



House of Commons

Wednesday 28 March 2018

PUBLIC BILL COMMITTEE PROCEEDINGS

MENTAL HEALTH UNITS (USE OF FORCE) BILL

[FIRST SITTING]

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.

Mr Steve Reed

That, if proceedings on the Mental Health Units (Use of Force) Bill are not completed at this day's sitting, the Committee shall meet on Wednesdays while the House is sitting at 9.30 am.

Agreed to

Mr Steve Reed

To move, That the Bill be considered in the following order, namely, Clauses 1 to 6, Clauses 9 to 11, Clauses 7 and 8, Clauses 12 to 20, new Clauses, new Schedules, remaining proceedings on the Bill.

Agreed to

Mental Health Units (Use of Force) Bill, *continued*

Mr Steve Reed

Agreed to 2

Clause 1, page 1, line 5, leave out subsection (3) and insert—

“(3) “Mental health unit” means—

- (a) a health service hospital, or part of a health service hospital, in England, the purpose of which is to provide treatment to in-patients for mental disorder, or
- (b) an independent hospital, or part of an independent hospital, in England—
 - (i) the purpose of which is to provide treatment to in-patients for mental disorder, and
 - (ii) where at least some of that treatment is provided, or is intended to be provided, for the purposes of the NHS.”

Mr Steve Reed

Agreed to 3

Clause 1, page 1, line 8, leave out subsection (4) and insert—

“() In subsection (3) the reference to treatment provided for the purposes of the NHS is to be read as a service provided for those purposes in accordance with the National Health Service Act 2006.”

Mr Steve Reed

Agreed to 4

Clause 1, page 1, line 12, leave out subsection (5) and insert—

“() “Patient” means a person who is in a mental health unit for the purpose of treatment for mental disorder or assessment.”

Mr Steve Reed

Agreed to 5

Clause 1, page 1, line 15, leave out subsection (6)

Mr Steve Reed

Agreed to 6

Clause 1, page 2, line 1, leave out subsections (7) and (8) and insert—

“(7) References to “use of force” are to—

- (a) the use of physical, mechanical or chemical restraint on a patient, or
- (b) the isolation of a patient.

(7A) In subsection (7)—

“physical restraint” means the use of physical contact which is intended to prevent, restrict or subdue movement of any part of the patient’s body;

“mechanical restraint” means the use of a device which—

- (a) is intended to prevent, restrict or subdue movement of any part of the patient’s body, and
- (b) is for the primary purpose of behavioural control;

“chemical restraint” means the use of medication which is intended to prevent, restrict or subdue movement of any part of the patient’s body;

“isolation” means any seclusion or segregation that is imposed on a patient.”

Clause, as amended, agreed to.

Mental Health Units (Use of Force) Bill, continued

Mr Steve Reed

Agreed to 7

Clause 2, page 2, line 26, leave out subsections (1) to (3) and insert—

- “(1) A relevant health organisation that operates a mental health unit must appoint a responsible person for that unit for the purposes of this Act.
- (1) The responsible person must be—
- (a) employed by the relevant health organisation, and
- (b) of an appropriate level of seniority.
- (1) Where a relevant health organisation operates more than one mental health unit that organisation must appoint a single responsible person in relation to all of the mental health units operated by that organisation.”

Clause, as amended, agreed to.

Mr Steve Reed*Agreed to 8*

Clause 3, page 2, line 36, leave out subsection (1) and insert—

- “(1) The responsible person for each mental health unit must publish a policy regarding the use of force by staff who work in that unit.”

Mr Steve Reed

Agreed to 9

Clause 3, page 2, line 37, at end insert—

- “(1) Where a responsible person is appointed in relation to all of the mental health units operated by a relevant health organisation, the responsible person must publish a single policy under subsection (1) in relation to those units.”

Mr Steve Reed

Agreed to 10

Clause 3, page 2, line 37, at end insert—

- “(1) Before publishing a policy under subsection (1), the responsible person must consult any persons that the responsible person considers appropriate.”

Mr Steve Reed

Agreed to 11

Clause 3, page 2, line 38, leave out “registered manager” and insert “responsible person”

Mr Steve Reed

Agreed to 12

Clause 3, page 2, line 38, leave out second “the” and insert “any”

Mr Steve Reed

Agreed to 13

Clause 3, page 2, line 40, leave out subsections (3) and (4) and insert—

- “(1) The responsible person may from time to time revise any policy published under this section and, if this is done, must publish the policy as revised.

Mental Health Units (Use of Force) Bill, *continued*

- () If the responsible person considers that any revisions would amount to a substantial change in the policy, the responsible person must consult any persons that the responsible person considers appropriate before publishing the revised policy.”

Mr Steve Reed

Clause 3, page 3, line 2, leave out “minimise and”

Agreed to 14

Mr Steve Reed

Clause 3, page 3, line 2, leave out “at the mental health unit” and insert “in the mental health unit by staff who work in that unit”.

Agreed to 15

Mr Steve Reed

Clause 3, page 3, line 3, leave out subsection (6)

Agreed to 16

Mr Steve Reed

Clause 3, page 3, line 6, leave out subsection (7)

Agreed to 17

Clause, as amended, agreed to.

Mr Steve Reed

Clause 4, page 3, line 12, leave out subsections (1) to (3) and insert—

Agreed to 84

- “(1) The responsible person for each mental health unit must publish information for patients about the rights of patients in relation to the use of force by staff who work in that unit.
- (1A) Before publishing the information under subsection (1), the responsible person must consult any persons that the responsible person considers appropriate.
- (1B) The responsible person must provide any information published under this section—
- (a) to each patient, and
 - (b) to any other person who is in the unit and to whom the responsible person considers it appropriate to provide the information in connection with the patient.
- (1C) The information must be provided to the patient—
- (a) if the patient is in the mental health unit at the time when this section comes into force, as soon as reasonably practicable after that time;
 - (b) in any other case, as soon as reasonably practicable after the patient is admitted to the mental health unit.”

Mr Steve Reed

Clause 4, page 3, line 24, leave out from “provided” to “in” in line 27

Agreed to 19

Mental Health Units (Use of Force) Bill, *continued*

Mr Steve Reed

Clause 4, page 3, line 27, leave out “with regard to” and insert “having regard to” *Agreed to 20*

Mr Steve Reed

Clause 4, page 3, leave out line 28 *Agreed to 21*

Mr Steve Reed

Clause 4, page 3, line 29, leave out “capacity” and insert “ability” *Agreed to 22*

Mr Steve Reed

Clause 4, page 3, line 30, leave out subsection (5) *Agreed to 23*

Mr Steve Reed

Clause 4, page 3, line 31, at end insert— *Agreed to 24*
“() The responsible person must keep under review any information published under this section.
() The responsible person may from time to time revise any information published under this section and, if this is done, must publish the information as revised.
() If the responsible person considers that any revisions would amount to a substantial change in the information, the responsible person must consult any persons that the responsible person considers appropriate before publishing the revised information.”

Mr Steve Reed

Clause 4, page 3, line 31, at end insert— *Agreed to 85*
“() The duty to provide information to a patient under subsection (1B) does not apply if—
(a) the patient refuses to accept the information, or
(b) the responsible person considers that the provision of the information to the patient would cause the patient distress.
() The duty to provide information to another person under subsection (1B) does not apply if—
(a) the patient requests that the information is not provided to the person, or
(b) the responsible person considers that the provision of the information to the person would cause the patient distress.”

Clause, as amended, agreed to.

Mr Steve Reed

Clause 5, page 3, line 33, leave out subsection (1) and insert— *Agreed to 86*
“(1) The responsible person for each mental health unit must provide training for staff that relates to the use of force by staff who work in that unit.

Mental Health Units (Use of Force) Bill, *continued*

- (1A) The training provided under subsection (1) must include training on the following topics—
- (a) how to involve patients in the planning, development and delivery of care and treatment in the mental health unit,
 - (b) showing respect for patients' past and present wishes and feelings,
 - (c) showing respect for diversity generally,
 - (d) avoiding unlawful discrimination, harassment and victimisation,
 - (e) the use of techniques for avoiding or reducing the use of force,
 - (f) the risks associated with the use of force,
 - (g) the impact of trauma (whether historic or otherwise) on a patient's mental and physical health,
 - (h) the impact of any use of force on a patient's mental and physical health,
 - (i) the impact of any use of force on a patient's development,
 - (j) how to ensure the safety of patients and the public, and
 - (k) the principal legal or ethical issues associated with the use of force."

Mr Steve Reed

Agreed to **87**

Clause **5**, page **3**, line **39**, leave out subsection (2) and insert—

“(2) Subject to subsection (2A), training must be provided—

- (a) in the case of a person who is a member of staff when this section comes into force, as soon as reasonably practicable after this section comes into force, or
 - (b) in the case of a person who becomes a member of staff after this section comes into force, as soon as reasonably practicable after they become a member of staff.
- (2A) Subsection (2) does not apply if the responsible person considers that any training provided to the person before this section came into force or before the person became a member of staff—
- (a) was given sufficiently recently, and
 - (b) meets the standards of the training provided under this section.
- (2B) Refresher training must be provided at regular intervals whilst a person is a member of staff.
- (2C) In subsection (2B) “refresher training” means training that updates or supplements the training provided under subsection (1).”

Clause, as amended, agreed to.

Mr Steve Reed

Agreed to **28**

Clause **6**, page **4**, line **2**, leave out “Care Quality Commission” and insert “Secretary of State”

Mr Steve Reed

Agreed to **29**

Clause **6**, page **4**, line **3**, leave out “registered managers” and insert “responsible persons and relevant health organisations”

Mental Health Units (Use of Force) Bill, *continued*

Mr Steve Reed

Agreed to 30

Clause 6, page 4, line 3, at end insert—

“(1A) In exercising functions under this Act, responsible persons and relevant health organisations must have regard to guidance published under this section.”

Mr Steve Reed

Agreed to 31

Clause 6, page 4, line 3, at end insert—

“(1B) The Secretary of State must keep under review any guidance published under this section.”

Mr Steve Reed

Agreed to 32

Clause 6, page 4, line 3, at end insert—

“(1C) Before publishing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

Mr Steve Reed

Agreed to 33

Clause 6, page 4, line 4, leave out subsection (2)

Mr Steve Reed

Agreed to 34

Clause 6, page 4, line 10, leave out subsection (3) and insert—

“(3A) The Secretary of State may from time to time revise the guidance published under this section and, if this is done, must publish the guidance as revised.

(3B) If the Secretary of State considers that any revisions would amount to a substantial change in the guidance, the Secretary of State must consult such persons as the Secretary of State considers appropriate before publishing any revised guidance.”

Clause, as amended, agreed to.

Mr Steve Reed

Agreed to 70

Clause 9, page 5, line 39, leave out subsections (1) to (4) and insert—

“(1) As soon as reasonably practicable after the end of each calendar year, the Secretary of State—

(a) must conduct a review of any reports made under paragraph 7 of Schedule 5 to the Coroners and Justice Act 2009 that were published during that year relating to the death of a patient as a result of the use of force in a mental health unit by staff who work in that unit, and

(b) may conduct a review of any other findings made during that year relating to the death of a patient as a result of the use of force in a mental health unit by staff who work in that unit.

(1A) Having conducted a review under subsection (1), the Secretary of State must publish a report that includes the Secretary of State’s conclusions arising from that review.

Mental Health Units (Use of Force) Bill, *continued*

- (1B) The Secretary of State may delegate the conduct of a review under subsection (1) and the publication of a report under subsection (1A).
- (1C) For the purposes of subsection (1)(b) “other findings” include, in relation to the death of a patient as a result of the use of force in a mental health unit, any finding or determination that is made—
- (a) by the Care Quality Commission as the result of any review or investigation conducted by the Commission, or
 - (b) by a relevant health organisation as the result of any investigation into a serious incident.”

Clause, as amended, agreed to.

Mr Steve Reed

Not selected 71

Page 6, line 11, leave out Clause 10

Clause negatived.

Mr Steve Reed

Not selected 72

Page 6, line 22, leave out Clause 11

Clause negatived.

[Adjourned until Wednesday 18 April at 9.30am]