

# **QNFMHS Low Secure Forum**

**The Independent  
Review of the MHA**

**2018**

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# The Story so far...

- On 4th October 2017 the Prime Minister announced an independent review of the mental health legislation and practice to tackle the issue of mental health detention. The government noted concern about:
  - i. rising rates of detention under the act
  - ii. the disproportionate number of people from black and minority ethnicities detained under the act
  - iii. whether some processes relating to the Act are in line with a modern mental health system.
- On 1<sup>st</sup> May 2018 the Interim Report of the Independent Review was published. The evidence considered had been drawn from national service user and carer surveys, focus groups, stakeholder workshops, and a call for evidence together with wider discussions with organisations and professionals.

# The Interim Report doesn't hold back...

- It warns that people held under the Act are **vulnerable** to “**potential coercive mistreatment**”, which can lead to **physical and psychological harm**. “It is concerning that people often do not feel safe, treated with dignity or that their human rights are respected whilst detained,” the report states.
- “The **inherent power imbalance** means **detained patients are vulnerable to potential coercive mistreatment, abuse and deprivation of human rights, leading to physical and psychological harm**.”

- The report goes beyond the collected findings to consider the next steps to be undertaken which will involve examining the issues associated with the topic areas outlined in the report, and formulating recommendations to be published in the final report in the Autumn.
- Topic areas include: increased rates of detention under the MHA, maximising patient autonomy, patient dignity and safety, advocacy, procedural safeguards, family/carer involvement, CTOs, discharge, care-planning and after-care, MCA interface, police role, criminal justice and part 3 of the MHA, and the principles underpinning the MHA.

# Service User and Carer Involvement

- The review is being chaired by Prof Sir Simon Wessely, former president of the Royal College of Psychiatrists. Sir Wessley has been very forthright in his criticism of the mental health care system, stating that current environments “could hardly be designed worse” to assist recovery.
- Prof. Sir Simon Wessely committed to patients being at the heart of the review and the Service User and Carer Group is part of the actualisation of this promise. The group has met once a month since February 2018 to submit evidence and discuss issues and findings relevant to the review.
- The membership comprises those have either been detained under the MHA and/or whose immediate family or friends have been detained. I can speak only with admiration of the eloquent and unflinchingly open testimonies of my fellow group members and of their determination, which I share, to do our best to contribute to positive change in the legislation.

# Service User and Carer Involvement

- Members have been assigned to the various topic groups which have been tasked to consider the findings and formulate recommendations for the review. At least one or two patients or carers have been assigned to each topic group.
- We were all requested to express our preferences as to which areas we would like to work on. I pitched very hard to be a member of the topic group for the revision of 'Part Three of the MHA'; this is the part which deals with the Criminal Justice System and 'restricted' patients.
- Given the MHA can impact patients to the extent of depriving them of their freedom and qualifying of some of their rights under the HRA, it is essential that the service user and carer voice is loud and clear.

# Criminal Justice System topic group

- **5 Core Members;** a forensic psychiatrist, a criminal justice system researcher, a lawyer, a former head of nursing quality from secure care and me.
- **Remit** –the interim report said the review will consider further:

**Prisoners, immigration detainees and transfers to/from hospital**

**Restricted patients system**

**Courts powers and processes**

- Purpose of the group is to **identify potential recommendations** the review could make in relation to the above, and to support the review's overarching goals.

- **Review Goals**

Service users and carers being **treated with dignity and respect** and supported to be **fully involved in treatment as possible**

**Greater autonomy** for people subject to mental health legislation and **access to services** for those that need them

The **least restrictive option** appropriate to a person's circumstances to be the **default option**

**Reduced disparities** between groups with **protected characteristics** and a greater focus on a **rights-based approaches**

Reduced harm and improved safety for all

- **Report to the review leadership by [21st] September 2018**, setting out **key findings** for consideration by the Review as they prepare their **final report and recommendations to government**.

# Finally...

I would like to encourage all mental health trusts to take a cue from the interim report and give serious consideration to how they implement their services and treat patients assigned to their care.

Interim report states very clearly that “**the inherent power imbalance means detained patients are vulnerable to potential coercive mistreatment, abuse and deprivation of human rights leading to physical and psychological harm**”.

It is imperative mental health services put the Interim Report to practical use and implement robust improvement to the care and treatment they provide to patients detained under the MHA.

