

Reforming the Mental Health Act white paper

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14 January 2021

The Government will today publish a white paper setting out proposed reforms to the Mental Health Act 1983. The reforms aim to empower individuals to have more control over their treatment by putting patients' views at the centre of their care and to tackle mental health inequalities including the disproportionate detention of people from black, Asian and minority ethnic (BAME) communities and those with a learning disability or autism.

The proposed changes include introducing statutory 'advance choice documents' to enable patients to express their wishes and preferences when they are well and an expanded role for independent mental health advocates to offer a greater level of support and representation to every patient detained under the act

A national organisational competency framework for NHS mental health trusts will be introduced, referred as the 'Patient and Carers Race Equality Framework' (PCREF). The PCREF will be a practical tool which enables mental health trusts to understand what steps it needs to take to improve black, Asian and minority ethnic communities' mental health outcomes. The use of culturally appropriate advocates will also be piloted so people from BAME backgrounds can be better supported by people who understand their needs.

The proposals set out that neither learning disability nor autism should be considered a mental disorder for which someone can be detained for treatment under section 3 of the act. Instead, under the new proposals, patients with a learning disability or autism could only be detained for treatment if a co-occurring mental health condition is identified by clinicians.

The white paper also seeks to improve access to community-based mental health support, including crisis care, to prevent avoidable detentions under the Act. Additionally, a 28-day time limit is being proposed to speed up the transfer of prisoners to hospital with the aim of ending unnecessary delays and ensuring that people with serious mental illness within the criminal justice system get the right treatment at the right time.

The Government will consult on the proposed changes over the next few months before publishing a draft Mental Health Bill next year.

Comment

In the context of the current significant rise in people experiencing mental health issues, it is a welcome development that with everything else going on the government is shining a spotlight on the need for mental health investment and reform. We await the full details with interests and will keep you updated as matters progress. We will also at some stage be running a webinar summarising the main aspects of the white paper and subsequent bill.

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