the covid-19 pandemic. The backlog of applications not assessed or completed has also risen to over 122,000.

Independent Care Reviews

Mental Health Cop aka Michael Brown discusses a newly published independent care review which highlights a number of points which he thinks are worth making about the arrangements between police forces and mental health trusts, and about the reviews of this kind which occur after a known mental health patient kills someone. [Read his thoughts here](#).

Eliminating inappropriate out of area placements in mental health

The government's deadline to eliminate inappropriate out of area placements for adult acute patients by the end of March 2021 has been missed. [Read more here](#) from the Royal College of Psychiatrists.

Mental health legislation policies

To support staff finding mental health legislation related policies in a timely manner a subfolder has been created, which holds all Mental Health Act and Mental Capacity Act related policies.

To access the policies:

Please access the [policies page](#).

Narrated presentations

We have placed narrated presentations and films on the [learning and latest news section](#) of our intranet page:

DoLS
Using the Mental Capacity Act
Using the MCA in the community
Inpatients—consent to treatment
CTOs
Scrutiny of MHA papers
What is section 135 of the MHA?
Provision of Rights
The role of the IMHA
The role of the IMCA

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