



Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

By email:
mentalcapacitybill@niassembly.gov.uk

Dr Kathryn Aiken
Clerk
Ad hoc joint committee on the
Mental Capacity Bill
Room B32
Parliament Buildings
Stormont
Belfast
BT4 3XX

Room D4.26
Castle Buildings
Stormont Estate
BELFAST
BT4 3SQ
Tel: 028 9052 2666

10 November 2015

Dear Kathryn

MENTAL CAPACITY BILL – PARTS 9 & 10

Thank you for your letter of 3 November, seeking further information following the Committee's initial deliberations on Part 9 of the Bill.

The Department of Justice's response is as follows.

Clause 140

DoJ has considered the Committee's view, which is based on a suggestion raised by the HSC Board that the requirement under clause 140(2) for a person to be examined by a medical practitioner and interviewed by an approved social worker could be extended to allow examination by other healthcare professionals.

Having liaised with colleagues in DHSSPS, DoJ would not intend to make such an amendment to extend the categories of professional who could examine and interview the individual in these circumstances. The current draft of clause 140 ties into Schedule 2 of the Bill, which requires a report to be made by a *medical* practitioner if a person is to be detained in hospital for short period for the purposes of examination (see Schedule 2 paragraph 2(4)). Given that a person taken to a place of safety may be subject to an intervention under Schedule 2 of the Bill, we consider that the current wording of clause 140 assists the operation of Schedule 2.

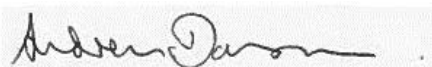
Clause 154

In relation to clause 154, the Children's Law Centre suggested that an amendment is made to require that specific statistics are collected on the number of children and young people detained in hospitals and in police stations. It also suggested that there should be a requirement to collect statistics on the disposal outcomes of young people who were detained under place of safety powers.

DoJ has carefully considered this suggestion and has concluded that clause 154 is wide enough as currently drafted to facilitate the collection of specific information on age and disposal outcomes. It is also wide enough to allow for the collection of statistics on gender or other relevant characteristics of detained persons. DoJ considers that the collection of these specific statistics is indeed important, but considers that specifying particular statistical breakdowns of data in primary legislation can be inflexible, as areas of particular interest may alter over time. DoJ is happy to work with the PSNI to ensure that relevant information on detained persons is captured.

I hope that this reply is helpful. The Bill Team is happy to consider any further queries the Committee may have.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Dawson', is written over a light grey rectangular background.

Andrew Dawson
Mental Health Policy Unit / Mental Capacity Bill Project
Email: andrew.dawson@dhsspsni.gov.uk