

Number 90

## Government response to the Report of the Joint Scrutiny Committee on the draft Mental Health Bill

The Government issued a press release on 13 July 2005 summarising their response to the Report of the Joint Scrutiny Committee:

'Formally responding to the report from the Pre-Legislative Scrutiny Committee, Health Minister Rosie Winterton and Home Office Minister Fiona Mactaggart said the Government had accepted in full or in part well over half of the Committee's 107 recommendations.

They reaffirmed the Government's commitment to ensuring that the Bill provides the right framework to provide treatment to protect people with a mental disorder from harming themselves and others.

Among the recommendations the Government has accepted are:

- The guiding principles will appear on the face of the Bill. This means that those principles will be relevant to all aspects of the Bill provisions. They will help raise awareness and reduce stigma.
- An exclusion for substance dependency. This tightens the conditions for compulsion, meaning that clinicians will not be able compulsorily to treat people whose sole mental disorder is dependency on drugs or alcohol.
- Improvements in patient rights, for example, in relation to advance decisions and statements, Tribunal involvement in psychosurgery, patients' rights to decide whether advocates can see their records and patients meeting with advocates in private.
- Improved rights for victims of mentally disordered offenders. More consideration must be given to victims' evidence statements when a court or tribunal is considering how to deal with mentally disordered offenders.

Rosie Winterton said:

"The Bill is designed to provide the right treatment for the right people at the right time.

"The Bill sits within the context of the Government's wider programme of reform and developments in mental health services and additional funding, which aims to achieve modern services which help people with a mental disorder early enough so that fewer people reach crisis level.

"I thank the Committee for their detailed report, which we have studied carefully. I welcome the Committee's support of a number of key features in the draft Bill, in particular the plan to allow compulsion in the community and the introduction of new safeguards for patients such as advocacy services and safeguards for children who are not being treated under compulsion because of their parents' consent.

"We have accepted in full or in part well over half of their recommendations and I am confident that we have a robust and workable piece of legislation.

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"Although the majority of mental health patients pose no danger to themselves or others, the Government has a duty to protect people with serious mental health problems from harming themselves or other people. The Bill introduces a number of new safeguards for patients' rights and we are confident that the Bill's provisions will mean that compulsory treatment will be used only when essential. Compulsion will only be used as a last resort.

"For the first time, the legislation will allow people being treated under compulsory powers to be in the community, where there is less of a risk of social exclusion. It also provides a diversion from prison for offenders with mental health problems."

Fiona Mactaggart said:

"We are determined that the legislation should work to prevent harm. The way to do that is to ensure that people who need treatment can receive it when they need it. That is before they reach crisis and harm themselves or others.

"We are determined too that, where people have offended, they should not be excluded from specialist treatment, even where they have been convicted for a serious offence.

"Finally, we want practitioners to be able to exchange information needed to prevent tragedies. Building on the Domestic Violence, Crime & Victims Act 2004, we aim to reassure victims of serious offending that their concerns will inform decisions on managing the risk posed by mentally disordered offenders."

National Director for Mental Health, Louis Appleby, said:

"Since 1999, when the Government published the National Service Framework on Mental Health, the aim has been to develop care from a Cinderella service to one which is first-class.

"The Bill goes hand-in-hand with those service improvements. One of its fundamental aims is to help make community care work for the people who need it most. Patients in the community who are ill and vulnerable or at risk will now be able to get the treatment they need." '

**The full response to the PLS committee can be found on <http://www.dh.gov.uk>**

**The draft Mental Health Bill was published on 7 September 2004. It will replace the Mental Health Act 1983. The Bill was included in the Queen's Speech for this session.**

**The Pre-Legislative Scrutiny Committee published its report on 23 March 2005. It can be found on <http://www.parliament.uk>**

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