Mr Steve Reed

To move the following Clause—

“Independent investigation of deaths

(1) A registered manager must within seven days of becoming aware of a death to which this section applies notify the Secretary of State in writing of that death.

(2) This section applies to a death if—
   (a) the death occurred during, or as a result of, the use of force on the deceased patient, and
   (b) the use of force occurred at a mental health unit managed by the registered manager.

(3) On being notified of a death, the Secretary of State must appoint an independent person—
   (a) to investigate the circumstances of the death, and
   (b) to prepare a report regarding that death.

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

(5) A person appointed under this section must provide a report within three months of that appointment.

(6) The Secretary of State must within 14 days of receiving the report publish—
Mental Health Units (Use of Force) Bill, continued

(a) the report, or
(b) a statement that a report under this section has been received.

(7) The Secretary of State may only publish a statement under subsection (6)(b) if satisfied that the publication of the report would be contrary to the public interest, which includes causing prejudice to—
(a) any potential or ongoing court proceedings,
(b) the conduct of a senior coroner’s investigation under Part 1 of the Coroners and Justice Act 2009.

(8) A statement published under subsection (6)(b) must include—
(a) the name and date of birth of the deceased,
(b) the date and place of the death,
(c) the place at which the use of force occurred, if different from the place of the death,
(d) the identity of the registered manager in relation to the mental health unit, and
(e) how the publication of the report would, in the opinion of the Secretary of State, be contrary to the public interest.

(9) The Secretary of State must publish the report as soon as practicable upon the conclusion of the proceedings or investigation.”

Mr Steve Reed

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 (independent investigations of deaths) 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.”
Mental Health Units (Use of Force) Bill, continued

Sir Christopher Chope
Clause 1, page 1, line 13, leave out sub-paragraph (ii)

Sir Christopher Chope
Clause 1, page 1, line 15, leave out subsection (4)

Philip Davies
Clause 1, page 2, line 3, leave out “force” and insert “restraint”

Norman Lamb
Clause 1, page 2, line 4, leave out “mechanical or chemical” and insert “or mechanical”

Sir Christopher Chope
Clause 1, page 2, line 4, leave out “mechanical or chemical” and insert “or mechanical”

Sir Christopher Chope
Clause 1, page 2, line 5, leave out paragraph (b)

Norman Lamb
Clause 1, page 2, line 5, after “isolation” insert “or threat of isolation”

Member’s explanatory statement
This amendment, together with Amendments 41 to 43, would extend the definition of the use of force for the provisions in the Bill to cover threats of the use of force and coercion.

Norman Lamb
Clause 1, page 2, line 5, after “isolation” insert “or threat of isolation”

Member’s explanatory statement
See explanatory statement for Amendment 40.

Norman Lamb
Clause 1, page 2, line 5, at end insert “or (c) the coercion of a patient.”

Member’s explanatory statement
See explanatory statement for Amendment 40.

Sir Christopher Chope
Clause 1, page 2, leave out lines 14 and 15

Sir Christopher Chope
Clause 1, page 2, leave out lines 16 and 17
Norman Lamb

Clause 1, page 2, line 17, at end insert—

““Coercion” means the use or threat of force, with the intention of causing fear, alarm or distress to control a patient’s behaviour or elicit compliance with the application of a use of force.”

Member’s explanatory statement
See explanatory statement for Amendment 40.

Sir Christopher Chope

Clause 2, page 2, line 20, leave out “a relevant” and insert “any”

Sir Christopher Chope

Clause 2, page 2, line 23, leave out “relevant”

Robert Courts

☆ Clause 2, page 2, line 24 and insert—

“(b) appropriate in terms of qualifications or experience.”

Member’s explanatory statement
This amendment would give relevant health organisations flexibility to appoint a responsible person based on criteria other than seniority.

Robert Courts

☆ Clause 2, page 2, line 24, at end insert—

“(2A) Before appointing a responsible person, the relevant health organisation must consult any persons that the organisation considers appropriate.”

Member’s explanatory statement
This amendment would require relevant health organisations to consult before appointing a responsible person.

Sir Christopher Chope

Clause 2, page 2, line 25, leave out “relevant”

Robert Courts

☆ Clause 3, page 2, line 29, after “publish”, insert “in print, with or without any other format.”

Member’s explanatory statement
This amendment would require a relevant health organisation’s policy to be published in hard copy so it is accessible to people in the unit, and not just online.
Mental Health Units (Use of Force) Bill, continued

Philip Davies

Clause 3, page 2, line 30, leave out “force” and insert “restraint”

Sir Christopher Chope

Clause 3, page 2, line 32, leave out “relevant”

Robert Courts

☆ Clause 3, page 2, line 35, leave out “any” and insert “persons who appear to the responsible person to represent the interests of patients and any other”

*Member’s explanatory statement*

This amendment would ensure that patient representatives are consulted in the development of the policy before it is published.

Norman Lamb

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

“(6A) A policy published under this section must set out that the use of force will only be used without the sole intention of inflicting pain, suffering or humiliation, or subjecting patients to tortuous, inhumane or degrading treatment, or without inflicting punishment or intimidation.”

*Member’s explanatory statement*

This amendment would prevent the use of force with the sole intention of causing suffering or harm to a patient, in line with the Mental Health Act code of practice and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Norman Lamb

Clause 3, page 3, line 3, leave out from “out” to end of line 4 and insert—

“(a) a description of each of the methods of restraint that may be used in the mental health unit;
(b) what steps will be taken to reduce and minimise the use of force in the mental health unit by staff who work in the unit;
(c) a description of the techniques to be used for avoiding or reducing the use of force in the mental health unit by staff who work in the unit; and
(d) a commitment to reducing the overall use of force in the mental health unit.”

*Member’s explanatory statement*

This amendment would require mental health units to commit to reducing the overall use of force, and increase transparency about how they intend to achieve this and what types of force they permit.
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Mental Health Units (Use of Force) Bill, continued

Philip Davies

Clause 3, page 3, line 4, leave out “force” and insert “restraint”

Philip Davies

Clause 4, page 3, line 7, leave out “force” and insert “restraint”

Norman Lamb

Clause 4, page 3, line 8, at end insert—

“(1A) Information under subsection (1) must include a patient’s right to advocacy and how to access an advocate.”

Member’s explanatory statement

This amendment would ensure that people’s legal rights to advocacy, under existing provisions, are communicated to them in relation to the use of force.

Robert Courts

☆ Clause 4, page 3, line 13, after “patient,” insert—

“(aa) to any person appearing to be the patient’s nearest relative within the meaning of section 26(3) of the Mental Health Act 1983, if that person is in the unit,”.

Member’s explanatory statement

This amendment would ensure that a patient’s nearest relative is provided with the information published under subsection (1) if they are in the unit.

Secretary Jeremy Hunt

Clause 4, page 3, line 16, at end insert—

“unless the patient (where paragraph (a) applies) or the other person (where paragraph (b) applies) refuses the information.”

Member’s explanatory statement

This allows for cases where a person refuses the information provided, and supersedes subsections (9)(a) and (10)(a).

Secretary Jeremy Hunt

Clause 4, page 3, line 22, leave out subsection (5) and insert—

“(5) The responsible person must take whatever steps are reasonably practicable to ensure that the patient is aware of the information and understands it.”

Member’s explanatory statement

This expands the duty to provide information accessibly so that it requires the responsible person to take whatever steps are reasonably practicable to ensure the patient understands.
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Mental Health Units (Use of Force) Bill, continued

Secretary Jeremy Hunt

Clause 4, page 3, line 33, leave out subsections (9) and (10)

Member’s explanatory statement
Subsections (9)(a) and (10)(a) are superseded by Amendment 1. Subsections (9)(b) and (10)(b) are unnecessary as the information will not be of a nature that would cause distress.

Sir Christopher Chope

Clause 4, page 3, line 36, leave out “the responsible person considers that”

Sir Christopher Chope

Clause 4, page 3, line 42, leave out “the responsible person considers that”

Philip Davies

Clause 5, page 4, line 3, leave out “force” and insert “restraint”

Norman Lamb

Clause 5, page 4, line 3, at end insert—
“(1A) The Secretary of State must publish quality standards for training provided under subsection (1).

(1B) The Secretary of State may delegate the publication of quality standards for training under subsection (2).”

Member’s explanatory statement
This amendment would require training on the use of force to comply with quality standards.

Sir Christopher Chope

Clause 5, page 4, line 6, after “patients” insert “and their families”

Philip Davies

Robert Courts

Clause 5, page 4, line 9, leave out paragraph (c)

Philip Davies

Clause 5, page 4, line 11, leave out “force” and insert “restraint”

Philip Davies

Clause 5, page 4, line 12, leave out “force” and insert “restraint”
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Mental Health Units (Use of Force) Bill, continued

Norman Lamb

Clause 5, page 4, line 13, at beginning insert “trauma-informed care, including”

Member’s explanatory statement
This amendment, together with Amendment 81, would ensure that training requirements for staff include training on trauma-informed care.

Robert Courts

 Clause 5, page 4, line 13, leave out paragraph (g)

Member’s explanatory statement
This amendment would leave out any specific requirement for training on impact of trauma on a patient’s mental and physical health.

Norman Lamb

Clause 5, page 4, line 14, at end insert “and the impact of the use of force on a patient who may have experienced violence and abuse.”

Member’s explanatory statement
See explanatory statement for Amendment 80.

Philip Davies

Clause 5, page 4, line 15, leave out “force” and insert “restraint”

Philip Davies

Clause 5, page 4, line 16, leave out “force” and insert “restraint”

Sir Christopher Chope

Clause 5, page 4, line 18, leave out “the principal”

Philip Davies

Clause 5, page 4, line 18, leave out “or ethical”

Philip Davies

Clause 5, page 4, line 18, leave out “force” and insert “restraint”

Philip Davies

Clause 5, page 4, line 18, at end insert—
“(l) the roles, responsibilities and procedure in the event of police involvement,”

Philip Davies

Clause 5, page 4, line 18, at end insert—
“(m) awareness of acute behavioural disturbance.”
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Mental Health Units (Use of Force) Bill, continued

Secretary Jeremy Hunt

Clause 5, page 4, line 30, leave out “meets the standards of” and insert “is of an equivalent standard to”

*Member’s explanatory statement*
This is a small drafting change that clarifies that training does not need to be provided under Clause 5 if training that was recently provided was of an equivalent standard to the training provided under that Clause.

Philip Davies

Clause 5, page 4, line 31, leave out subsections (5) and (6)

Robert Courts

☆ Clause 5, page 4, line 31, leave out “regular intervals” and insert “least annually”.

*Member’s explanatory statement*
This amendment would ensure that staff receive refresher training at least annually.

Sir Christopher Chope

Clause 6, page 5, line 8, at end insert—
“(7) Guidance under this Act shall be published no later than six months after this Act is passed.”

Robert Courts

☆ Clause 6, page 5, line 8, at end insert—
“(7) Before publishing the guidance, or any revision that amounts to a substantial change in the guidance, the Secretary of State must lay a copy of the guidance or the revision, as the case may be, before Parliament.”

*Member’s explanatory statement*
This amendment would ensure that the guidance is laid before Parliament before it is issued.

Secretary Jeremy Hunt

That Clause 6 be transferred to the end of line 34 on page 7.

Sir Christopher Chope

Clause 7, page 5, line 11, after “any” insert “significant”

Philip Davies

Clause 7, page 5, line 12, leave out “force” and insert “restraint”
Consideration of Bill (Report Stage): 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Norman Lamb

Clause 7, page 5, line 13, leave out subsections (2) and (3)

Member’s explanatory statement
This amendment would improve transparency and accountability about the use of force by ensuring consistency in the recording of all uses of force, not just those that are above a threshold to be set in statutory guidance.

Sir Christopher Chope

Clause 7, page 5, line 13, leave out subsection (2)

Philip Davies

Clause 7, page 5, line 13, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 13, at end insert “or does not involve physical contact”

Sir Christopher Chope

Clause 7, page 5, line 14, leave out subsection (3)

Philip Davies

Clause 7, page 5, line 14, leave out “force” and insert “restraint”

Sir Christopher Chope

Clause 7, page 5, line 17, leave out subsection (4)

Philip Davies

Clause 7, page 5, line 20, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 21, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 22, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 23, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 25, leave out “force” and insert “restraint”
Consideration of Bill (Report Stage): 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Robert Courts

☆ Clause 7, page 5, line 26, leave out paragraph (f)

Member’s explanatory statement
This amendment would remove the requirement to record a description of how force was used.

Philip Davies

Clause 7, page 5, line 26, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 28, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 31, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 33, leave out paragraph (k)

Philip Davies

Clause 7, page 5, line 36, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 38, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 39, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 40, leave out “force” and insert “restraint”

Philip Davies

Clause 7, page 5, line 41, at end insert—
“(q) the relevant characteristics of the staff involved (if known)”

Robert Courts

☆ Clause 7, page 5, line 42, leave out “3 years” and insert “12 months”

Member’s explanatory statement
This amendment would reduce the retention period for a record of use of force from 3 years to 12 months.
Consideration of Bill (Report Stage): 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Philip Davies

Clause 7, page 5, line 43, at end insert—
“(6A) Records must also be kept in the patient’s medical notes.”

Secretary Jeremy Hunt

Clause 7, page 6, line 5, leave out “made by or under the Data Protection Act 1998” and insert “of the data protection legislation”

Member’s explanatory statement
Amendments 5 and 6 are consequential on the Data Protection Act 2018.

Secretary Jeremy Hunt

Clause 7, page 6, line 6, at end insert—
“( ) In subsection (8) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Member’s explanatory statement
Amendments 5 and 6 are consequential on the Data Protection Act 2018.

Philip Davies

Clause 7, page 6, line 7, leave out subsections (9) and (10)

Philip Davies

Clause 7, page 6, line 7, leave out from “(5)(k)” to “mean” and insert “(5)(k) and (q) the “relevant characteristics” in relation to a patient and member of staff”

Philip Davies

Clause 7, page 6, line 8, leave out “the patient’s” and insert “their”

Philip Davies

Clause 7, page 6, line 9, leave out “the patient has” and insert “they have”

Philip Davies

Clause 7, page 6, line 11, leave out paragraph (c)

Philip Davies

Clause 7, page 6, line 11, leave out “the patient’s” and insert “their”

Philip Davies

Clause 7, page 6, line 12, leave out “the patient is” and insert “they are”

Philip Davies

Clause 7, page 6, line 13, leave out paragraph (e)
Consideration of Bill (Report Stage): 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Philip Davies

Clause 7, page 6, line 13, leave out “the patient’s” and insert “their”

Philip Davies

Clause 7, page 6, line 14, leave out paragraph (f)

Philip Davies

Clause 7, page 6, line 14, leave out “the patient’s” and insert “their”

Philip Davies

Clause 7, page 6, line 15, leave out “the patient’s” and insert “their”

Philip Davies

Clause 7, page 6, line 16, leave out paragraph (h)

Philip Davies

Clause 7, page 6, line 16, leave out “the patient’s” and insert “their”

Robert Courts

Member’s explanatory statement

This amendment would ensure that statistics on the use of force are published at the end of each calendar year.

Philip Davies

Clause 8, page 6, line 20, after “each” insert “calendar”

Philip Davies

Clause 8, page 6, line 21, leave out “force” and insert “restraint”

Philip Davies

Clause 8, page 6, line 22, leave out “force” and insert “restraint”

Philip Davies

Clause 8, page 6, line 26, leave out “and (n)” and insert “(n) and (q)”

Philip Davies

Clause 9, page 6, line 33, leave out “force” and insert “restraint”
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Robert Courts

Clause 9, page 6, line 35, leave out “death of a patient as a result of the use of force” and insert “use of force on a patient”

Member’s explanatory statement
This amendment clarifies that the Secretary of State may review findings that relate to a use of force on a patient in mental health units that did not result in the death of the patient.

Philip Davies

Clause 9, page 6, line 35, leave out “force” and insert “restraint”

Norman Lamb

Clause 9, page 6, line 39, at end insert—
“(2A) The report published under subsection (2) must make reference to the annual statistics published under section 8.”

Member’s explanatory statement
This amendment, together with Amendments 83 to 85, would improve accountability and transparency in the progress towards reducing the overall use of force.

Norman Lamb

Clause 9, page 6, line 39, at end insert—
“(2B) The Secretary of State must make a statement to Parliament, as soon as practicable following the publication of report under subsection (2).”

Member’s explanatory statement
See explanatory statement for Amendment 82.

Norman Lamb

Clause 9, page 6, line 41, leave out “and”

Member’s explanatory statement
See explanatory statement for Amendment 82.

Norman Lamb

Clause 9, page 6, line 41, at end insert “and the statement under subsection (2B).”

Member’s explanatory statement
See explanatory statement for Amendment 82.

Robert Courts

Clause 9, page 6, line 41, at end insert—
“(3A) The Secretary of State must lay a copy of the report before Parliament.”

Member’s explanatory statement
This amendment would require the Secretary of State’s annual report to be laid before Parliament.
Consideration of Bill (Report Stage): 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Robert Courts

★ Clause 9, page 7, line 1, leave out subsection (4)

**Member’s explanatory statement**

This amendment would remove the explanation of “other findings” in relation to the death of a patient that the Secretary of State may review.

Philip Davies

Clause 9, page 7, line 2, leave out “force” and insert “restraint”

Robert Courts

★ Clause 12, page 7, line 37, leave out “going to” and insert “attending”

**Member’s explanatory statement**

This amendment would make it clearer that the police officer is performing a function to assist staff in a mental health unit.

Philip Davies

Clause 12, page 7, line 38, leave out “must take” and insert “should consider taking”

Philip Davies

Clause 12, page 8, line 2, leave out “must wear it and” and insert “should wear it and try to”

Robert Courts

★ Clause 12, page 8, line 4, leave out “special”

**Member’s explanatory statement**

This amendment would narrow the provision so as to not require a definition of circumstances to meet the meaning of ‘special circumstances’.

Robert Courts

★ Clause 12, page 8, line 5, at end insert “to make a continuous audio and video recording”

**Member’s explanatory statement**

This amendment defines the function of the operation of the camera.

Philip Davies

Clause 12, page 8, line 6, leave out subsections (4) and (5)
Robert Courts

Clause 12, page 8, line 22, at end insert—

“(f) a Police Community Support Officer called to assist at a Mental Health Unit with a “police officer”.”

Member’s explanatory statement
This amendment would widen the definition of a police officer to include PSCOs, as they can use reasonable force to arrest or detain a suspected offender.

Secretary Jeremy Hunt

Clause 13, page 8, line 32, leave out “has the meaning given by section 2” and insert “means a person appointed under section 2(1)”

Member’s explanatory statement
This improves the drafting of the definition of “responsible person”.

Philip Davies

Clause 13, page 8, line 42, leave out “force” and insert “restraint”

Philip Davies

Clause 13, page 8, line 43, leave out “force” and insert “restraint”

Philip Davies

Clause 13, page 8, line 46, leave out “force” and insert “restraint”

Robert Courts

Page 9, line 2, leave out Clause 14

Robert Courts

Clause 15, page 9, line 10, at end insert—

“(3) Regulations under section 10(e) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

Member’s explanatory statement
This amendment would make regulations under section 10(e) (prescribing bodies) subject to the affirmative parliamentary procedure.
Consideration of Bill (Report Stage): 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Secretary Jeremy Hunt

That Clause 15 be transferred to the end of line 15 on page 9.

Robert Courts

✦ Clause 17, page 9, line 23, leave out “or areas”

Member’s explanatory statement

This amendment would remove the power to bring provisions of the Act into force at different times for different areas.

Philip Davies

Clause 17, page 9, line 24, leave out “Force” and insert “Restraint”

Philip Davies

Title, line 2, leave out “force” and insert “restraint”

Secretary Jeremy Hunt

Title, line 2, leave out “and similar institutions”

Member’s explanatory statement

This removes from the long title a reference to “similar institutions” as these are not covered by the Bill.