

The Mental Health Bill

Plans to amend the Mental Health Act 1983

Professional roles

The Government is broadening the group of practitioners who can take on the role of the approved social worker (ASW) and responsible medical officer (RMO) in the Mental Health Act. This is to allow persons with the right skills and experience to carry out key tasks rather than restricting them to a particular profession.

Who are approved social workers (ASWs)?

An ASW is defined in s.145 of the 1983 Act as *“an officer of a local social services authority appointed to act as an approved social worker for the purposes of the Act”*. ASWs have a number of key roles under the Act including the making of applications to admit patients for assessment, treatment or guardianship.

Who are responsible medical officers (RMOs)?

An RMO is defined in s.34 of the 1983 Act as being *“the registered medical practitioner in charge of the treatment of the patient”*. RMOs are almost always consultant psychiatrists and they are usually section 12 approved. This means that they have special experience in the diagnosis or treatment of mental disorder. As well as being in charge of the patient's treatment, RMOs make important decisions such

Setting the scene

The Government has put in place a comprehensive strategy to reform and modernise mental health care to deliver high quality, accessible services that meet the mental health needs of the whole community. Updating the Mental Health Act 1983 is part of this strategy.

The Mental Health Act allows the small number of patients with mental health problems who are at risk of harming themselves or, more rarely, others, to receive compulsory treatment. The Government's forthcoming Bill aims to reform and modernise this legislation so that the law better supports the way services are delivered to these patients.

It proposes changes in six key areas:

- Supervised community treatment;
- Definition of mental disorder;
- Criteria for detention;
- Mental Health Review Tribunal;
- Professional roles and Nearest relative.
- The Bill will also amend the Mental Capacity Act to fill the Bournewood gap.

as when patients should be discharged and when they can be allowed out on leave.

What changes is the Government proposing to make?

Approved mental health professional

The ASW functions will be the same as in the 1983 Act, but the role will be opened up to a wider group of appropriately trained and qualified mental health professionals such as nurses and occupational therapists. The AMHP role will build on the strengths of the existing system and the training, which will be accredited, will be based on the current ASW training. This will prepare AMHPs to bring an alternative perspective to the medical view and act independently. Because "social worker" is a protected title, the "approved social worker" title will be changed to "approved mental health professional" (AMHP).

Local authorities will be responsible for approving AMHPs, as they are for ASWs, but the Government is removing the requirement for ASWs to be employed by local authorities. This will give local authorities the freedom to approve appropriately trained and qualified members of staff whom they do not employ and should make it easier to recruit AMHPs in areas which are experiencing a shortage of ASWs.

Clinical supervisor

The role that replaces the responsible medical officer (RMO) will be known as the clinical supervisor and will be opened up to mental health professionals with the appropriate training and competencies. They may include psychiatrists, psychologists, nurses, social workers and occupational therapists. There will be a new requirement that clinicians who want to be clinical supervisors must be trained and approved to take on this role.

Clinical supervisors will have an overview of all assessment and treatment of their patients. Responsibility and delivery of individual elements of a patient's treatment will continue to be carried out by appropriate members of the multi-disciplinary team. Safeguards in relation to treatment without consent will be retained. Where authorisation of the RMO is currently required, in future any approved clinician (who could be the clinical supervisor) will be able to give that authorisation, so that decisions about treatment can be given by the most appropriate professional.

The clinicians who are trained and approved to be clinical supervisors will be known as 'approved clinicians'. In England, the Secretary of State will issue directions and guidance on the requirements for training and approval. In Wales, the National Assembly for Wales will specify the requirements for training and approval. RMOs who are section 12 approved at the time of implementation will be able to take on the role of clinical supervisor without having to be approved first.

Delivering the proposed changes

The Department of Health is working with the Care Services Improvement Partnerships (CSIP) and a broad range of stakeholders to ensure that the AMHP and clinical supervisor roles are successfully rolled out. A national programme of planning workshops have been held throughout March and April 2006 to involve mental health service providers in planning for the workforce changes that will be brought about by the amendments to the 1983 Act.

The changes should be seen within the context of the 'New Ways of Working' (NWW) programme. NWW aims to find ways for consultant psychiatrists to use their skills, knowledge and experience to best effect whilst encouraging other professions to develop their roles to carry out new work. The aim is to allow for responsibility and leadership to be taken up by the most appropriate member of the team.

Further information

For further information on the Mental Health Act 1983 and the amending Bill, links to statistics on the use of the current Act and additional briefing sheets on key policy areas visit:

<http://www.dh.gov.uk/MentalHealth>

Telephone: 020 7972 4477

Email: MentalHealthBill@dh.gsi.gov.uk

For an on-line version of the Mental Health Act 1983 visit: www.imhap.co.uk

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