

Mental Health Legislation

March 2025



Mental Capacity Act 2005



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CQC Monitoring the MHA in 2023/24 report published



Monitoring the
Mental Health Act
in 2023/24

This report sets out the CQC's activity and findings during 2023/24 from their engagement with people who are subject to the Mental Health Act as well as a review of services registered to assess, treat and care for people detained using the MHA.

There is something for all clinicians in the report.

Key points of the report cover:

- CQC and the Mental Health Bill
- System pressures and the MHA
- Workforce
- Inequalities
- Children and young people
- Environment

You can download a copy of the report [here](#)

Hospital rights film - DoLS

Edge have produced a 4-minute film to support registered staff to provide rights to patients subject to the DoLS.



View the film [here](#).

You can find our DoLS resources [here](#).

Mental Health Bill progress

The Mental Health Bill has now passed through the committee stage in the House of Lords.

The next stage is the 'report stage' which is due on 31st of March.

See below a link to an article by Tim Spencer Lane, summarising the key Parliamentary debates so far on the Bill and the issues that are likely to be revisited by peers at report stage and/or third reading.

An update on the Mental Health Bill [is here](#).





From the web:

Case (Cancer treatment for MHA patient). A Hospital NHS Foundation Trust v KL [2023]

EW COP 59 The patient, who was detained under the MHA and on s17 leave to a general hospital, lacked capacity in relation to chemotherapy, which was in her best interests. She was not ineligible for MCA detention so that was authorised, as was restraint for the purpose of giving the chemotherapy. Read the [judgement here](#).

Case (Inherent jurisdiction protection from husband). Wakefield Metropolitan District Council v FH [2024] EWHC 830 (Fam) — The local authority sought orders under the inherent jurisdiction to protect a woman from her abusive husband. She had capacity in relation to litigation, residence and contact, but was a vulnerable adult. The court made orders prohibiting her husband from removing her from the current care home or any future accommodation and prohibiting direct contact without third party support. Read the [judgement here](#).

Oldham Metropolitan Borough Council v KZ & Ors [2024] EW COP 72 (T3). Decision about KZ, a 20-year-old deaf man, and his capacity to decide on residence and to refuse contact with his parents. Read the [judgement here](#).

Fluctuating mental capacity and people who dissociate - The Court of Protection has recently considered the issue of fluctuating mental capacity in relation to a woman with complex PTSD who dissociated regularly. Read the [judgement here](#).

Publication of the review into the mental healthcare delivered to Valdo Calocane, the man who was responsible for three killings and three attempted killings in Nottingham in July 2023. [Read here](#).

Case (Residence, sex, contraception). Re CLF (Capacity: Sexual Relations and Contraception) [2024] EW COP 11 — Capacity in relation to residence, engagement in sexual relations, and the use of contraception. Read the [judgement here](#).

Case (Planned caesarean). Re CP [2024] EW COP 7 — Issues before the court were: (1) Should CP's parents be made parties to these proceedings? (2) Does CP have the capacity to make decisions about obstetric care and treatment, including a pre-arranged caesarean section? (3) If not, what orders should the Court make in respect of treatment? (4) If the court decided that a pre-arranged Caesarean section is in CP's best interests, is it in her best interest to have a spinal block or a general anaesthetic? [Read more here](#).

Case (Eye surgery). Re TTN (Medical Treatment: Retinal Detachment) [2024] EW COP 1 — TTN, who was detained under the MHA, lacked capacity in relation to proposed eye surgery because of delusional beliefs about the hospital and staff. The surgery was in his best interests. Read the [judgement here](#).

Case (Residence, care and contact). Re DY (Capacity) [2024] EW COP 4 — DY had capacity to make decisions about residence, care and contact with others. There were concerns that she might lose capacity in the future (including how she would respond to the birth of her baby and the stresses of living in a parent and baby unit) but it was not appropriate to make anticipatory or contingent declarations in circumstances of this case. Read the [judgement here](#).

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.

Please access the policies page [here](#)

Narrated presentations

We have placed narrated presentations and films on the learning and latest news section of our intranet page.

Access the presentations [here](#)

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