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Still Unsure?

If you are unsure about any of the changes outlined in this document – please contact your manager.

The changes in full can be found here:

<http://www.legislation.gov.uk/ukpga/2020/7/schedule/8>

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In Practice Continued...

For prisoners, an amendment would help to ensure that defendants and prisoners with a mental health condition can be admitted to hospital for treatment during a time of staff shortages and disruption to services. The flexibilities will change the number of doctors' opinions and time limits required for detention and movement between court, prison and hospital.

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In Practice Continued...

Patients who are being treated without their consent have the right, after three months, to have their treatment reviewed by a Second Opinion Appointed Doctor, a service provided by the Care Quality Commission. To reduce the impact on resources at the end of the emergency period and avoid a peak in demand on to fulfil this right, an amendment sets out that the three month period will commence from the end of the emergency period.

Coronavirus Act 2020

Mental Health Act

Summary of Changes

7 Minute Briefing



1

Context

During a severe coronavirus outbreak, it is anticipated that there will be a surge in demand for healthcare services, including mental health services. There will also likely be higher staff absence rates than usual, particularly during the peak weeks. It is thought likely that organisations will find it very difficult to comply with a number of procedural requirements set out in the Mental Health Act 1983.

2

What does this mean?

The consequences of this would include meaning that patients needing mental health treatment in an inpatient setting would be less likely to receive it, particularly in those cases where a person is so unwell he or she is not able or willing to consent formally to treatment.

It would also mean that people would have to wait for an extended period before receiving mental health assessments, and be unwell and untreated for longer. These waits would include those for assessments following detentions made by the police under the Act, which would be a burden on police time, and could result in an increase of the number of people being assessed within police stations.

3

The Changes

In order to support these services and give them the flexibility they will need to continue treating patients during a severe coronavirus outbreak, a number of temporary amendments to the Mental Health Act 1983 are proposed. These include:

- allowing fewer health care professionals needed to undertake certain functions (one Doctor's opinion rather than the current 2); and
- extension or removal of time limits relating to detention and transfer of patients.

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In Practice

In practice, the amendments would mean that an approved mental health professional may decide to detain a person on the advice of one doctor approved under section 12 of the Act. The Act requires the advice of two doctors, the second having acquaintance with the patient.

With special thanks to Mid and West Wales Safeguarding Boards