

Mental Health Act and Legal Update

In this on-demand video, we covered The MHA white paper, The Mental Health (Hospital, Guardianship and Treatment) (England) (Amendment) Regulations 2020 and Devon Partnership NHS Trust v SSHSC [2021] EWHC 101 (Admin).

26 March 2021

This webinar took place on Thursday 25th March 2021 and is now available on-demand. The content in this recording was correct as of the original webinar date.

Topics that were covered:

- **The MHA white paper (proposed amendments to the Mental Health Act currently out for consultation)**

It is two years since Professor Sir Simon Wessely delivered his landmark Independent Review of the Mental Health Act. His report set out proposals for change in both law and practice in order to deliver a more modern mental health service, to strengthen patient's rights and to address the existing disparities in how the act currently affects people from black, Asian and minority ethnic minority (BAME) backgrounds.

The government has now published the Mental Health Act white paper, setting out their plans to reform the act in response to Sir Wessely's report. If the proposals set out in the White paper are accepted, we will see the introduction of some of the most significant changes to the existing legal framework in relation to mental health law since 1983. These include a change to the statutory criteria for detention in Part II cases, shorter detention times, widened scope of the Tribunal, changes to the consent to treatment provisions and to the nearest relative legal framework to mention just a few.

- **The Mental Health (Hospital, Guardianship and Treatment) (England) (Amendment) Regulations 2020**

These regulations have introduced a move to electronic forms under the Mental Health Act 1983

- **Devon Partnership NHS Trust v SSHSC [2021] EWHC 101 (Admin)**

An important decision about the lawfulness or otherwise of remote MHA assessments

This webinar was chaired by Becky Fitzpatrick, Partner at Browne Jacobson, with contributions from Laura Nazar, Senior Associate at Browne Jacobson.

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Speakers



Rebecca Fitzpatrick

Partner



Specialises in all aspects of mental health and general healthcare law. Vast majority of practice that leads to court involvement is in the Court of Protection (mental capacity issues), the High Court (complex treatment cases, eg involving children), the Administrative Court (judicial review, human rights and community care issues) and the Coroner's Court.

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