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

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

(b) they are cohabitants (as defined in Part 4 of the Family Law Act 1996), or
(c) one has parental responsibility for the other.”

<table>
<thead>
<tr>
<th>Sayer</th>
<th>Clause</th>
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<th>Line</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>Sir Christopher Chope</td>
<td>1</td>
<td>1</td>
<td>13</td>
<td>leave out sub-paragraph (ii)</td>
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<tr>
<td>Sir Christopher Chope</td>
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<td>15</td>
<td>leave out subsection (4)</td>
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<td>Philip Davies</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>leave out “force” and insert “restraint”</td>
</tr>
<tr>
<td>Norman Lamb</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>after “use” insert “or threat”</td>
</tr>
<tr>
<td>Sir Christopher Chope</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>leave out “mechanical or chemical” and insert “or mechanical”</td>
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<td>Sir Christopher Chope</td>
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<td>5</td>
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<td>after “isolation” insert “or threat of isolation”</td>
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<td>1</td>
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<td>5</td>
<td>at end insert “or the coercion of a patient.”</td>
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<tr>
<td>Sir Christopher Chope</td>
<td>1</td>
<td>2</td>
<td></td>
<td>leave out lines 14 and 15</td>
</tr>
<tr>
<td>Sir Christopher Chope</td>
<td>1</td>
<td>2</td>
<td></td>
<td>leave out lines 16 and 17</td>
</tr>
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</table>
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."

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

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

 Clause 2, page 2, line 24 and insert—
“(b) appropriate in terms of qualifications or experience.”

 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.”

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

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

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

Clause 3, page 2, line 32, leave out “relevant”
Mental Health Units (Use of Force) Bill, continued

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”

Not selected 108

Robert Courts

☆ Clause 3, page 2, line 41, leave out “any” and insert “persons that appear to the responsible person to represent the interests of patients and any other”

Not selected 109

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.”

Not called 37

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.”

Not called 36

Philip Davies

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

Not called 46

Philip Davies

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

Not called 47

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.”

Not called 38
Mental Health Units (Use of Force) Bill, continued

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,”.

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.”

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.”

Secretary Jeremy Hunt

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

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).”

Sir Christopher Chope

Clause 5, page 4, line 6, after “patients” insert “and their families”
Mental Health Units (Use of Force) Bill, continued

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”

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

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

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.”

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.”

Not called 9

Not called 49

Not called 50

Not called 80

Not selected 112

Not called 81

Not called 51

Not called 52

Not called 99

Not called 10

Not called 53

Negatived on division 11
Report Stage Proceedings: 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Philip Davies
Clause 5, page 4, line 18, at end insert—
“(m) awareness of acute behavioural disturbance.”

Negatived on division 12

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

Philip Davies
Clause 5, page 4, line 31, leave out subsections (5) and (6)
Not called 13

Robert Courts
☆ Clause 5, page 4, line 31, leave out “regular intervals” and insert “least annually”.
Not selected 113

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.”
Not called 100

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.”
Not selected 114

Secretary Jeremy Hunt
Agreed to
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”
Not called 101

Philip Davies
Clause 7, page 5, line 12, leave out “force” and insert “restraint”
Not called 54
### Mental Health Units (Use of Force) Bill, continued

<table>
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<td>Clause 7, page 5, line 13</td>
<td>leave out subsections (2) and (3)</td>
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<td><strong>Sir Christopher Chope</strong></td>
<td>102</td>
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<td><strong>Philip Davies</strong></td>
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<td>at end insert “or does not involve physical contact”</td>
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<td><strong>Sir Christopher Chope</strong></td>
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<td><strong>Philip Davies</strong></td>
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<td><strong>Robert Courts</strong></td>
<td>115</td>
<td>Clause 7, page 5, line 26</td>
<td>leave out paragraph (f)</td>
<td></td>
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Philip Davies
Clause 7, page 5, line 26, leave out “force” and insert “restraint”
Not called 62

Philip Davies
Clause 7, page 5, line 28, leave out “force” and insert “restraint”
Not called 63

Philip Davies
Clause 7, page 5, line 31, leave out “force” and insert “restraint”
Not called 64

Philip Davies
Clause 7, page 5, line 33, leave out paragraph (k)
Not called 15

Philip Davies
Clause 7, page 5, line 36, leave out “force” and insert “restraint”
Not called 65

Philip Davies
Clause 7, page 5, line 38, leave out “force” and insert “restraint”
Not called 66

Philip Davies
Clause 7, page 5, line 39, leave out “force” and insert “restraint”
Not called 67

Philip Davies
Clause 7, page 5, line 40, leave out “force” and insert “restraint”
Not called 68

Philip Davies
Clause 7, page 5, line 41, at end insert—
“(q) the relevant characteristics of the staff involved (if known)”
Not called 21

Robert Courts
Clause 7, page 5, line 42, leave out “3 years” and insert “12 months”
Not selected 116

Philip Davies
Clause 7, page 5, line 43, at end insert—
“(6A) Records must also be kept in the patient’s medical notes.”
Not called 16

Secretary Jeremy Hunt
Clause 7, page 6, line 5, leave out “made by or under the Data Protection Act 1998”
Agreed to 5 and insert “of the data protection legislation”
Report Stage Proceedings: 15 June 2018

Mental Health Units (Use of Force) Bill, continued

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).”

Agreed to 6

Philip Davies

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

Not called 17

Philip Davies

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

Not called 22

Philip Davies

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

Not called 23

Philip Davies

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

Not called 24

Philip Davies

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

Not called 32

Philip Davies

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

Not called 25

Philip Davies

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

Not called 26

Philip Davies

Clause 7, page 6, line 13, leave out paragraph (e)

Not called 33

Philip Davies

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

Not called 27

Philip Davies

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

Not called 34

Philip Davies

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

Not called 28
**Mental Health Units (Use of Force) Bill, continued**

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

☆ 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”

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”

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

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).”

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

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

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.”

Robert Courts
☆ Clause 9, page 7, line 1, leave out subsection (4)

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”

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”

Robert Courts
☆ Clause 12, page 8, line 5, at end insert “to make a continuous audio and video recording”
Report Stage Proceedings: 15 June 2018

Mental Health Units (Use of Force) Bill, continued

Philip Davies

Clause 12, page 8, line 6, leave out subsections (4) and (5)  Not called 20

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”.”  Not selected 124

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)”  Agreed to 7

Philip Davies

Clause 13, page 8, line 42, leave out “force” and insert “restraint”  Not called 74

Philip Davies

Clause 13, page 8, line 43, leave out “force” and insert “restraint”  Not called 75

Philip Davies

Clause 13, page 8, line 46, leave out “force” and insert “restraint”  Not called 76

Robert Courts

☆ Page 9, line 2, leave out Clause 14  Not selected 125

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.”  Not selected 126
Mental Health Units (Use of Force) Bill, continued

Secretary Jeremy Hunt

Agreed to

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

Robert Courts

Not selected 127

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

Philip Davies

Not called 77

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

Philip Davies

Not called 78

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

Secretary Jeremy Hunt

Agreed to 8

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

Bill, as amended, reported.

Debate to be resumed on Friday 6 July.