



# Mental Health Treatment Requirements

Cumbria Multi Agency Protocol

**Protocol Authors:**

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## **The Mental Health Treatment Requirement (MHTR) Pathway**

### **Introduction**

The MHTR was introduced as a sentencing option for adults over 18 years of age in April 2005, as one of the provisions of the Criminal Justice Act 2003. The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 made changes to the administration of the MHTR by amending provisions linked to the Criminal Justice Act 2003 and the Mental Health Act 1983.

The LASPO Act sought to make it easier for courts to use the MHTR as part of a Community Order or Suspended Sentence Order by simplifying the assessment process and ensuring that those who require community based treatment receive it as early as possible. The Act removed the requirement in the Criminal Justice Act 2003 that evidence of an offender's need for mental health treatment is given to a court by a Section 12 registered medical practitioner.

This change means that the courts may seek views and assessments from a broader range of suitably trained mental health professionals. The intention is to ensure that courts receive appropriate advice and individuals' mental health assessments quicker, thus reducing the avoidable financial and time costs of using the MHTR as part of a suspended sentence or community sentence<sup>1</sup>.

For detailed information in relation to the Legal Framework for MHTRs, Integrated Delivery Model and the various roles of key agencies, staff should consult the National Offender Management Service Guide on 'Mental Health Treatment Requirements – Guidance on Supporting Integrated Delivery' which is available at:

<https://www.gov.uk/government/publications/mental-health-treatment-supporting-integrated-delivery-guidance>

### **At Court**

- Defendant pleads or is found guilty.
- Pre-Sentence Report is requested by the court and undertaken by the National Probation Service. Court will ordinarily require completion of report within four weeks.

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<sup>1</sup> National Offender Management Service, Mental Health Treatment Requirements – Guidance on Supporting Integrated Delivery - <https://www.gov.uk/government/publications/mental-health-treatment-supporting-integrated-delivery-guidance>

- Report author, acting either at the explicit request of the court and / or, on the basis of professional judgement, assesses that the offender may benefit from the imposition of a MHTR and requests an assessment.
- Report author obtains consent of defendant to assessment and treatment; completes Referral Form (appendix 2) outlining presenting issues and / or symptoms and forwards this by secure email to Community Mental Health Assessment and Recovery Team (CMHART).

#### **If the offender is known to Mental Health Services**

- Report author to request any recent Health and Social Care and / or Risk Assessments, Multi-Agency Risk Evaluation (MARE) minutes (if appropriate).
- Report author to discuss with CMHART Team Manager and / or Team Leader if MHTR can be proposed as part of a Community or Suspended Sentence Order.
- If deemed suitable, CMHART to provide letter detailing support for inclusion of MHTR as part of sentence, including an outline of proposed work to be undertaken with the offender.
- Report author to recommend inclusion of MHTR as part of sentence.

#### **If offender is not known to Mental Health Services**

- Report author to liaise with CMHART Team Manager and / or Team Leader to discuss case / detailing offender's suitability for MHTR.
- If an assessment is deemed appropriate, report author to complete referral document (see appendix 2) and forward to CMHART who in turn will complete their assessment within four weeks of receiving the referral.
- CMHART send out 'opt in' letter with appointment date / time to offender. A copy should also be sent to the report author / referrer.
- If offender opts in, assessment completed and suitability report sent to report author at relevant secure email address (Appendix 3).
- If offender does not opt in, and / or is deemed unsuitable for whatever reason, report detailing reason(s) for unsuitability to be forwarded to report author at relevant secure email address (Appendix 3).

## **Post Sentence**

- If a MHTR is imposed, the offender management of the requirement is carried out by either the National Probation Service or Community Rehabilitation Company, depending on the offender's assessed risk level, sentence received and outcome of the Case Allocation System (CAS) tool applied.
- It is necessary for CMHART and the probation provider to regularly discuss and share information in relation to an offender's progress on their MHTR.
- Enforcement of a MHTR by probation is concerned with breaching the conditions of the order but not the treatment itself. A MHTR is not court ordered treatment it is treatment entered into by an individual and endorsed by the court. Enforced mental health treatment may only be made under an appropriate section order of the Mental Health Act 1983, which should not be confused with the MHTR or other Community Orders.

## **Mental Health Treatment Providers (CMHART)**

- The Court can sentence an offender to a Community Order with MHTR for a period of six months up to a maximum of three years; or up to a maximum of two years when attached to a Suspended Sentence Order.
- Post sentence, the Offender Manager and the Mental Health Practitioner will need to liaise closely throughout the course of the order / MHTR to enable the probation provider to actively monitor compliance and engagement.
- Mental Health Practitioners should report any of the following behaviours presented to the Offender Manager on the same working day wherever possible:
  - Non-attendance at planned appointments
  - Attending the appointments under the influence of alcohol or drugs
  - Non-compliance with treatment plan
  - Non-concordance with medication
  - Presenting at appointments in an aggressive or threatening manner
- Where an offender fails to meet the conditions of the MHTR due to their actions this may be regarded as a breach of their Order and could result in either a warning letter being issued and / or the offender's return to court.
- If the offender is deemed to no longer require the services of the CMHART and is to be discharged from Mental Health Services, the Mental Health Practitioner will discuss this with the Offender Manager and will forward the discharge summary to the Offender Manager once completed. The Offender Manager will then apply to the court for deletion of the requirement if in advance of the expected requirement expiry date.



**Appendix 1**

**Mental Health Treatment Requirement Consent Form**

**Re:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Contact No:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Postcode:** \_\_\_\_\_

I \_\_\_\_\_ hereby confirm that I have had explained to me the terms of a Mental Health Treatment Requirement and, by signing this form, I consent to being made subject to such a requirement.

**Signed:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Witness**

**Signed:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## Appendix 2

### Request by the Court and / or National Probation Service for Mental Health Treatment Requirement Assessment of Suitability

Dear (insert staff name)

Re: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_ Contact No: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Postcode: \_\_\_\_\_

This is a formal request for an assessment of the above named person's mental health by the CMHART. This assessment is required as part of Pre-Sentence Report enquiries being undertaken by the National Probation Service at the request of the court. The purpose of this referral is to ascertain whether the above named person is deemed suitable for a MHTR.

Please provide details of the following where available:

- **Any relevant history**  
(including details of diagnosis and previous contact with CMHART)

- **GP name / contact no**

- **Details of current / previous medication(s)**

- **Current presentation with regards to mental health and / or behaviour**  
(please consider whether the person has capacity)

- **Reason for referral and rationale for care co-ordination**

- **Any alcohol and / or drug misuse issues**

- **Are there any known child protection concerns**  
(If so, please confirm that they have been raised with Children's Services)

- **Please identify any risks you are aware of at the time of referral**  
(this includes risk to staff, if known)

I hereby confirm that this referral has been discussed with the service user and their consent obtained and attached? **Yes / No**


Yours sincerely

(Insert name, address and contact details)

Please email completed Referral Form to following Single Point of Contact (SPOC) who will forward to the relevant CMHART.

: **Esther Elliott**

Management Secretary to Development Officer for Mentally Disordered Offenders  
Cumbria Partnership NHS Foundation Trust  
A9 Medical Corridor  
Carleton Clinic  
Cumwhinton Drive  
Carlisle  
CA1 3SX

: 01228 608343

: [cpt.mdo@nhs.net](mailto:cpt.mdo@nhs.net)

## **Appendix 3**

### **Secure Court Email Addresses for completed Mental Health Treatment Requirement Assessments**

#### **North**

##### **Carlisle Crown Court**

- [NWNPS.carlislecourts@probation.gsi.gov.uk](mailto:NWNPS.carlislecourts@probation.gsi.gov.uk)

##### **North Cumbria Magistrates' Court**

- [NWNPS.carlislecourts@probation.gsi.gov.uk](mailto:NWNPS.carlislecourts@probation.gsi.gov.uk)

#### **South**

##### **Barrow Crown Court**

- [NWNPS.barrowcourts@probation.gsi.gov.uk](mailto:NWNPS.barrowcourts@probation.gsi.gov.uk)

##### **Furness and District Magistrates' Court**

- [NWNPS.barrowcourts@probation.gsi.gov.uk](mailto:NWNPS.barrowcourts@probation.gsi.gov.uk)

##### **Kendal Magistrates' Court**

- [NWNPS.kendalcourts@probation.gsi.gov.uk](mailto:NWNPS.kendalcourts@probation.gsi.gov.uk)

#### **West**

##### **North and West Cumbria Magistrates' Court**

- [NWNPS.workingtoncourts@probation.gsi.gov.uk](mailto:NWNPS.workingtoncourts@probation.gsi.gov.uk)