

To: see attached annex

13 January 2025

Dear colleague

Legislative Consent Memorandum for the Mental Health Bill

The Health and Social Care Committee is currently scrutinising the **Legislative Consent Memorandum for the Mental Health Bill**, as well as the **Supplementary Legislative Consent Memorandum (Memorandum No. 2)** laid by the Welsh Government on 10 January 2025. To inform our deliberations, we would welcome your response to the matters set out in the annex to this letter, as well as any specific comments on the proposals in the Supplementary LCM laid at the end of last week.

It would be helpful to receive your response no later than **Friday 24 January 2025**. We appreciate that this is a very tight timescale but this is unfortunately unavoidable if we are to be able to consider your views in line with the reporting deadline of 21 February, set by the Senedd's Business Committee.

Yours sincerely



Russell George MS
Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Annex 1

To inform the Health and Social Care Committee’s scrutiny of the Legislative Consent Memorandum (“the LCM”) on the Mental Health Bill (“the Bill”), we would welcome your views on the matters listed below.

Overall views

1. Your overall views on the policy objectives of the Bill to:
 - a. modernise mental health legislation to give patients greater choice, autonomy, enhanced rights and support; and ensure everyone is treated with dignity and respect throughout treatment; and
 - b. introduce measures to improve the care and support of people with a learning disability and autistic people, reducing reliance on hospital-based care.
2. What barriers do you think currently exist in accessing mental health services in Wales, and does the Bill address these adequately?

Impact on areas of devolved competence

3. Do you support the principle of Westminster legislating in areas that are devolved to the Welsh Government?

Alignment with policy priorities

4. Do you think the provisions of the Mental Health Bill align with the Welsh Government’s *Mental Health* strategy and broader policy priorities?
5. Are there specific Welsh priorities or policies that should be better reflected in the Bill?

Cross-border considerations

6. How will the Bill address the movement of patients across the Wales-England border, ensuring smooth collaboration between services?

Application of the Mental Health Act 1983: autism and learning disability

7. How will the Bill’s provisions integrate with Welsh Government’s efforts to reduce mental health-related hospital admissions? Specifically, your views on proposals to amend the Mental Health Act 1983 so that people with a learning disability and/or autism cannot be detained for compulsory treatment unless they have a “psychiatric disorder”.

Consultation with the community clinician

8. Your views on proposals to introduce a new requirement for hospital clinicians to collaborate with a second professional from a community service when making decisions regarding the use and operation of community treatment orders (“CTO”).

Nominated person

9. Your views on:
 - a. the proposed introduction of a “nominated person” role to replace the nearest relative in decision-making;
 - b. the extent to which this proposed reform is consistent with the Welsh Government's vision for a rights-based approach to mental health care?

Deprivation of liberty

10. How does the Bill address the use of compulsion and deprivation of liberty in mental health care (e.g. to shorten the period etc), and does it respect Wales’s legislative competence in these areas?
11. Are the safeguards for patients sufficient, particularly for children, young people, and those with learning disabilities or neurodiverse conditions?

Transfers from prison to hospital: time limits

12. Your views on proposals to introduce a statutory 28-day time limit within which individuals with a severe mental health need must be transferred from prison to hospital for treatment under the 1983 Act.

Help and information for patients

13. Your views on proposals to place a duty on Local Health Boards in Wales to make arrangements they consider appropriate for making information available about advance choice documents (“ACD”) and helping those people they consider appropriate to create ACDs.

Early intervention and community based support

14. Are the provisions for crisis intervention and preventive care adequate and in line with the Welsh Government’s focus on early intervention and community-based support?

Removal of police stations and prisons as places of safety

15. Your views on proposals to remove police stations and prisons as a place of safety for adults experiencing a mental health crisis.

Children and young people

16. Does the Bill adequately consider the needs of children and young people in Wales, particularly given the higher rates of mental health concerns reported post-pandemic?

Workforce

17. What impact will the Bill have on mental health practitioners and services in Wales, particularly in the context of staffing pressures and workforce development?

How to share your views

Please email your response to seneddhealth@senedd.wales by no later than **Friday 24 January 2025**.

The Senedd has two official languages, Welsh and English.

In line with the [Senedd's Official Languages Scheme](#) the Committee requests that documents or written responses to consultations intended for publication or use in Senedd proceedings are submitted bilingually. When documents or written responses are not submitted bilingually, we will publish in the language submitted, stating that it has been received in that language only.

We expect other organisations to implement their own standards or schemes and to comply with their statutory obligation.

Please see [guidance for those providing evidence for committees](#).

Please ensure that you have considered the Senedd's [policy on disclosure of information](#) before submitting information to the Committee.

Annex 2

List of consultees

Public Health Wales
Welsh Local Government Association
Welsh NHS Confederation
British Medical Association
Royal College of GPs
Royal College of Nursing
Royal College of Psychiatrists
Royal College of Paediatrics and Child Health
Royal Pharmaceutical Society
Royal College of Physicians
Royal College of Surgeons
NHS Trusts and Local Health Boards
Children's Commissioner for Wales
Older People's Commissioner for Wales
Mind Cymru
Platform
Learning Disability Wales
Mencap Cymru
Leonard Cheshire
Neurodivergence Wales
National Autistic Society Cymru
Mental Health Foundation
Centre for Mental Health
Adferiad
Police
HM Prison and Probation Service