

Tomas Adell
Mental Health and Capacity Unit

To:

The Attorney General for Northern Ireland
Chief Executive of each HSC Trust;
Chief Executive of the HSC Board
Chief Executive of the PHA
Chief Executive of the RQIA
Chief Executive of the Patient and Client Council
Royal College of Psychiatry (NI Division);
British Association of Social Workers (NI);
Royal College of Nursing (NI).
British Medical Association

Castle Buildings
Stormont
Belfast BT4 3SQ

Our Ref: HSC circular MHCU 2/20

31 March 2020

Dear Colleague,

CORONAVIRUS EMERGENCY PROVISIONS RELATING TO MENTAL HEALTH AND MENTAL CAPACITY (DEPRIVATION OF LIBERTY SAFEGUARDS)

1. The purpose of this circular is to make you aware of amendments to mental health and mental capacity legislation to relax safeguards during Coronavirus pressures.

Coronavirus Act 2020 and mental capacity Regulations

2. The Coronavirus Act 2020 provides temporary amendments to the Mental Health (Northern Ireland) Order 1986 and the Mental Capacity Act (Northern Ireland) 2016 / Deprivation of Liberty Safeguards. Regulations have also been made to provide further amendments to the technical details around the Deprivation of Liberty Safeguards.
3. The Department will provide Codes of Practice for the amendments to mental health and mental capacity legislation. The Codes will be available on 1 April 2020 in electronic format on the Department's website.
4. The Codes will provide the details of the amendments and all professionals working in areas relevant to mental health and mental capacity / Deprivation of Liberty Safeguards must be aware of the changes.
5. The Department will also provide emergency forms for both mental health and mental capacity. They will be provided in the Codes and in word format on the Department's website. These forms have been provided for ease, and there are no statutory requirements to use them. For further information please see the Codes of Practice.

6. HSC Trusts should be aware that the use of certain emergency provisions require monitoring, evaluation and reporting on a case by case basis. Further details are provided in the Codes of Practice.
7. **The temporary amendments come into force on 2 April 2020** and will last until the Department considers the Coronavirus pressures are over or for a maximum of 2 years.

Approved Social Worker Directions

8. Further, the Department has today made new Directions in respect of approved social workers under both the Mental Health Order and the Mental Capacity Act.
9. The Directions allow HSC Trusts to consider for approval for appointment social workers who have completed the course requirement for the taught content of the 2019 / 2020 Northern Ireland Approved Social Worker Regional Training Programme.
10. In addition, for mental health, HSC Trusts can during the Coronavirus emergency period also consider for approval for appointment anyone who has previously worked as an approved social worker. However, any such appointment ceases when the emergency period is ended.

Required actions

11. All organisations should ensure that all relevant staff are aware of the temporary amendments.
12. For further information please contact Mental Health and Capacity Unit in the Department of Health. Points of contact are
Mental Health and Capacity Unit: mentalhealthunit@health-ni.gov.uk
or
Tomas Adell tomas.adell@health-ni.gov.uk

Yours sincerely



Tomas Adell
Mental Health and Capacity Unit

ANNEX A – HSC MHU 1/14



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STATUTORY RULES OF NORTHERN IRELAND

2020 No. xxxx

MENTAL HEALTH

The Mental Health (Northern Ireland) (Amendment) Order 2020

Made - - - - - *25th March 2020*

Coming into operation - *30th March 2020*

The Department of Health(1), in exercise of the powers conferred by Article 64(2) of the Mental Health (Northern Ireland) Order 1986(2), makes the following Order:

Citation and commencement

1. This Order may be cited as the Mental Health (Northern Ireland) (Amendment) Order 2020 and shall come into operation on xx March 2020.

Amendment of Article 64(1)(b) of the Mental Health (Northern Ireland) Order 1986

2. In Article 64(1)(b), for “three months” substitute “six months”.

Sealed with the Official Seal of the Department of Health on 25th March 2020.

(L.S.)

Mark Lee
A senior officer of the Department of Health.

(1) 2016 c. 5 (NI), s1(5)
(2) S.I. 1986/595 (NI 4)

Certificate of Second Opinion

(Treatment Requiring Consent or Second Opinion)

(Full name and professional address)

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am a medical practitioner appointed for the purposes of

*(Delete whichever does not apply)

*Part II
*Part IV

of the Mental Health (Northern Ireland) Order 1986 by the RQIA.

(Full name, address and status of person or persons consulted]

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| I have consulted | |
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who appear(s) to me to be principally concerned with the medical treatment of

(Full name and address of the patient)

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