

## SCHEDULES

### SCHEDULE 6

#### YOUTH REHABILITATION ORDERS: REQUIREMENTS

#### PART 12

#### MENTAL HEALTH TREATMENT REQUIREMENT

##### *Mental health treatment requirement*

- 28 (1) In this Code “mental health treatment requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a particular period or particular periods, to mental health treatment, which may be—
- (a) in-patient treatment,
  - (b) institution-based out-patient treatment, or
  - (c) practitioner-based treatment.
- (2) For this purpose—
- “mental health treatment”, in relation to an offender, means treatment which is—
- (a) by or under the direction of a registered medical practitioner or registered psychologist, and
  - (b) with a view to improvement of the offender’s mental condition;
- “in-patient treatment” means treatment as a resident patient in—
- (a) a care home,
  - (b) an independent hospital, or
  - (c) a hospital within the meaning of the Mental Health Act 1983,
- but not in hospital premises where high security psychiatric services are provided;
- “institution-based out-patient treatment” means treatment as a non-resident patient at a particular institution or place;
- “practitioner-based treatment” means treatment by or under the direction of a particular registered medical practitioner or registered psychologist (or both).
- (3) A youth rehabilitation order which imposes a mental health treatment requirement must specify—
- (a) the period or periods during which the offender is required to submit to mental health treatment, and
  - (b) for each such period—
    - (i) if the mental health treatment is to be in-patient treatment, the care home or hospital where it is to be provided;

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*Status: This is the original version (as it was originally enacted).*

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- (ii) if it is to be institution-based out-patient treatment, the institution or place where it is to be provided;
- (iii) if it is to be practitioner-based treatment, the registered medical practitioner or registered psychologist (or both) by whom or under whose direction it is to be provided;

but may not otherwise specify the nature of the treatment.

(4) In this paragraph—

“care home” means—

- (a) a care home in England within the meaning of the Care Standards Act 2000, or
- (b) a place in Wales at which a care home service (within the meaning of Part 1 of the [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#)) is provided;

“high security psychiatric services” has the same meaning as in the Mental Health Act 1983;

“independent hospital”—

- (a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;

“registered psychologist” means a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 ([S.I. 2002/254](#)) which relates to practitioner psychologists.

(5) While the offender is under treatment which is in-patient treatment in pursuance of a mental health treatment requirement of a youth rehabilitation order, the responsible officer is to carry out the supervision of the offender only to the extent necessary for the purpose of the revocation or amendment of the order.

*Restrictions on imposing mental health treatment requirement*

29 (1) A court may not include a mental health treatment requirement in a youth rehabilitation order unless the following conditions are met—

- (a) the need for treatment condition,
- (b) the arrangements condition, and
- (c) the consent condition.

(2) The need for treatment condition is that the court is satisfied that the mental condition of the offender—

- (a) requires treatment,
- (b) may be susceptible to treatment, and
- (c) does not warrant the making of a hospital order or guardianship order within the meaning of the Mental Health Act 1983.

(3) The arrangements condition is that the court is satisfied that arrangements—

- (a) have been made, or
- (b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, if that treatment is, or includes, in-patient treatment (see paragraph 28(2)).

- (4) The consent condition is that the offender has expressed willingness to comply with the requirement.

*Alternative arrangements for mental health treatment*

- 30 (1) Where—
- (a) an offender is being treated in pursuance of a mental health treatment requirement, and
  - (b) the treatment practitioner is of the opinion that part of the treatment can be better or more conveniently given in an institution or at a place—
    - (i) which is not specified in the youth rehabilitation order, and
    - (ii) where the treatment of the offender will be given by or under the direction of a registered medical practitioner or registered psychologist,
- the treatment practitioner may make arrangements (“alternative arrangements”) for the offender to be treated accordingly.
- (2) Alternative arrangements may be made only if the offender has expressed willingness for the treatment to be given under those arrangements.
- (3) Alternative arrangements may provide for the offender to receive part of the treatment as a resident patient in an institution or place which could not have been specified for that purpose in the youth rehabilitation order.
- (4) Where alternative arrangements are made—
- (a) the treatment for which the alternative arrangements provide is to be deemed to be treatment to which the offender is required to submit in pursuance of the mental health treatment requirement, and
  - (b) the treatment practitioner must give a notice in writing to the offender’s responsible officer, specifying the institution or place where that treatment is to be carried out.
- (5) In this paragraph—
- “registered psychologist” means a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists;
  - “treatment practitioner” means the medical practitioner or registered psychologist by or under whose direction the offender is being treated in pursuance of the mental health treatment requirement.