

Mental Health Factsheet

Mental Health Bill 2024

- The purpose of the new Mental Health Bill is to introduce a more modern, person-centred approach to mental health legislation and will put in place a more robust framework in which our mental health services will be delivered and regulated. The Bill contains 202 sections. Some of the main changes include:
 - Providing for guiding principles for children and adults.
 - Providing for revised criteria for detention.
 - Providing for a revised definition of mental disorder.
 - Providing for informed consent of voluntary and involuntary persons for treatment.
 - Providing for advance healthcare directives in mental health.
 - Providing for an enhanced role for Authorised Officers in the making of an application for involuntary admission.
 - Providing for a statutory requirement for individual care plans.
 - Providing for improved safeguards for individuals (including on restrictive practices).
 - Providing for an expanded regulatory remit for the Mental Health Commission to regulate 24-hour community residences and community mental health services.
 - Providing for a presumption of capacity for young people aged 16 and 17 years to consent to or refuse admission and treatment.
- The Mental Health Act, first enacted in 2001 but not commenced until 2006, was generally regarded as a forward-thinking piece of legislation at the time. Understandably, attitudes on mental health, on the care and treatment of individuals and on involuntary detention have evolved since the Mental Health Act was enacted. The recommendations of a 2015 Expert Group Review reflect these changing attitudes.
- The Mental Health Bill reflects the 165 recommendations of that Expert Group, as well as extensive consultation with key stakeholders such as the Mental Health Commission, the HSE and other government departments, as well as the results of a public consultation, and an independent legal review.
- Improving the experience for individuals accessing mental health services was fundamental to the review of the Mental Health Act 2001. Individuals receiving treatment under the Mental Health Bill 2024 will be empowered to play a more active role in making decisions about their care and treatment, there will be closer alignment between the Mental Health Bill and the Assisted Decision-Making (Capacity) Acts 2015-2022. Additional

safeguards will be put in place for individuals, such as additional safeguards on the use of restrictive practices, the right to engage an advocate, and provisions providing for the involvement of family members or carers in a person's treatment in cases where the person has given their explicit consent.

- Importantly, the new Mental Health Bill, along with our national mental health policy, *Sharing the Vision*, will provide robust legislative and policy frameworks for our mental health services going forward.

Consultation to Develop Mental Health Bill

- Over the past number of years, the Department has consulted extensively with the Mental Health Commission, the Health Service Executive (HSE), the Department of Justice, the Department of Children, Equality, Disability, Integration and Youth, the Office of the Ombudsman for Children, and the College of Psychiatrists and other key stakeholders. The expertise and input of these organisations has been very important to the development of the draft Bill.
- In particular, the Department had frequent engagement with the Mental Health Commission and the HSE as the regulator of, and largest provider of, mental health services respectively. The input of both organisations was of vital importance to the final version of the Bill and the Department of Health continues to actively engage with both organisations as the Bill progresses through the legislative process.
- The Mental Health Bill reflects the recommendations of the 2015 Expert Group Review, which in turn was directly influenced by a wide-ranging public consultation that took place in 2011-2012, involving submissions from the public and stakeholder consultation meetings. Recognising that some time had passed from the initial consultation, Minister Butler launched a fresh public consultation in 2021 in which 100 submissions were received. The Oireachtas Sub-Committee on Mental Health also carried out pre-legislative scrutiny of the General Scheme of the Bill in 2021-2022.
- The Department is satisfied that the wide-ranging, extensive, consultation with stakeholders from all sectors has provided a solid basis for the review and revision of the Act and has positively impacted on the Bill.

Resources and Requirements

- The Department acknowledges that some of the proposed changes will have a direct impact on resources, such as the expansion of the Mental Health Commission's regulatory remit and the expansion of the authorised officer grade. It is also recognised that ample resources will also be needed

for training and education for staff and for people affected by the Bill before it comes into force. Training and information sessions will be required for new and existing staff, and for stakeholders and those that use the services on the new legislative framework prior to any commencement of the Act. This will work to ensure awareness of changes to legislation and new safeguards, information rights and processes. The Department of Health will work with all stakeholders to ensure that there is a coherent and transparent plan for the commencement of the Bill when that time comes.

- While there are both capital and current costs associated with the Bill, they are not anticipated to arise until 2027, based on current implementation timelines. In line with the annual budgetary cycle, any costs arising will be subject to prioritisation amongst competing demands as part of the annual Estimates process for the relevant year. In the interim, the Department of Health will engage proactively with the HSE and the Mental Health Commission to assess the totality of the associated costs and the phasing across years of same.

Legislative Process/Committee Stage Amendments

- The Department is looking forward to guiding the Bill through the legislative process. It is recognised that amendments will likely be needed at Committee Stage. For example, the Department is currently undertaking a comprehensive review of other pieces of legislation that refer to provisions of the Mental Health Act 2001 (which is being repealed by the Bill) to consider whether amendments to other legislation is needed. Discussions have already taken place and are ongoing with the Departments of Children, Equality, Disability, Integration and Youth and Justice to discuss alignment with the Child Care Act and the Family Court Bill, as well as the need for a number of consequential amendments to the Assisted Decision-Making (Capacity) Act 2015-2022 and the Criminal Law (Insanity) Act 2006, which will be provided for at Committee Stage.
- The Mental Health Bill reflects many of the Expert Group recommendations, but in the intervening years, the Department's position has evolved on certain policy areas – for example, on the alignment of the Mental Health Act and the Assisted Decision-Making (Capacity) Act 2015, which was still going through the legislative process when the recommendations were published. The Department will continue to work with the Department of Children, Equality, Disability, Integration and Youth to identify any legislative inter-dependencies and bring Committee Stage amendments, if required.

General Mental Health

Overall Investment in mental health services

- The total allocation for mental health services for 2024 is over €1.3 billion, a record funding level and an increase for the fourth year in a row.
- Budget 2024 provided the opportunity to focus on youth mental health, including through the additional allocation of €10 million secured by Minister Butler in the Revised Estimates Process.
- Since 2020 the mental health budget has increased by €274.2 million, an increase of almost 27%.
- €87.13 million of this has been allocated since 2020 to new developments in mental health services.
- Since 2020 €9.4 million has been allocated to National Clinical Programmes (NCP) in mental health services. This funding has allowed for the development of a variety of specialist mental health teams, leading to significant service improvements, including the full implementation of specialist perinatal mental health network and the on-going expansion of the NCP for eating disorders, ADHD in adults, and dual diagnosis.
- CAMHS now receives €146 million dedicated funding annually, and as part of the Budget 2024 funding allocation, additional posts will be recruited into CAMHS to improve access to services and reduce waiting lists.
- Over €110 million is provided to community-based mental health organisations/NGOs annually to provide mental health services and supports including counselling, talk therapies, family-based therapy and crisis supports.
- Additionally, since 2020 €15.65 million has been allocated to fund private placements to ensure that people can continue to access inpatient mental health services if necessary, while public/statutory services are being scaled up.
- Over €30 million in once-off funding has been secured since 2020, which has funded, among other initiatives, minor works to enhance inpatient mental health facilities and improve compliance with Mental Health Commission Regulations.
- As of May 2024, HSE mental health services employed 10,883 Whole Time Equivalents (WTEs) across all areas. Just under half of those employed are in nursing (46.5%) with the remainder incorporating medical, patient care, management, general support and other health and social care professionals.
- Between year-end 2019 and March 2024, mental health services have seen a net growth of 916 posts. 86% of these posts are for those involved directly in client care.

Mental Health Policy and Strategy

- The Government's ongoing investment in mental health services continues to support the reform and enhancement of mental health services in Ireland through the implementation of *Sharing the Vision*, our national mental health policy, and *Connecting for Life*, our national suicide prevention strategy.
- Work continues on the implementation of *Sharing the Vision* (StV) - the 10-year policy recognises the need for a whole-of-population, whole-of-government approach to the delivery of mental health services. In line with *Sláintecare*, the policy aims to provide "the right care in the right place at the right time". *Sharing the Vision* aims to enhance the provision of mental health services and supports across a broad continuum, from mental health promotion, prevention, and early intervention to acute and specialist mental health service delivery, during the period 2020-2030.
- The [National Implementation Monitoring Committee \(NIMC\)](#) is tasked with driving and overseeing policy implementation and its work is progressing well. The NIMC publishes regular Policy Implementation Status Reports for *Sharing the Vision* [on the Department of Health website](#).
- As of the most recent report, dated May 2024, 80 of 100 recommendations on *Sharing the Vision* are marked as "on track" for delivery, or with "minor delivery issue". Five recommendations have been marked as completed.
- The delivery of the policy is currently guided by the [Sharing the Vision Implementation Plan 2022-2024](#). Work has commenced on the development of the second Implementation Plan to cover 2025-2027, with vital stakeholder engagement underway.
- Work continues on the implementation of *Connecting for Life*, Ireland's suicide reduction strategy which was extended in November 2020 by the Government by four years to 2024. The strategy contains 69 actions with substantial progress on implementation having been made throughout 2022 and 2023. As of Q2 2024, of the 61 actions for which updates were received, 56 were on track, three were off track and two required attention.
- *Connecting for Life* has been running for eight years and a successor strategy will be developed over the coming months. The successor strategy will be informed by an evaluation of *Connecting for Life* and the most up-to-date evidence on suicide prevention and data on suicide mortality.
- The new National Forensic Mental Health Service (NFMHS) in Portrane, which replaced CMH Dundrum, was officially opened on 4 November 2022. The new complex is opening on a phased basis and will provide 170 beds when at total capacity.

