1. **Proposed Mental Health Standards of Care (Wales) Bill Consultation: Response form**



1. **Name: Royal Pharmaceutical Society – Iwan Hughes**
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3. **Are you submitting this response in a professional or personal capacity?:**

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| --- | --- |
| 1. **Professional capacity (including on behalf of an organisation)** | 1. **Personal capacity** |
| 1. Are you responding on behalf of an organisation? 2. Yes 3. No | 1. Age: 2. I am under 13 years old 3. I am aged 13 to 17 4. I am aged 18 or over and wish my contribution to be anonymised 5. I am aged 18 or over and happy for my name to be published with my contribution |
| 1. Are you (your organisation) currently a provider of mental health services? 2. Yes 3. No | 1. In what capacity are you responding? 2. Child / Young person 3. Parent / Carer 4. Other |

If professional, or a provider of mental health services, your role and the name of organisation for which you are responding:

Click or tap here to enter text.

# Consultation Questions

## Enshrining overarching principles in legislation

### Question 1: Do you think there is a need for this legislation? Can you provide reasons for your answer.

1. With the legislation being over 30 years old, it would certainly seem sensible to explore whether it should be updated, particularly in the context of devolution. Having read the consultation document, the proposals would appear to us to merit progressing to the next stage of the legislative process where more detail can be added.

### Question 2: Do you agree or disagree with the overarching principles that the Bill seeks to enshrine?

1. Providing individuals with choice and autonomy and lifting restrictions (where safe to individuals, their loved ones and those working with them) should always be a principle to follow across public services. These principles, twinned with prioritising personalised care tailored to the individual and ensuring best possible therapeutic benefit mean we’re whole supportive of what the Bill seeks to enshrine.

## Specific changes to existing legislation

## A. Nearest Relative and Nominated Person

### Question 3: Do you agree or disagree with the proposal to replace the Nearest Relative (NR) provisions in the Mental Health Act 1983 with a new role of Nominated Person?

We agree with this proposal. The change would empower individuals by giving them the opportunity to select the most appropriate person in light of their current circumstances. We agree that the current model of family involvement is outdated and insufficient.

### Can you provide reasons for your answer.

## B. Changing the criteria for detention, ensuring the prospect for therapeutic benefit

### Question 4: Do you agree or disagree with the proposal to change in the criteria for detention to ensure that people can only be detained if they pose a risk of serious harm either to themselves or to others?

We do agree. As pointed out in the document, the content of the Mental Health Act Code of Practice for Wales will mean that this change is likely to be symbolic rather than lead to a substantive difference in practice. However, having the criteria clearly stated in law will be beneficial for all involved.

### Can you provide reasons for your answer.

### Question 5: Do you agree or disagree with the proposal to change in the criteria that there must be reasonable prospect of therapeutic benefit to the patient?

Yes we agree. We would also encourage that determination of this should, where possible, be considered by a multi professional team involved in the individual’s care and support in order bring different expertise into the equation.

### Can you provide reasons for your answer.

## Remote (Virtual) assessment

### Question 6: Do you agree or disagree with the proposal to introduce remote (virtual) assessment under ‘specific provisions’ relating to Second Opinion Appointed Doctors (SOADs), and Independent Mental Health Advocates (IMHA)?

On a very high level, we would not oppose this in principle, however more detail is needed as the proposal goes forward through the legislative process.

### Can you provide reasons for your answer.

## D. Amendments to the Mental Health (Wales) Measure 2010

### Question 7: Do you agree or disagree with the proposal to amend the Measure to ensure that there is no age limit upon those who can request a re-assessment of their mental health?

### Can you provide reasons for your answer.

### Question 8: Do you agree or disagree with the proposal to amend the Measure to extend the ability to request a re-assessment to people specified by the patient?

We agree with both the above proposals which both align to the principles of the bill to limit restriction and to treat the person as an individual.

### Can you provide reasons for your answer.

## General Views

### Question 9: Do you have any views about how the impact the proposals would have across different population groups?

No.

### Question 10: Do you have any views about the impact the proposals would have on children’s rights?

No.

### Question 11: Do you have any general views on the proposal, not covered by any of the previous questions contained in the consultation?

No.