

## **MHB012 - Y Gymdeithas Fferyllol Frenhinol**

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### **Senedd Cymru | Welsh Parliament**

Bil arfaethedig – Datblygu'r Bil Safonau Gofal Iechyd Meddwl (Cymru) |  
Proposed Development of the Mental Health Standards of Care (Wales) Bill

Ymateb gan: Iwan Hughes, Y Gymdeithas Fferyllol Frenhinol | Evidence from:  
Iwan Hughes, Royal Pharmaceutical Society

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### **Enshrining overarching principles in legislation**

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

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?**

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?**

**Can you provide reasons for your answer?**

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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 We agree that the current model of family involvement is outdated and insufficient.

## **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?**

**Can you provide reasons for your answer.**

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.

**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?**

**Can you provide reasons for your answer.**

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.

## **C. 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)?**

**Can you provide reasons for your answer.**

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.

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## **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.**

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**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?**

**Can you provide reasons for your answer.**

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.

### **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.

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