



Ministry
of Justice

The Right Honourable
Robert Buckland QC MP
Lord Chancellor & Secretary of
State for Justice

Juliet Lyon
Chair of the Independent Advisory Panel on Deaths in Custody
102 Petty France
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MoJ Ref: 84498

13 January 2021

By Email Only

Dear Juliet,

PUBLICATION OF WHITE PAPER: 'REFORMING THE MENTAL HEALTH ACT'

I am writing to inform you that, today, the Department for Health and Social Care (DHSC) and the Ministry of Justice (MoJ) have published on GOV.UK the Government's White Paper on *Reforming the Mental Health Act*.

This White Paper responds to the Independent Review of the Mental Health Act (MHA), which was chaired by Professor Sir Simon Wessely and reported in December 2018. The Review concluded that the MHA does not always work as well as it should for patients, nor for their families and carers. The current legislation goes too far in removing people's autonomy and does not do enough to protect and support the ability of people to influence or make decisions about their own care. The Government accepts, and will take forward, the vast majority of the Review's recommendations for change.

Reforming the Mental Health Act proposes changes to the legislation as well as through changes in culture and practice. These include measures to clarify the criteria for detention under the Act, enhance patient voice and rights, and modernise patient representation and support.

As part of this, we are proposing to expand patient access to the Mental Health Tribunal (MHT), which provides vital independent scrutiny of detention. We also want to expand the powers of the Tribunal so that it plays a greater role in embedding the core principles of reform.

The MHA has distinct implications for patients at all stages of the criminal justice system. Patients in the criminal justice system will benefit equally from many of the reforms set out in the White Paper. My department's contribution to this White Paper will also make important changes to how we manage offenders with acute mental disorder, with a view to ensuring to they are able to access the care and treatment they need in a hospital setting as early and as quickly as possible. Informed by the Review, our key proposals in this area include:

- improving the timeliness of transfers from prisons to mental health hospitals where individuals become unwell in custody;
- work to stop prison being used as a 'place of safety' on the grounds of mental health;
- improving the provision of information to victims of offenders with mental disorder; and
- work to improve the management of patients subject to a restriction order for the purposes of public protection.

While *Reforming the Mental Health Act* sets out an ambitious agenda to modernise the system, the reforms are balanced against my responsibilities towards public protection. Public protection remains at the heart of all decisions regarding patients in the criminal justice system, which at times has meant a different approach must be taken from civil patients.

Publication of the White Paper also launches a three-month consultation, through which we are seeking the views of stakeholders and service users on our proposals and the future development of key policy issues. I would be highly grateful for the involvement of your organisation as part of this process

Please do not hesitate to contact my officials at any time if you have any questions (Sophia Blake and Alex Hewitt at offender-health@justice.gov.uk).

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly informal style.

RT HON ROBERT BUCKLAND QC MP