



Mental Health Reform
Promoting Improved Mental Health Services



Welcome!

**Understanding the Proposed Changes to Mental
Health Law – Webinar 1**

5th September 2024

Support

<https://www.mentalhealthreform.ie/>

<https://www.mentalhealthreform.ie/membership/>

<https://www2.hse.ie/mental-health/>

Text HELLO to 50808 to start a conversation
50808 is anonymous, free and here for you 24/7.



Agenda

1. Presentation by **Ber Grogan**, *Policy & Research Manager, Mental Health Reform*

2. Panel Discussion

- **Justyna Maslanka**, *Cairde*
- **Dr Charles O'Mahony**, *Lecturer, School of Law, University of Galway*
- **Michael Ryan**, *Head of HSE's Mental Health Engagement and Recovery Office, Mental Health Operations*
- **Ann Phelan**, *Authorised Officer & Occupational Therapist*

3. Q & A function is open and available



* Recording in progress

* Slides will be emailed to all registrants

*** Information correct as of 5th September 2024**

* No changes overnight

* Get involved!



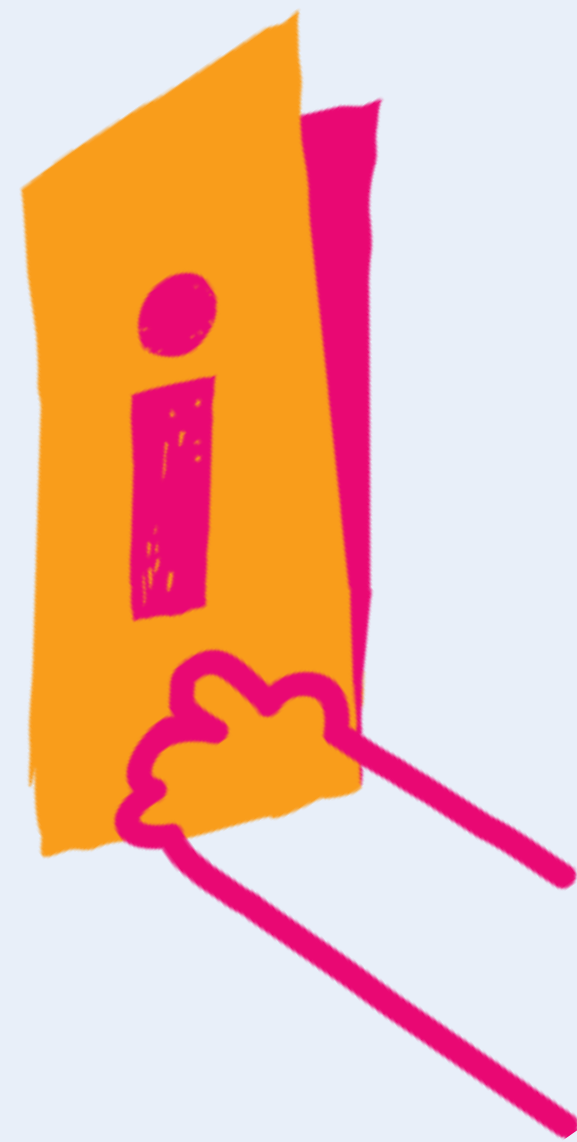
Mental Health Act, 2001 Toolkit



<https://mentalhealthreform.ie/mental-health-act-2001-toolkit/>



2024 Bill Overview



7 Parts & 202 sections in total

Part 1 - Prelim and General (contains definitions)

Part 2 - Guiding principles

Part 3 - Invol Admission - 4 chapters, including on restrictive practices

Part 4 - Under 18s - 4 chapters, including on restrictive practices

Part 5 - The Commission - 6 chapters

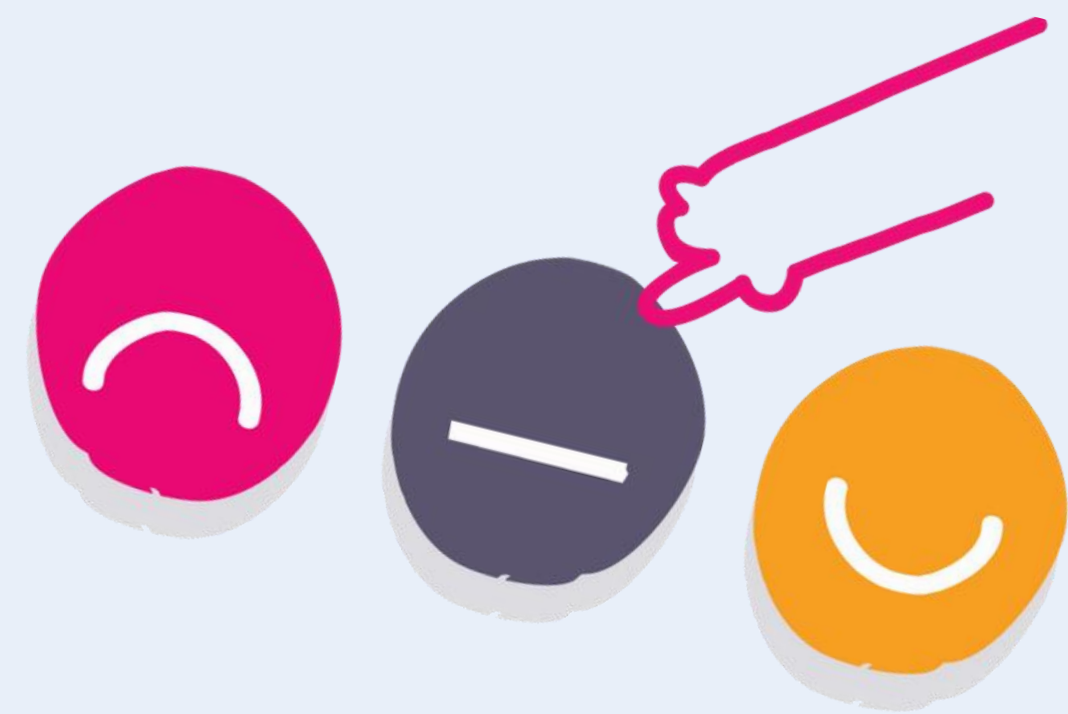
Part 6 - Regulation of MH services - 6 chapters

Part 7 - Miscellaneous - 6 chapters



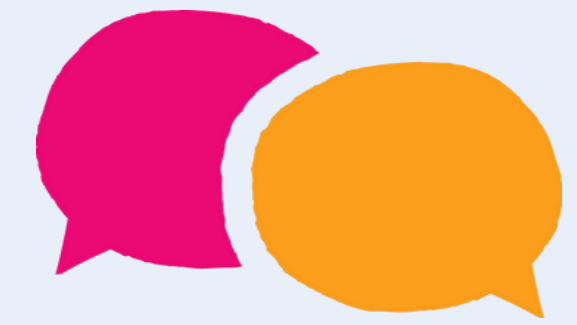
The Positives

2024 Bill



- Language – more person-centred
- Guiding Principles
- Regulation – including community services
- Consent to treatment – closer alignment to ADM – AHDs -
‘Nominated person’ – info has to be in a **form and language the person understands**
- New Part relating to Children – including consent for 16/17yr olds
- More rights around individual care plans
- Psycho-social assessments – more holistic approach

Language Changes



2001 Act	2024 Bill
Patient	Person
Suffering from...	Has a...
Tribunal	Review Board
Approved Centre	Registered acute mental health centre
Definition of 'mental disorder' - mental illness, severe dementia or significant intellectual disability	Definition of 'mental disorder': - dementia and ID removed

Guiding Principles

2001 Act

No Guiding Principles

2024 Bill

Voluntary and Involuntary Persons must receive an explanatory note on the Guiding Principles. Adults (Section 9) and Children (Section 10).

- Presumption of capacity
 - allowed to make 'unwise decisions'
- ADM provisions apply (Except for Part 3, Ch3)
- All practicable steps must be taken to help someone make a decision including information provided in form and language person understands
 - minimise restriction of person's rights, etc.



Involuntary Detention

Criteria

2001 Act

Section 3.1.a ('risk') and 3.1.b ('treatment')

2024 Bill

Part 3, Section 12.1.a and 12.1.b – p. 22-23 – Pieces in Blue are new

(a) 'Risk'

'**risk** to life/**health** of the person, or that of another person- risk of immediate and serious harm, and'

if the first-mentioned person were to be admitted to and detained in a registered acute mental health centre—

- **likely to reduce the risk**
- likely to **benefit from care** and treatment that **cannot be given to that person other than in a registered acute mental health centre**

or

(b) 'Requires immediate treatment'

- **requires care and treatment immediately**
- **cannot be given to that person other than in a registered acute mental health centre.**

Involuntary Detention

Applicants

2001 Act	2024 Bill
Authorised Officers	Authorised Officers (AOs)
Family	Family
Gardaí	Gardaí can no longer apply for Invol Detention. Can still be involved in the involuntary detention process in other ways.
Other Person, except those listed under the Act	Anyone with “bona fide interest” in welfare of the person

Consent to Treatment (Part 3, Chapter 3)

2001 Act

2024 Bill

Does not provide for
**Advanced
Healthcare
Directives**

Providing for Advanced Healthcare Directives in mental health – some exceptions

No right to
‘nominated person’

Right to ‘Nominated person’ to receive info and attend meetings.

No provisions around
**capacity
assessments**

Both voluntary and involuntary persons are **entitled to consent to or refuse treatment**, provided they have capacity (It shall be presumed that every person has capacity) –High Court approval to override consent

Section 45 – Capacity Assessment – MHC to prepare Code of Practice

Part 4 – Children

2001 Act

2024 Bill

Provisions relating to children not in their own designated section

Children have their own designated part in the Bill – Part 4

Age of Consent is 18years+

16 & 17 year olds able to consent to and refuse treatment in line with physical healthcare

No clear process for assumption of capacity and for capacity assessments

Part 4 – Section 60 - Capacity Assessments Under 18s

No provisions for parents/guardian to have right to be provided info or attend meetings

Parent/Guardian - Right to *“information of a general nature on the care and treatment of the child”* and to attend meetings when child is under 16yrs (with the young person’s consent for over 16). Discharge planning should take place with guardian *“in so far as is practicable, where appropriate”* (p. 76)

Other

2001 Act		2024 Bill
Regulation	Only regulates ‘Approved Centres’	Includes the regulation of community mental health services , such as community CAMHS, by the Mental Health Commission for the first time.
Individual Care Plans	Provides for the provision of care plans. Inspector of Mental Health Services has found that compliance with this aspect of the Regulations has been poor - Individual Care Plans (ICP) – Only 59.09% Compliance – MHC 2023	Regulations concerning care plans <ul style="list-style-type: none"> • Time-limit on when care plan needs to be written - <i>“no later than 14 days after that person’s admission to the centre.”</i> • working towards recovery • care plan needing to be accessible to the person
Psychosocial Assessments	No psychosocial assessments – medical only	Psychosocial assessments - to be carried out on each involuntarily admitted person by a non-medical mental healthcare professional – used in Review Board

Other – Cont'

	2001 Act	2024 Bill
<p>Tribunals/Review Boards</p>	<p>Medical, legal and lay person involvement in Tribunals – see here.</p> <p>Admission order lasts 21 days (can extend by 14 days)</p> <p>Renewal Orders: first extension for a further period not exceeding 3 months, subsequent renewals: max 6 months at a time (as of 2018)</p> <p>Can appeal to Circuit Court (within 14 days)</p>	<p>Medical/Legal/Community Panels</p> <p>Tightening of renewal orders – max 3 months at a time</p> <p>Longer time to appeal to Circuit Court – 28 days</p>
<p>Definition of Treatment</p>	<p>“treatment” - under medical supervision</p>	<p>“treatment” - under clinical supervision...and includes any relevant ancillary treatment and tests required</p>
<p>Review of the legislation</p>	<p>Not later than 5 years</p>	<p>Not later than 10 Years after commencement</p>

Top 3

2024 Bill

Top 3 changes to welcome

1. **Guiding principles and language changes**
2. Expansion of the **regulatory remit** of the Mental Health Commission
3. **Nominated person/supporter**

Top 3 changes for clarification

1. **Prohibition of admitting children in adult psychiatric units**
2. **Independent Complaints Mechanism**
3. **Statutory Right to Advocacy**

Top 3 things MHR calling for

1. Bill to be debated at **Second Stage** from **September 18th**
2. Bill to **pass Second Stage** and proceed to **Committee Stage** asap
3. **Respectful debate** and **non-stigmatizing language**



FAQs

- We at Mental Health Reform are a coalition of Voluntary and Community Sector organisations. We are not legislators. The content of the legislation is dictated by the Government. Please see [our resource 'Talk to Your TD'](#) if you would like to contact your local elected representative about the Bill. There has been extensive consultation on the Bill over a decade and many of the changes were recommended by an Expert Review Group **in 2015**.
- For more information on Mental Health Reform's campaign to reform the Mental Health Act please see: <https://mentalhealthreform.ie/campaigns/reform-the-mental-health-act/>. This is where we will post the slidedeck and recording.



FAQs

- There is already a HSE Consent Policy which must be followed by HSE services.
- There is already an Assisted Decision-Making (Capacity) Act 2015, rights to supported decision making, and a presumption of capacity. This law has been operating since April 2023. You, or your loved one, might be entitled to a decision support arrangement. Contact the Decision Support Service for more information.
- 16 & 17yr olds can already consent to, or refuse, medical and dental treatment. The proposed change in this Bill will add 'mental'. It will not change your opportunities to support your child. In fact, this Bill will strengthen your rights, with your loved one's consent, to information.



Panel Discussion



Justyna Maslanka



Ann Phelan



Michael Ryan



Dr Charles O'Mahony

Next Steps

This is the first webinar of a series that will continue into 2025.

Later this month, we will publish a plain English summary of the key changes.

We need your help to ask Government and Opposition to make time for this Bill to be debated from September 19th and passed to Committee Stage before a General Election is called – this is really important.

We need your help to ask Government to commit resources to mental health in Budget 2025 so that improvements can start to be made now.



Resources

Mental Health Bill 2024:

<https://data.oireachtas.ie/ie/oireachtas/bill/2024/66/eng/initiated/b6624d.pdf>

Explanatory Memorandum:

<https://data.oireachtas.ie/ie/oireachtas/bill/2024/66/eng/memo/b6624d-memo.pdf>

Mental Health Reform: <https://mentalhealthreform.ie/campaigns/reform-the-mental-health-act/>

[Human Rights Analysis on the Draft Heads of Bill](#) (Dr Charles O'Mahony & Dr Fiona Morrissey)

MHR Video on Reform of MHA (2023): <https://youtu.be/on2Bgh7XJG8>

MHA Toolkit 2001: <https://mentalhealthreform.ie/mental-health-act-2001-toolkit/>

WHO Guide on MH Legislation: <https://www.who.int/publications/i/item/9789240080737>





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Thank you!

For more information on any of MHR's content please contact Ber Grogan, Policy and Research Manager at bgrogan@mentalhealthreform.ie or at 083-089 4186.

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