



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 6 June 2018

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: NC1 and NC2

CONSIDERATION OF BILL (REPORT STAGE)

MENTAL HEALTH UNIT (USE OF FORCE) BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Mr Steve Reed

NC1

★ 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.

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

- (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—
 - (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

NC2

- ★ 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 death*) 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.

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

- (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”.
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