



Department
of Health &
Social Care

*From the Lord Kamall
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By Email

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My Lords,

Follow up letter to questions raised during Lord Kamall's oral statement to the House on Tuesday 28 June 2022.

I wish to thank noble Lords who took part in the debate following the oral statement on the publication of the draft Mental Health Bill for pre-legislative scrutiny on 28 June 2022. I am writing to respond to those questions that I did not have the time to answer in the chamber.

In the interests of transparency, and to help inform future discussions, I have addressed this letter to the whole House, and have placed it in the library.

This letter will respond to questions in the order they were raised.

Questions raised by Baroness Merron

Both Baroness Merron first asked me to comment on those recommendations made by Sir Simon Wessely, which the Government did not accept. This question was also put to me by Baroness Brinton.

In our White Paper, Reforming the Mental Health Act, published in January last year, the Government provided responses to each of the 154 recommendations made by Sir Simon's Independent Review. The great majority were accepted, and those recommendations involving legislative changes now form the basis of the draft Bill. The Government subsequently consulted on its White Paper and received broad support for its proposals last summer.

I was asked, by Baroness Merron and also by Baroness Royall of Blaisdon about when certain future Government plans will be published, specifically, Building the Right Support, the mental health plan and the suicide prevention plan.

The aim is that the suicide prevention plan will be published by the end of this year. The 10-year mental health plan is currently subject to a public call for evidence, which will conclude on 5 July. The Department is currently working towards publication, but we understand the importance of taking full account of the response to the consultation. Finally, we plan to publish the Building the Right support Action plan shortly.

In response to the two questions on whether the Government intends to review the Mental Health Act's detention criteria, or its provision to make community treatment orders, I can confirm that on both counts, there are new provisions in the draft Bill which are drawn from recommendations for change made by Sir Simon Wessely. These provisions reflect the principle of least restriction for people who come into contact with the Act.

On the matters of giving under-18s the right to make advance decisions to refuse treatment and the matter of a statutory decision-making test for those who are under 16, these are complex matters which deserve very careful consideration to reach an appropriate balance. The draft Bill proposes that children and young people can set out what they want and don't want in advance in an Advance Choice Document or by other means. Any wishes and preferences will need to be considered in treatment decisions, as part of the new 'clinical checklist'. While an advance refusal of treatment will not have the same status as that written by a person who is over 18, it will be considered alongside the patient's wishes and preferences, in keeping with the scope of advance decisions under the Mental Capacity Act 2005. The reforms will enable a greater level of support and representation for children and young people who will be able to choose a nominated person and benefit from improved access to advocacy.

Questions raised by Baroness Brinton

Baroness Brinton asked whether the £150 million announced for the next three years to improve mental health services and relieve pressure from accident and emergency departments had previously been announced. Baroness McIntosh of Hudnall also enquired about the plans for this extra investment. I can confirm that this was previously announced in the Spending Review, but we are now able to provide more specific information on how it will be spent, e.g. the funding includes £7 million for specialised mental health ambulances across the country to reduce the use of general ambulance call-outs for those experiencing a mental health crisis and to prevent the inappropriate use of police vehicles to take people to hospital.

We are also responding to the point the noble Lady made on the need to update old building stock, by investing over £400 million on capital projects across England to replace old dormitory style blocks with new accommodation to provide inpatients with their own rooms and private bathrooms. This supports the aims of our reforms to provide greater privacy and dignity to people in inpatient mental health units, which we know is important to recovery outcomes.

On the matter of mental health support to new parents, the NHS is expanding its perinatal mental health services, and is currently working to increase specialist community care for women who need ongoing support from 12 months after birth to 24 months, as well as improving access to evidence-based psychological therapies for women and their partners.

The noble Baroness then raised the matter of how to ensure that the draft Bill's provisions for patients to choose their own Nominated Person do not exclude close family members. This is an important point, and particularly so for children and young people, who will be able to choose their own Nominated Person in future.

Question raised by Lord Judge

The noble Lord asked whether the Government will engage with the pre-legislative scrutiny committee fully and in such a way that there will be minimal need for future Government amendments to the Bill. I hope I can assure the noble Lord that my officials and I intend to do so. We very much look forward to working with the Committee to improve the Bill. In addition, I would be happy to meet with noble Lords or to facilitate meetings with my officials, as I did during the passage of the Health and Care Act. For example, on Tuesday morning, I chaired a meeting between noble Lords, DHSC officials, MoJ officials and the minister Gillian Keegan.

I look forward to working with your Lordships as the bill progresses through pre-legislative scrutiny and through the House.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Syed', is centered on the page. The signature is fluid and cursive, with a large 'S' and a distinct 'y'.

LORD KAMALL