



Department
of Health &
Social Care

Easy Read version of: Mental Health
Units (Use of Force) Act 2018. Statutory
guidance for NHS organisations in
England, and police forces in England
and Wales

The law about use of force in mental health units

Guidance



easy
read

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In this easy read document, difficult words are in **bold**. We explain what these words mean in the sentence after they have been used.

Introduction



The Government has written this guidance to help people understand the law about **using force** in **mental health units**.



Using force means to stop somebody from doing something.



A **mental health unit** is where people stay for treatment for their mental health condition.



We want to know what you think about this guidance.



Please tell us what you think by answering the questions in the separate Easy Read questionnaire.

The law about use of force



Everyone has the right to be treated well and to be safe from harm in mental health units.



Sometimes force is needed to stop people from hurting themselves or other people. Sometimes force is used when it is not needed.



Force is being used more now than in the past.



The law about using force in mental health units is called 'The Mental Health Units (Use of Force) Act 2018'.



The law aims to:

- prevent situations where force may need to be used



- reduce the use of force in mental health units



- make sure force is only used when everything else has been tried



- make sure staff work in the right way with children and adults



- stop people being treated unfairly because of who they are, their background or beliefs.



- make staff explain why they have used force



- make sure everyone can see when force has been used and why it was used

Human rights



Human rights are the things that every person should have or be able to do, by law.



They include the right not to suffer **torture** or **inhuman treatment**.

Torture is where someone deliberately hurts you.



Inhuman treatment is when you are denied basic things, like:

- not being allowed to be clean
- not being allowed medical treatment
- not given enough food and drink
- not being allowed to take exercise and rest.



The law says that people must be given their human rights.

What words mean



The law explains what certain words mean.

Use of force

Force might be:



- **Physical restraint**

This means physically holding some part of your body to stop it moving.



- **Mechanical restraint**

This means using some equipment to stop part of your body moving.



- **Chemical restraint**

This means giving you some medication to keep you calm.



- **Seclusion**

This means keeping you on your own, away from other patients.

- **Long-term segregation**

This means keeping you alone, away from other patients for a long time.



Mental disorder

Mental disorder means things like mental illnesses or problems with your mind.



Mental health unit

A mental health unit is where people with a mental disorder stay for treatment.



A mental health unit can be a ward or a part of a NHS hospital. Or it can be an independent hospital.

The Mental Health Units (Use of Force) Act 2018 does not apply to other health services, or other parts of the hospital.



It does not apply to Accident and Emergency departments.

A responsible person



The mental health unit must make someone the 'responsible person'.



They are responsible for making sure all staff follow the law about using force.



This must be a senior member of staff.



They have to have training about using force properly.

Policy on using force



Each mental health unit should write its own **policy** on using force.



A **policy** is a set of rules about:

- how things should be done
- how staff should behave.



The policy should say that:

- everyone is treated well and kept safe



- force should be used as little as possible



- the mental health unit must check every time that force is used.



The policy should also explain:

- what should happen if force is used in the wrong way



- what types of force may be used



- when force must not be used



- what training the staff should have



- how patients, families and carers are involved in planning patient's care



- how patients, families and carers are involved in looking into any situation when force has been used



- how the mental health unit:
 - learns from situations where force has been used



- changes the way it works so that force does not have to be used in future



- asks people what they think about the policy on using force



- works with patients and people who use services to write the policy on using force.

Information on the use of force



Patients, their families and carers should be given information about the use of force in the mental health unit.



The responsible person must make sure people have information about:

- when force can be used
- why staff may use force



- what type of force may be used



- what will be put in a record



- how to make a complaint



- how to get involved in planning their care



- how patients, parents and carers can have a say about what staff should do



- how the mental health unit works with patients and families to write policies



- your right to have an **advocate** and how to contact advocacy organisations.



An **advocate** is someone who helps you to speak up or speaks up for you.



Mental health units should involve patients when they write this information.



Mental health units should provide their information about using force in Easy Read.

Staff must make sure people understand the information.

Training



Staff should get training in:

a) how to involve people in planning and providing care and treatment



b) how to show respect for what people want



c) how to respect people's differences and backgrounds they come from



d) how not to treat people differently or treat them badly because of who they are



e) how to deal with situations without having to use force



f) what could go wrong if you use force



g) how people's mental health and behaviour can be affected by bad things that happened in the past



h) how force can affect people's health and mental health



i) how force can affect people's confidence and how they learn



j) how to keep everybody safe



k) what the law says about using force



l) the rights and wrongs of using force



m) the NHS rules about what staff training should cover



n) why force should never be used to:

- hurt someone
- make them suffer
- make them feel small and powerless.

Recording the use of force



A record must be kept, every time that force is used.



The record should include:

- the reason force was used



- the date, the place and how long the force was used for



- the type of force



- whether the use of force is included in the person's care plan



- information about the patient, including their health, their mental health and if they have a learning disability



- information about all the people who were there.



If the patient is injured during the use of force:

- there should be an investigation



- someone should tell the **Care Quality Commission** if a patient is seriously injured or dies.



The **Care Quality Commission** is a Government organisation that checks health and social care services in England.



Negligible force

Negligible force means using a small amount of force in daily caring and treatment.



Staff that use negligible force don't have to keep a record.



These types of force are not negligible:

- any use of medication or equipment
- where the patient doesn't want to talk or touch a member of staff
- where the patient makes a complaint





- where someone else makes a complaint



- where the patient gets injured



- where more than 1 member of staff is involved.

Looking into deaths and serious injuries



Any death or serious injury must be looked into properly.



The family of the person must be involved.



The responsible person should follow the guidance about looking into deaths and serious injuries from the:

- Care Quality Commission
- NHS
- Government.

What do you think?



We want to know what you think about this guidance.



Please tell us by answering the questions in the separate Easy Read Questionnaire.



We need your answers by 12pm on Tuesday, 17 August 2021.