



Department
of Health



Home Office

Taking people to a place of safety using the Mental Health Act

This is an Easy Read version of the review of the operation of Sections 135 and 136 of the Mental Health Act 1983

December 2014

About this paper

The Government has been looking at how well some parts of the Mental Health Act for England and Wales are working.



We want to make sure people get the right support at the right time.

Last summer, we asked what people thought. We also asked families, carers and services.

The Mental Health Act says what services and support people with mental health problems should get.

The 2 parts of the Act we are looking at are called Section 135 and Section 136.



Both of these parts are about taking people who need urgent care to **places of safety** for a short time.

If we use any difficult words in this Easy Read we explain what they mean and put them in **Bold**.



A **Place of Safety** is usually a hospital, but sometimes cells in police stations are used.

This is to keep them safe so they can get help if they need it.

A place of safety might be used if someone is:

- unable to care for themselves
- is being badly treated
- is not being looked after



Section 135 is where a **Justice of the Peace or magistrate** needs to give their permission for the police to go into a private place like someone's home.

Justices of the Peace or magistrates are the people who make decisions in magistrate's courts.



Section 136 is a part of the Mental Health Act which allows the police to take someone who is in a **public place** to a place of safety.

A **public place** is anywhere the public are allowed to go, even if they have to pay to get in. It does not include a person's own home.



They can be kept in a place of safety for up to 72 hours or 3 days. In that time they need to be checked by a doctor and an **Approved Mental Health Professional** to see what care they need.

An **Approved Mental Health Professional** is a person with special training in mental health. They have to ask the **Justice of the Peace or magistrate** for their permission to go into a person's home.

What we have found

We have looked at everything people told us to see if the law needs to be changed.

Lots of people told us that:

- 3 days (72 hours) is too long to keep people for, although most people are not actually kept for the full 3 days



72 hrs



- It is not right to use police stations, especially for younger people



- The police try to help people but sometimes hold people who do not need to be detained, or ask people to come out of their homes so they can be taken to a place of safety. This should not happen.

What we would like to do about it

Some of the things we would like to do means changing the law.

We can't make any changes to the law until after the next General Election.

Before then, we will ask you more about these ideas.

We suggest that, if the next Government want to, the law should be changed so that:



- Police stations are only used as a place of safety for people who are very violent
- Children and young people should never be held in police cells as places of safety
- That the most anyone should be held for is 24 hours unless there are good reasons to keep them for longer

Any of these changes in the law can only be brought in if a Bill is put before Parliament, which will take up to two years.

These changes would apply in England. Wales has its own health system. Scotland and Northern Ireland have different mental health laws.

We have also suggested making some other changes to the law.



We think it would be helpful if **Section 136** could be used in places such as hospital wards, railway lines, cars or hotel rooms, although not in private homes.

To help the police understand when to take someone to a place of safety, we suggest that the police should ask a health professional first.

This means the police can have more information about the person. It also means that a person who knows about mental health is able to help the police to make the decision.

We suggested that other places could also be used as **places of safety**, such as care homes or community-led places, as long as the person was kept safe.



We suggested that when an Approved Mental Health Professional and police go into a person's home, they can remain there and carry out the assessment rather than taking the person away to a place of safety.

We have also suggested some other things which do not need the law to be changed.

We thought about allowing the police to take people to places of safety from their homes, but have decided that it is better to ask a **Justice of the Peace or magistrate** for their permission.

However, if the person wants to go with the police, there is nothing stopping the police or an ambulance from taking the person to hospital and the **Justice of the Peace or magistrate** would not need to give permission.



We have also suggested that the police and other services should have better training to understand mental health issues.



We also looked at whether it would help if paramedics could take a person to a **place of safety**, and have decided that this needs to be thought about more.



We asked people responsible for providing **places of safety** in hospitals to make sure they had enough space to take people, that they could take care of them properly, and that they could take people who were also drunk.

We also asked the people responsible for providing **places of safety** to make sure that there were places for children and young people to be taken to.



We asked ambulance services to make sure they could transport the person to a **place of safety** so the person is not waiting for too long.

We suggested that the **Justice of the Peace or magistrate** should make sure they give permission for a Section 135 warrant when it is needed, sometimes very quickly.

We are going to work on guidance for the police to ensure that when a person is held under Section 136 this should not usually come up in checks by the Disclosure and Barring Service (DBS) when people apply for jobs, unless the police think there are very good reasons to let a future employer know this.



Some people think that people who are Black are held more often under Section 136.

We have asked police forces to gather better data on how often Section 135 and Section 136 is used so that we know more about it, including the race and sex of people who are held.

In some areas, groups of different services meet together often to look at recent cases and see what should have been done differently. We think this is good practice and should be done everywhere.

It would also help if people who are detained several times have care plans put in place so they get the same response by people who know their background and needs.

We have also suggested some changes to the Code of Practice which is guidance for the Mental Health Act.

All of these things will be part of the future work of the Government.

You can find more information about what we are doing in the mental health Crisis Care Concordat which can be found here:

<http://www.crisiscareconcordat.org.uk/>