



Royal College of Psychiatrists: Proposed Amendment to the Health and Social Care Bill at Grand Committee in the House of Lords – Registration Requirements

Amendment

52 Page 8, line 11, at end insert—

"() impose requirements as to the demonstration of compliance with the Mental Health Act 1983 (c. 20) and other relevant legislation."

Purpose of the amendment

Amendment 52 ensures that the future registration criteria are sufficiently robust and set a high enough quality threshold; and that the registration criteria incorporate explicit mention of primary legislation that is essential for providing care – this includes the Mental Health Act 1983 as amended in 2007 for mental health providers but will also include other relevant legislation.

Reason for the amendment

One of the most fundamental features of the Mental Health Act Commission (MHAC), as evidenced by their biennial reports, has been their expertise in, and concern to foster an understanding of, the rights of those who are detained.

This is primarily around the use of the Mental Health Act, but the MHAC also look for breaches, or potential breaches of human rights that may have occurred to detained patients. In this sense, the MHAC have become a true guardian of the Human Rights Act.

There will be over 30,000 providers of services of varying sizes, many operating under the Mental Health Act, who will be regulated by the Care Quality Commission. Some will be small providers with perhaps little history of or expertise in issues pertaining to detained patients. This amendment will ensure that the standards required of all providers will include compliance with all relevant legislation.

For all providers, compliance with the Human Rights Act and other legislation such as the NHS Act, Midwives Act, and equalities legislation is essential to their proper operation. No institution should be registered unless it can be assured that this will occur. The amendment would also have the effect of enabling the Commission to de-register any organizations who fail to reach the standard.

The list of potential Acts to be included could be determined by a consultation process.

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