

Changing the law on mental health



Easy read booklet

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Who we are and what we do



We are the **Department for Health and Social Care**. We are part of the **Government**.

The Government leads the Country.



We want to make mental health care better for people.

We want to make changes so that people:

- x do not stay in hospital unless they need to

- x do not get taken to a police or prison cell when waiting for care and treatment



The law and how we want to change it



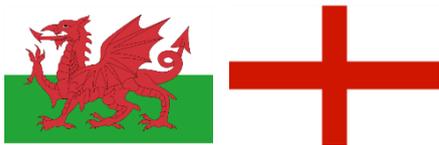
The Mental Health Act is the law that tells people what to do when you need to stay in hospital after a mental health crisis.

It says you can be sent to hospital for your care and treatment.



This is called being **detained**. Some people know this as being sectioned.

This law is for England and Wales only.



We want to change the law.

An idea for a new law is called a Bill.



Laws are made by a group of people called Parliament.

We have written our ideas in a draft Bill. This means you can look at it before it is final.

Why we want to change the law



We decided to make changes to the law after there was a big review.



This means we looked again to see if the Mental Health Act is still working.

We want to make changes so that you have more choice in:

- ✓ what happens if you have a mental health crisis
- ✓ who is involved in your care
- ✓ what treatment you are given and why



You will have more rights to say what you want to happen with your care and treatment.



More about

Why we want to change to the law



The review told us what we should do to make things better.

1. Listen to what you want in your mental health care.

2. Use the law in the best way so you are not taken to hospital if you don't need to.

3. Help you get the support you need to get better.

4. Understand you as a person and give you more of a say over treatment.



Changes to the law that are better for you



We want you to get more care and support in the community, so you don't have to go into hospital unless you really need to.

Under the draft Bill, doctors or people responsible for your care will:



1. Listen to what you want in your mental health care.

Your doctor or another health person will listen and talk to you and your family and friends.



They will ask you about what you want to happen and make sure this is recorded.

2. People will only use the Mental Health Act when it is needed so you are not taken to hospital if you do not need to.

Going to hospital should only happen if nothing else is working for you.



Changes to the law that are better for you



The draft Bill will:

- **help people understand you as a person and give you more of a say over your treatment**
- put your opinions at the centre of your care so you can make choices for your mental health care and treatment



Getting the right treatment in hospital



The draft Bill says there has to be a very good reason to take you into hospital.

The people caring for you will make sure you get treatment in the hospital or at home or somewhere else outside of hospital.



You will only have to go to hospital if there is a very high risk you will

- hurt yourself
- not get better if you don't go to hospital
- hurt other people



If you do go to hospital, you may still need treatment when you come out to help you to get better.

Getting the right treatment



The draft Bill will say that you can tell doctors the treatment you want. But to do this, you have to be able to make decisions for yourself about what is best for you. This is called having **capacity**.



Under the draft Bill, you can talk to your doctor and tell them what you think works best for you.



They will listen to what you say and tell you why they want to give you a certain medication or treatment.

If there is a treatment you don't want but will keep you safe, then you may still have to have this.



It might be that the medication is the only one that works to keep you well.

If you do not agree with the doctor, then another doctor will be asked to look at your treatment options.



This is called getting a **second opinion**.

Care and treatment plans



The draft Bill says that it is a good idea for some people to make a care and treatment plan.

Your doctor will write your care and treatment plan with you.

The plan should say:

- what you want to happen with your treatment
- who you want to be involved in decisions about your care.



Your doctor or the person responsible for looking after you will look at your care and treatment to see if it is still working.



They will talk to you about what you need and if you want something to change.



They will do everything they can to make sure you are not taken to hospital unless it is the best thing for you.

More about Care and treatment plans



You can ask your advocate or **nominated person** to help with the plan. These are people you can choose to speak out for you and make decisions like a family member or friend.



You can read more about a **nominated person** on the next page.

The plan should link in with other care plans so that everyone involved in your care knows what is happening.



If something is not right or you are not happy with your care in hospital, you can make a complaint.



The people who care for you must tell you about how to do this and give you the right information.

Nominated person



A **nominated person** is someone who can make decisions and speak for you.

The draft Bill says you can

- choose the nominated person you want, so it doesn't have to be chosen for you.
- say that your nominated person must be asked about your treatment and anything that happens to you in hospital.



Going to a tribunal



You might need to use the law to get a judge to say you can leave hospital.

This is called going to a **tribunal**.

A tribunal is like a court of law. It is where official people make a final decision about something.



A tribunal will decide if you should be kept in hospital.

The draft Bill says there should be more tribunals for people.

This will make sure you're not in hospital for longer than you need to be.



People who have been in trouble with the law



Some people who need care and treatment for their mental health might be in trouble with the law or in prison.

The draft Bill says that these people should not have to wait a long time to be taken to hospital for treatment.



Some people are in hospital because a court said they must stay there until they get better.

At the moment, some of these people might have to stay in hospital even if it is no longer helping them get better because it keeps the public safe.



The new law says they should get a chance to live in the community under very safe conditions.

It is better to do this than to keep a person in hospital if it is not helping them anymore.

People with a learning disability and autistic people



People with a learning disability and autistic people can be told to stay in hospital under mental health law.

This means that some people may not get the right care and support.



Our draft Bill says that people with a learning disability and autistic people should have a care (education) and treatment review to see how they are being treated and help them to leave hospital as soon as they are ready.

More about People with a learning disability and autistic people



Learning disabilities and autism are not mental health conditions.

But you can have a learning disability or be autistic and have a mental health condition.



The draft Bill says that mental health law cannot be used to keep someone in hospital if they have a learning disability or are autistic unless they also have a mental illness.



The people who arrange care for people who are not in hospital should understand the needs of people with a learning disability and autistic people in their area and make sure the right support is available.

Getting care after you leave hospital



You may have the right to get special care and treatment after you leave hospital.

This is to make sure you can manage in the community and don't have to go back to hospital.

This is called **after care**.

You might also be given a **Community Treatment Order** by your doctor.

This says what care and treatment you need to stay safe and well at home.



What happens next



The next thing to happen is Parliament will look at our ideas. They will tell us how they think we can change our ideas to make a better law.

Parliament will tell us what they want by the end of this year.



Next year, we will write a final Bill so that Parliament can approve it. It will then become the law.