



House of Commons

Wednesday 25 April 2018

PUBLIC BILL COMMITTEE PROCEEDINGS

MENTAL HEALTH UNITS (USE OF FORCE) BILL

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Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.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

Clause 7, page 4, line 15, leave out subsection (1) and insert— *Agreed to 94*
 “(1) The responsible person for each mental health unit must keep a record of any use of force by staff who work in that unit in accordance with this section.”

Mr Steve Reed

Clause 7, page 4, line 15, at end insert— *Agreed to 88*
 “(1A) Subsection (1) does not apply in cases where the use of force is negligible.
 (1B) Whether the use of force is “negligible” for the purposes of subsection (1A) is to be determined in accordance with guidance published by the Secretary of State.
 (1C) Section 6(1B) to (3B) apply to guidance published under this section as they apply to guidance published under section 6.”

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

- Mr Steve Reed *Agreed to* 37
 Clause 7, page 4, line 16, leave out subsection (2)
- Mr Steve Reed *Agreed to* 38
 Clause 7, page 4, line 18, leave out lines 18 and 19 and insert “The record must include the following information—”
- Mr Steve Reed *Agreed to* 39
 Clause 7, page 4, line 19, at the end insert—
 “() the reason for the use of force;”
- Mr Steve Reed *Agreed to* 40
 Clause 7, page 4, line 20, leave out “time” and insert “date”
- Mr Steve Reed *Agreed to* 41
 Clause 7, page 4, line 21, leave out paragraph (b) and insert—
 “(b) the type or types of force used on the patient;”
- Mr Steve Reed *Agreed to* 89
 Clause 7, page 4, line 21, at end insert—
 “() whether the type or types of force used on the patient form part of the patient’s care plan;”
- Mr Steve Reed *Agreed to* 43
 Clause 7, page 4, line 22, leave out “identity of the patient” and insert “name of the patient on whom force was used”
- Mr Steve Reed *Agreed to* 44
 Clause 7, page 4, line 22, at end insert—
 “() a description of how force was used;”
- Mr Steve Reed *Agreed to* 45
 Clause 7, page 4, line 22, at end insert—
 “(ca) the patient’s consistent identifier;”
- Mr Steve Reed *Agreed to* 46
 Clause 7, page 4, line 23, leave out “identity” and insert “name”
- Mr Steve Reed *Agreed to* 90
 Clause 7, page 4, line 23, leave out “those who restrained” and insert “any member of staff who used force on”

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

Mr Steve Reed

Agreed to 48

Clause 7, page 4, line 24, leave out “anyone not employed by the registered manager” and insert “any person who was not a member of staff in the mental health unit”

Mr Steve Reed

Agreed to 49

Clause 7, page 4, line 26, leave out “disorders or main mental disorder” and insert “disorder (if known)”

Mr Steve Reed

Agreed to 50

Clause 7, page 4, line 27, after “patient” insert “(if known)”

Mr Steve Reed

Agreed to 51

Clause 7, page 4, line 28, leave out “had” and insert “has”

Mr Steve Reed

Agreed to 52

Clause 7, page 4, line 28, leave out “autism” and insert “autistic spectrum disorders”

Mr Steve Reed

Agreed to 53

Clause 7, page 4, line 29, leave out paragraph (i)

Mr Steve Reed

Agreed to 54

Clause 7, page 4, line 30, at end insert—
“() a description of the outcome of the use of force;”

Mr Steve Reed

Agreed to 91

Clause 7, page 4, line 31, leave out paragraph (j) and insert—
“(j) whether the patient died or suffered any serious injury as a result of the use of force;”

Mr Steve Reed

Agreed to 56

Clause 7, page 4, line 35, leave out “all” and insert “any”

Mr Steve Reed

Agreed to 57

Clause 7, page 4, line 35, leave out “restrain” and insert “use force on”

Mr Steve Reed

Agreed to 92

Clause 7, page 4, line 35, at end insert—
“() whether a notification regarding the use of force was sent to the person or persons (if any) to be notified under the patient’s care plan;”

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

- Mr Steve Reed *Agreed to* **59**
 Clause 7, page 4, line 36, leave out paragraph (l)
- Mr Steve Reed *Agreed to* **60**
 Clause 7, page 4, line 38, leave out “registered manager” and insert “responsible person”
- Mr Steve Reed *Agreed to* **61**
 Clause 7, page 4, line 38, leave out “an entry in”
- Mr Steve Reed *Agreed to* **62**
 Clause 7, page 4, line 38, leave out “at least 10” and insert “3”
- Mr Steve Reed *Agreed to* **64**
 Clause 7, page 4, line 39, leave out from “made” to end of line 42
- Mr Steve Reed *Agreed to* **65**
 Clause 7, page 4, line 42, at end insert—
 “() In subsection (3)(ca) the “patient’s consistent identifier” means the consistent identifier specified under section 251A of the Health and Social Care Act 2012.”
- Mr Steve Reed *Agreed to* **95**
 Clause 7, page 4, line 42, at end insert—
 “() This section does not permit the responsible person to do anything which, but for this section, would be inconsistent with—
 (a) any provision made by or under the Data Protection Act 1998, or
 (b) a common law duty of care or confidence.”
- Mr Steve Reed *Agreed to* **66**
 Clause 7, page 5, line 3, leave out paragraph (c)
- Mr Steve Reed *Agreed to* **67**
 Clause 7, page 5, line 6, leave out from “pregnant” to the end of line 7

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

Mr Steve Reed

Agreed to **68**

Clause 7, page 5, line 12, leave out subsection (6) and insert—

“() Expressions used in subsection (5) and Chapter 2 of Part 1 of the Equality Act 2010 have the same meaning in that subsection as in that Chapter.”

Clause, as amended, agreed to.

Mr Steve Reed

Agreed to **69**

Clause 8, page 5, line 16, leave out subsections (1) to (5) and insert—

“(1) The Secretary of State must ensure that at the end of each year statistics are published regarding the use of force by staff who work in mental health units.

(1A) The statistics must provide an analysis of the use of force in mental health units by reference to the relevant information recorded by responsible persons under section 7.

(1B) In subsection (1A) “relevant information” means the information falling within section 7(3)(a), (b), (g), (h) and (j).”

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As an Amendment to Mr Steve Reed’s proposed Amendment (No. 69):—

Luciana Berger

Withdrawn after debate **(a)**

Line 7, at end insert—

“(1C) The Secretary of State must make an annual statement to Parliament, as soon as practicable following the publication of the statistics under subsection (1).”

Clause, as amended, agreed to.

Mr Steve Reed

Withdrawn after debate **1**

Clause 12, page 6, line 34, end insert—

“(1A) A person appointed under this section must be independent of the NHS and of private providers of mental health services.”

Jackie Doyle-Price

Not selected **73**

Page 6, line 30, leave out Clause 12

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

Mr Steve Reed

Agreed to 93

Clause 13, page 7, line 20, leave out subsections (1) and (2) and insert—

- “(1) If a police officer is going to a mental health unit on duty that involves assisting staff who work in that unit, the officer must take a body camera if reasonably practicable.
- (1A) While in a mental health unit on duty that involves assisting staff who work in that unit, a police officer who has a body camera there must wear it and keep it operating at all times when reasonably practicable.
- (1B) Subsection (1A) does not apply if there are special circumstances at the time that justify not wearing the camera or keeping it operating.
- (1C) A failure by a police officer to comply with the requirements of subsection (1) or (1A) does not of itself make the officer liable to criminal or civil proceedings.
- (1D) But if those requirements appear to the court or tribunal to be relevant to any question arising in criminal or civil proceedings, they must be taken into account in determining that question.”

Mr Steve Reed

Agreed to 75

Clause 13, page 7, line 26, leave out subsection (3)

Mr Steve Reed

Agreed to 96

Clause 13, page 7, line 31, at end insert—

“() In this section—

“body camera” means a device that operates so as to make a continuous audio and video recording while being worn;

“police officer” means—

- (a) a member of a police force maintained under section 2 of the Police Act 1996,
- (b) a member of the metropolitan police force,
- (c) a member of the City of London police force,
- (d) a special constable appointed under section 27 of the Police Act 1996, or
- (e) a member or special constable of the British Transport Police Force.”

Clause, as amended, agreed to.

Mr Steve Reed

Not selected 77

Page 7, line 32, leave out Clause 14

Clause negatived.

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

Mr Steve Reed

Not selected 78

Page 8, line 7, leave out Clause 15

Clause negatived.

Mr Steve Reed

Not selected 79

Page 8, line 41, leave out Clause 16

Mr Steve Reed

Not selected 80

Page 9, line 6, leave out Clause 17

Clause negatived.

Mr Steve Reed

Agreed to 81

Clause 18, page 9, line 25, at end insert “(other than regulations made under section 20(3))”

Clause, as amended, agreed to.

Clause 19 agreed to.

Mr Steve Reed

Agreed to 83

Clause 20, page 9, line 35, leave out subsections (3) and (4) and insert—

“(3) The other provisions of this Act come into force on such day as the Secretary of State may appoint by regulations.

(4) Regulations under this section may appoint different days for different purposes or areas.”

Clause, as amended, agreed to.

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

Mr Steve Reed

Not moved NC1

To move the following Clause—

“Independent investigation of deaths: legal aid

- (1) Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended as follows.
- (2) After paragraph 41 (inquests) insert—

“41A Investigation of deaths resulting from use of force in mental health units

- (1) Civil legal services provided to an individual in relation to an investigation under section 12 of the Mental Health Units (Use of Force) Act 2018 (independent investigation of deaths) into the death of a member of the individual’s family.
- (2) For the purposes of this paragraph an individual is a member of another individual’s family if—
 - (a) they are relatives (whether of the full blood or half blood or by marriage or civil partnership),
 - (b) they are cohabitants (as defined in Part 4 of the Family Law Act 1996), or
 - (c) one has parental responsibility for the other.”

Mr Steve Reed

Agreed to NC3

To move the following Clause—

“Delegation of responsible person’s functions

- (1) The responsible person for each mental health unit may delegate any functions exercisable by the responsible person under this Act to a relevant person only in accordance with this section.
 - (2) The responsible person may only delegate a function to a relevant person if the relevant person is of an appropriate level of seniority.
 - (3) The delegation of a function does not affect the responsibility of the responsible person for the exercise of the responsible person’s functions under this Act.
 - (4) The delegation of a function does not prevent the responsible person from exercising the function.
 - (5) In this section “relevant person” means a person employed by the relevant health organisation that operates the mental health unit.”
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Mental Health Units (Use of Force) Bill, *continued*

Mr Steve Reed

Agreed to NC4

To move the following Clause—

“Transitional provision

The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.”

Mr Steve Reed

Agreed to NC7

To move the following Clause—

“Interpretation

In this Act—

“health service hospital” has the same meaning as in section 275(1) of the National Health Service Act 2006;

“independent hospital” has the same meaning as in section 145(1) of the Mental Health Act 1983;

“the NHS” has the same meaning as in section 64(4) of the Health and Social Care Act 2012;

“responsible person” has the meaning given by section 2(1);

“relevant health organisation” means—

- (a) an NHS trust;
- (b) an NHS foundation trust;
- (c) any person who provides health care services for the purposes of the NHS within the meaning of Part 3 of the Health and Social Care Act 2012;

“staff” means any person who works for a relevant health organisation that operates a mental health unit (whether as an employee or a contractor) who—

- (a) may be authorised to use force on a patient in the unit,
 - (b) may authorise the use of force on a particular patient in the unit, or
 - (c) has the function of providing general authority for the use of force in the unit.”
-

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

Jackie Doyle-Price

Agreed to NC6

To move the following Clause—

“Investigation of deaths or serious injuries

When a patient dies or suffers a serious injury in a mental health unit, the responsible person for the mental health unit must have regard to any guidance relating to the investigation of deaths or serious injuries that is published by—

- (a) the Care Quality Commission (see Part 1 of the Health and Social Care Act 2008);
- (b) Monitor (see section 61 of the Health and Social Care Act 2012);
- (c) the National Health Service Commissioning Board (see section 1H of the National Health Service Act 2006);
- (d) the National Health Service Trust Development Authority (which is a Special Health Authority established under section 28 of the National Health Service Act 2006);
- (e) a person prescribed by regulations made by the Secretary of State.”

Bill, as amended, to be reported.
