

**Date:** Thursday 14 October 2004  
**Venue:** Committee Rooms 3&4, National Assembly for Wales, Cardiff Bay  
**Title:** Draft Mental Health Bill - Response from the Royal College of Nursing



**DRAFT MENTAL HEALTH BILL**  
(revised)

*Comments and Views from the Royal College of Nursing, Wales  
presented to the National Assembly for Wales  
Health and Social Services Committee  
Thursday 14th October 2004*

**ABOUT THE ROYAL COLLEGE OF NURSING (RCN)**

The RCN is the world's largest professional union of nurses, representing over 345,000 nurses, midwives, health visitors and nursing students, including over 19,000 members in Wales. Recently, the membership has been widened to include level 3 NVQ health care assistants. The majority of RCN members work in the NHS with around a quarter working in the independent sector. The RCN works locally, nationally and internationally to promote standards of care and the interests of patients and nurses, and of nursing as a profession. The RCN is a UK-wide organisation, with its own National Boards for Wales, Scotland and Northern Ireland. The RCN is a major contributor to nursing practice, standards of care, and public policy as it affects health and nursing.

The RCN represents nurses and nursing, promotes excellence in practice and shapes health policies.

## **Draft Mental Health Bill – RCN Wales Views and Concerns**

The following points seek to build upon the response presented to the Health and Social Services Committee on 11<sup>th</sup> September 2002 to the proposals in the previous draft Mental Health Bill

### **Focus of Draft Mental Health Bill**

RCN Wales remains concerned that the public and professional debate around the draft Mental Health Bill are still focused on measures concerned with dangerous and severe personality disorder rather than providing for mental health services as a whole. The emphasis on mental health should be about improving patient care, choice and involvement in care and treatment. The discussions on the draft Bill focus on coercion which will actively discourage people seeking help.

Mental health requires a well trained, positive value-based workforce with access to training in a wide range of therapies that can lend itself to the majority of wide-range of complex needs presented. Hence in a field already difficult to recruit to, this draft Bill could actively deter people from working in mental health nursing.

There is a lack of attention to the need to develop duties and responsibilities (across all sectors) in mental health promotion. We need to actively work towards reducing stigma, discrimination and community engagement/participation. The draft bill does not promote these principles.

This focus on severe mental illness is compounded by the continued emphasis on controlling measures. This may affect how users perceive the service. Being mentally healthy means having choice, locus of control and a reciprocal, open and honest relationship. The relationship is the key to working with anyone with mental health problems. This Bill could potentially undermine the user-nurse relationship which is one of care. The therapeutic role of the nurse must remain paramount.

### **Implications for the Provision of Services – Resources**

The provisions of this draft Bill have the potential for great impact on both the nature of services in the mental health field and the way in which they are delivered. The resourcing of mental health services in Wales is though a matter for the Welsh Assembly Government. RCN Wales is already concerned that sufficient funding has not been made available in Wales to adequately implement both the Adult and the Child and Adolescent Mental Health Strategies.

### **Independent mental health advocacy**

RCN Wales welcomes strongly the provision for independent advocacy for everyone subject to compulsion. We are also concerned as to how these advocacy services will be commissioned and resourced. The independence of the role cannot be compromised or be perceived to be compromised. Moreover, mental health advocacy is a specialist field and its capacity may need to be developed.

RCN Wales also reiterates its belief that advocates should be provided before people have become subject to compulsory powers. It is invidious that patients who volunteer for treatment do not have this right.

RCN Wales is also concerned that users and their advocates may not have access to the legal and medical expert perspective the Mental Health Act Commission currently supplies.

### **Healthcare Commission**

RCN Wales would look to see a close and effective relationship develop between the Welsh Assembly Government and the Healthcare Commission as regards that agency's role of scrutiny over the exercise of functions by mental health tribunals in Wales.

### **Role of Approved Mental Health Person**

This will be a new role for nurses should they choose to undertake it. The AMHP will be expected to provide (as the ASW did previously) to provide a non-medical point of view. It is important therefore that issues of training and of expectations are fully considered.

The position may require a different view (even possibly conflictual) from that of the actively caring nurse, patient or manager and there are clear implications here for the therapeutic role.

RCN Wales would argue that the expectations of the role have by no means been clarified in these revised proposals and would ask for some urgent attention to this matter from Welsh Assembly Government.

### **Approved Clinicians**

'Approved clinicians' are expected initially to be psychiatrists and psychologists of consultant status. The "appropriate authority" will set the qualifying criteria. Some consultant nurse members have questioned whether they too should be included in this role and further discussion is needed to clarify this point.

### **Comment by Beverly Malone - General Secretary of Royal College of Nursing (UK) for the Mental Health Alliance:**

"The RCN believes that collaboration with patients, rather than compulsion, is at the heart of good nursing practice. Although we

recognise that the Bill has moved some way to address concerns about enforced treatment, it is imperative that relationships with clients are strengthened, not damaged. We know that negative perceptions about mental health services can drive people away from therapeutic care and it is in the interests of clients, carers and families that this outcome is avoided."

*(The RCN is a member of this coalition of over 60 organisations, which brings together people using mental health services, carers, voluntary sector organisations, NHS managers, and professionals who share common concerns about the Government's proposals)*