



Department  
of Health

# Code of Practice: Mental Health Act 1983



**What do you think about our ideas  
for a Stronger Code and Better Care?**



Please tell us what you think before  
the **12th September 2014**.



Easy Read version of:  
**Stronger Code: Better Care**

**Title:** Stronger Code Better Care: Consultation on proposed changes to the Code of Practice: Mental Health Act 1983

**Author:** Social Care, Local Government and Care Partnerships Directorate/Mental Health and Disability Division/ 11160

**Document Purpose:**

Consultation

**Publication date:** July 2014

**Target audience:** Executive directors of health and social care provider organisations; service managers, governance leads and executive quality leads in health and social care services; staff working in health and social care services; enforcement and inspection staff; chairs (and members) of local safeguarding adults boards; lecturers and those who deliver professional training and training in PBS and the use restrictive interventions; academic and research staff; people who use services, family members, carers and parents of people receiving services; independent advocates and organisations; police and people working in criminal justice settings; professional regulatory bodies; local authorities; legal representatives; security staff working in health and social care settings; commissioners of health and social care services.

**Contact details:** Mental Health Act Code of Practice Review,  
Local Government and Care Partnership Directorate,  
Room 313 Richmond House,  
79 Whitehall,  
London SW1P 2NS

mentalhealthcode@dh.gsi.gov.uk

You may re-use the text of this document (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

© Crown copyright

Published to gov.uk, in PDF format only.

[www.gov.uk/dh](http://www.gov.uk/dh)

# What is in this booklet

page



A Message from the Minister

1



About this booklet

3



About the Code of Practice

5



Experts by Experience

7



Why the Code of Practice needs to change

9



Making the changes

13



How to tell us what you think

15



What we want to change

19





## A Message from the Minister

I think the Code of Practice is really important.



It helps patients get the right treatment, care and support when they are treated under the Mental Health Act.



The Code tells people like doctors, nurses, the police or law services about the rights of patients and their carers.

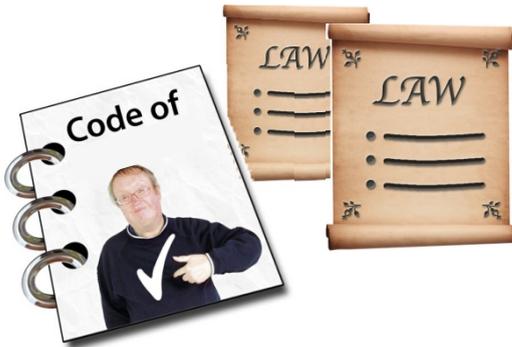


I think it is a good time to look at the Code and see how we can make it stronger and better because:

- It will only work if it is up to date and people understand how to use it properly.



- Patients are treated badly or get unsafe care when services do not understand or use the Code.



- It was written in 2008 and laws and health services have changed a lot since then.



If you are interested in mental health, please get involved with this consultation and tell us what you think.



From April 2015, I want us to have a Code that is easy for everyone to understand and use.

**Norman Lamb**



## About this booklet

The **Mental Health Act** is a law about treating people with very severe mental health problems in England.



People being treated under the **Mental Health Act** are usually staying in hospital or at home with rules about what they must do.



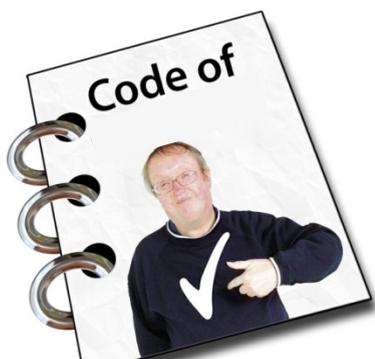
This booklet is part of a **consultation** about the **Code of Practice** which says how to use this law.



A **consultation** is when organisations like the Government ask what people think.



When we say **we** in this booklet, we mean the Government.



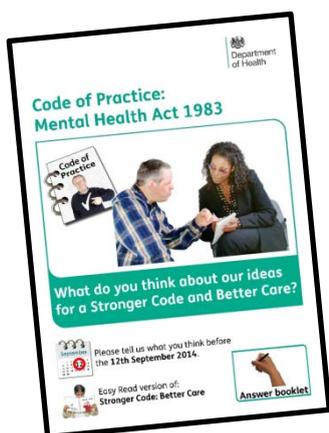
This booklet starts by telling you about the Code of Practice and why it needs to change.



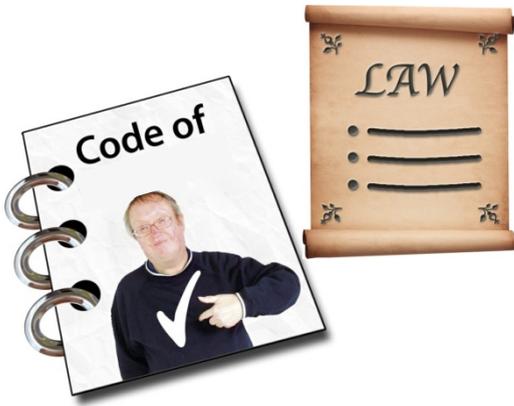
We then tell you about the changes and ask what you think.



Please use the boxes in the answer booklet to tell us what you think.



Page 2 in the answers booklet tells you how to do this.



## About the Code of Practice

The Code of Practice explains the law and tells people and services what they must do.



The Code of Practice is for:

- people who work with patients with mental health problems



- people who are being treated under the Mental Health Act in hospital or the community



- the families and friends of people with mental health problems



- hospital managers



- other people like the police, lawyers or ambulance staff.



It helps people:

- to understand the Mental Health Act and use it properly



- make decisions about how to care for people with severe mental health problems



- give the best care to people with mental health problems.

## Experts by Experience



In making the new Code, we worked with a group who know what it is like when someone is treated under the Mental Health Act.



- 9 people who are, or have been, patients



- 6 people who are carers.



They think it is really important to involve people and listen to what they say.



They think the Code of Practice should:

- make sure patients can speak up



- stop poor or dangerous care



- make sure all staff get the same, good training

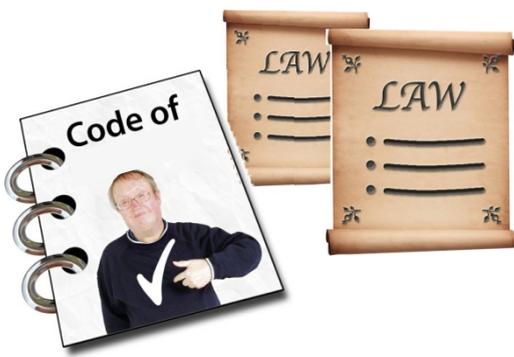


- be clear and easy for everyone to understand



- make sure everyone knows about the Code and how to use it.

# Why the Code of Practice needs to change



The Code was written in 2008. Laws and health services have changed a lot since then.



The Mental Health Act must look after the rights of people who are:

- kept in hospital because of mental health problems



- treated in the community



- getting care when they leave hospital.



But some patients still do not get good safe care.

This happened in a hospital called Winterbourne View where patients were treated very badly by some staff.



We need to change the Code so it:

- thinks about these things



- is easier to understand



- helps keep people safe.



The changes to the Code will help people understand:

- how to keep patients safe



- how the police should use the Mental Health Act



- when to involve Independent Mental Health Advocates



- how to give people treatment in the community



- how treatment and care under the Mental Health Act links with other laws like the **Mental Capacity Act**.



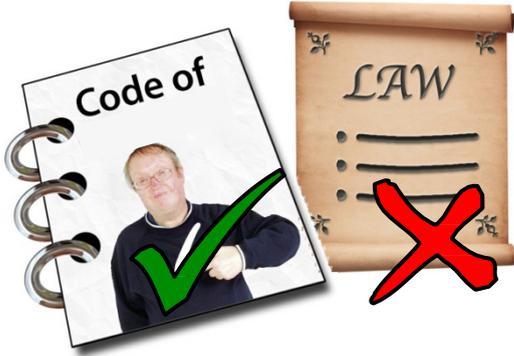
This law says what must happen if someone cannot make a decision for themselves



- how the Mental Health Act links with new laws like the **Care Act** and **Children and Families Act**



- how to do the things the **CQC** (Care Quality Commission) said should happen. CQC check mental health services in England.



## Making the changes

We will not change the Mental Health Act, just the Code of Practice for England.



We must talk to people who are involved with the Code of Practice and then ask Parliament if we can make the changes.



We have already listened to lots of people, including:

- people who work in mental health services



- people who have mental health problems



- their family carers



- **experts by experience** who know what it is like to be treated under the Mental Health Act



- CQC.



They have told us how they think the Code should change to give people better care.

## How to tell us what you think



The consultation begins on 7th July 2014 and ends on 12th September 2014.



Please tell us what you think before the 12th September 2014.



In the answer booklet there are some questions.



You can answer any of these questions or just tell us about other ideas you have.



We will also hold some events when people will be able to come and tell us what they think.



To find out about these events or give us your answers or ideas, please:



Email:  
[mentalhealthcode@dh.gsi.gov.uk](mailto:mentalhealthcode@dh.gsi.gov.uk)



## Other ways to tell us what you think about changes to the Code

Go to: <http://consultations.dh.gov.uk/>



Or post it to:  
**Consultations Coordinator**  
**MHA Code Review Consultation**  
**Department of Health**  
**313A Richmond House**  
**79 Whitehall**  
**London SW1A**  
**2NS**



Twitter: @MHCodeDH



You can also call:

**0207 210 5420**

Between 10am and 4pm,  
Monday through Friday



If you want to say something about the way we are asking what people think:



Email:  
[Consultations.co-ordinator@dh.gsi.gov.uk](mailto:Consultations.co-ordinator@dh.gsi.gov.uk)



Write to:  
**Consultation Co-ordinator**  
**Department of Health**  
**2E08 Quarry House**  
**Leeds**  
**LS2 7UE**

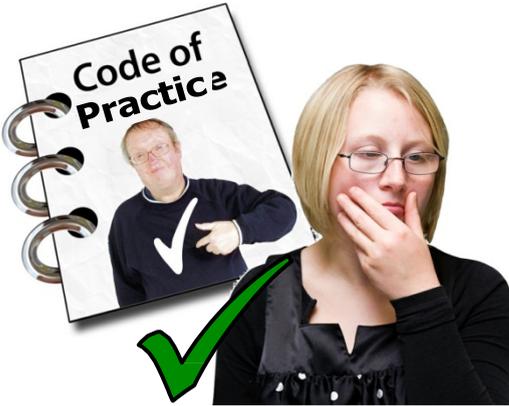


Keeping your personal information safe If you do not want us to use your name in our report, please tell us when you write to us.



## What we want to change

We will make the Mental Health Act Code of Practice easier to understand.



We think a strong, clear code will mean patients get better care.



The changes will help people do these things.



## Use the Mental Health Act

- The Code will help people treat patients fairly and equally when using the Mental Health Act.

## Look after people's rights



- Listen to people and involve them in their own care.



- Plan better advocacy services to meet different people's needs.



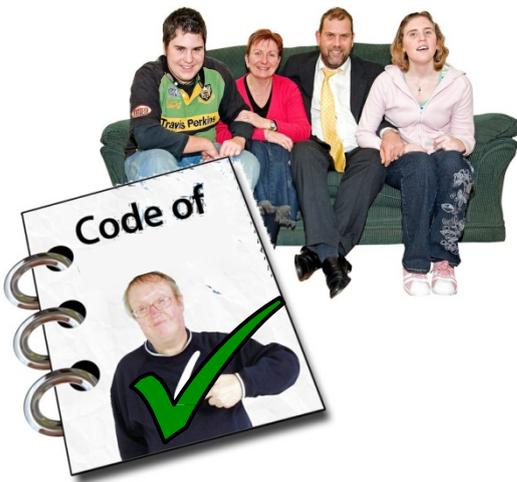
- Make sure patients can speak to family and friends in private.



- Treat patients as individuals and do not just have the same rules for everyone.



- Stop things that mean people are treated badly or worse because of their mental health.



- Make sure families and carers know about the Code and understand their rights.



- Give carers better support and involve them in decisions.



## Give patients the right care in the right place

- Try to care for patients in a hospital near their home or plan support for their families to visit them.



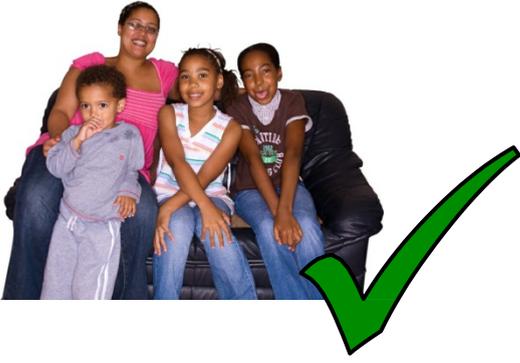
- Only use police stations as safe places to which people with mental health problems can be taken if there is nowhere else to take them.



- Try to keep people in a safe place for less than 24 hours.



- Understand the Mental Capacity Act and how to support people who cannot make decisions about their treatment or care for themselves.



## Think about groups who need special support

- Make sure parents understand what they can decide for their children.



- Make sure everyone understands what happens if a person cannot make a decision for themselves, such as agreeing to treatment.



- Have clear information about working with **patients treated under Part 3** of the Mental Health Act who are sent to hospital by a court instead of going to prison.



## Give safe care and treatment in hospital

- Give good, safe care to people who have difficult behaviour and might hurt themselves or others.



- Only use **restraint** (holding people physically or by using a device) when they really need to.



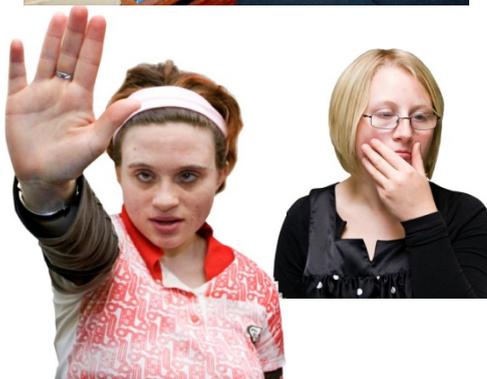
- Understand about rules and training for restrictive interventions.



- Have clearer information about keeping patients away from other people when this is needed to keep them or others safe.



- Get better at linking physical healthcare and mental healthcare.



- Get better at spotting poor services and act quickly to make them better and keep patients safe.

## Give people good support when they leave hospital



- Involve patients in planning the support they need when they leave hospital.



- Make sure patients understand what is happening if they are treated in the community under the Mental Health Act.



- Have good care planning.



Hospital



- Make sure people are not kept in hospital too long under the Mental Health Act.



## Share information

- Hospital managers must make sure patients know why they are being treated under the Mental Health Act.



They must also make sure they know what to do if they are not happy about this.



- Give victims support and information if they are harmed by someone with mental health problems.



## Credits

This paper has been designed and produced for the Department of Health by the EasyRead service at Inspired Services Publishing Ltd.  
Ref ISL 067/14. July 2014.

[www.inspiredservices.org.uk](http://www.inspiredservices.org.uk)



Selected artwork is from the Inspired Photo collection and cannot be used anywhere else without written permission from Inspired Services Publishing Ltd.

[www.inspiredphotos.org.uk/](http://www.inspiredphotos.org.uk/)

