

Birmingham continues to take part in the pilot of Community Mental Health Treatment Requirements

Alexander Pritchard-Jones

1. As part of a pilot, solicitors and barristers in Birmingham courts representing Defendants with primary mental health diagnoses (e.g. anxiety or depression) can ask for an assessment by a mental health practitioner to determine whether or not an appropriate Mental Health Treatment Requirement (MHTR) can form part of a court-imposed community sentence. The MHTR assessment is carried out as part of the pre-sentence report. However, you can seek advice about the suitability of the client prior to the case going to court.

2. To be suitable for such a requirement a Defendant must:
 - Be over 18;
 - Have been convicted of an offence which falls within the Community Sentence or Suspended Sentence guidelines;
 - Have a primary level mental health need;
 - Consent; and
 - Be registered with a GP in the Birmingham and Solihull CCG area.

3. If a Defendant meets these primary criteria, they can be assessed by a mental health professional who may propose an MHTR in conjunction with the National Probation Service; any MHTR must be approved by the lead clinician.

4. If the court does impose an MHTR, which can be coupled with a Drug Rehabilitation Requirement or an Alcohol Treatment Requirement, the Defendant will attend and must engage with twelve talking therapy sessions, alongside any other requirements that may have been imposed as part of the sentence.

5. Although Birmingham is a pilot, early results show there has been good compliance where a Requirement has been imposed. The West Midlands Combined Authority, running the scheme, is seeking more participants in the scheme to assist with a statistical analysis of why mental health treatment can divert Defendants from reoffending by treating underlying issues.

6. In order to refer a Defendant to a Mental Health Treatment Requirement assessment, solicitors or barristers can call Probation, the Liaison and Diversion, or the MHTR Delivery Team. The details are in the flyer [here](#).

7. Solicitors wishing to discuss in more detail how this could benefit clients can contact Alexander Pritchard-Jones through his clerks by calling 0121 236 0863.