



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Monday 11 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: 9 to 35

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 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.

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.”

Secretary Jeremy Hunt 1

- ☆ 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 2

- ☆ 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.

Secretary Jeremy Hunt 3

- ☆ 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.

Philip Davies 9

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

Philip Davies 10

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

Philip Davies 11

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

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

Philip Davies

12

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

Secretary Jeremy Hunt

4

- ☆ 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

13

- ★ Clause 5, page 4, line 31, leave out subsections (5) and (6)
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Secretary Jeremy Hunt

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

Philip Davies

14

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

Philip Davies

15

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

Philip Davies

21

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

Philip Davies

16

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

Secretary Jeremy Hunt

5

- ☆ 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.

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

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| Secretary Jeremy Hunt | 6 |
| ☆ 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).” <i>Member’s explanatory statement</i> <i>Amendments 5 and 6 are consequential on the Data Protection Act 2018.</i> | 6 |
| Philip Davies | 17 |
| ★ Clause 7, page 6, line 7, leave out subsections (9) and (10) | 17 |
| Philip Davies | 22 |
| ★ 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” | 22 |
| Philip Davies | 23 |
| ★ Clause 7, page 6, line 8, leave out “the patient’s” and insert “their” | 23 |
| Philip Davies | 24 |
| ★ Clause 7, page 6, line 9, leave out “the patient has” and insert “they have” | 24 |
| Philip Davies | 32 |
| ★ Clause 7, page 6, line 11, leave out paragraph (c) | 32 |
| Philip Davies | 25 |
| ★ Clause 7, page 6, line 11, leave out “the patient’s” and insert “their” | 25 |
| Philip Davies | 26 |
| ★ Clause 7, page 6, line 12, leave out “the patient is” and insert “they are” | 26 |
| Philip Davies | 33 |
| ★ Clause 7, page 6, line 13, leave out paragraph (e) | 33 |
| Philip Davies | 27 |
| ★ Clause 7, page 6, line 13, leave out “the patient’s” and insert “their” | 27 |
| Philip Davies | 34 |
| ★ Clause 7, page 6, line 14, leave out paragraph (f) | 34 |
| Philip Davies | 28 |
| ★ Clause 7, page 6, line 14, leave out “the patient’s” and insert “their” | 28 |

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

Philip Davies 29

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

Philip Davies 35

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

Philip Davies 30

- ★ Clause 7, page 6, line 16, leave out “the patient’s” and insert “their”
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Philip Davies 31

- ★ Clause 8, page 6, line 25, leave out “and (n)” and insert “(n) and (q)”
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Philip Davies 18

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

Philip Davies 19

- ★ Clause 12, page 8, line 2, leave out from “there” to “at” in line 3 and insert “should wear it and try to keep it operating”

Philip Davies 20

- ★ Clause 12, page 8, line 6, leave out subsections (4) and (5)
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Secretary Jeremy Hunt 7

- ☆ 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”.

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

Secretary Jeremy Hunt

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

Secretary Jeremy Hunt

8

☆ 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.
