



Department
of Health &
Social Care



Mental Health Act

Changes to parts of Mental Health Law



What is in this booklet



Department
of Health &
Social Care

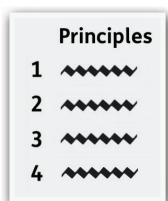
Page 1 Who we are and what we want to do



Page 2 The law and how we wanted to change it



Page 3 Why we wanted to change the law



Page 5 Principles



Page 8 Changes to the law that are better for you

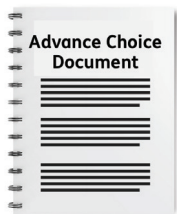


Page 11 Getting the right treatment in hospital



Page 12 Getting the right treatment

What is in this booklet



Page 14 Advance Choice Documents



Page 16 Care and treatment plans



Page 18 More about care and treatment plans



Page 20 Nominated person



Page 23 Going to a tribunal



Page 25 People who have been in trouble with the law

What is in this booklet



Page 27 People with a learning disability and autistic people



Page 31 Leaving hospital



Page 32 Getting care after you leave hospital



Page 33 Making the Bill into the law



Page 34 Making the new law happen

Who we are and what we want to do



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

The **Government** leads the country.



We want to make **mental health** care better for people.



Mental health is things like your thoughts, feelings and how you cope in everyday life.



We want to make changes so that people do not stay in hospital unless they need to.



When people do have to stay in hospital, it is important that they get good care and treatment.

The law and how we wanted to change it



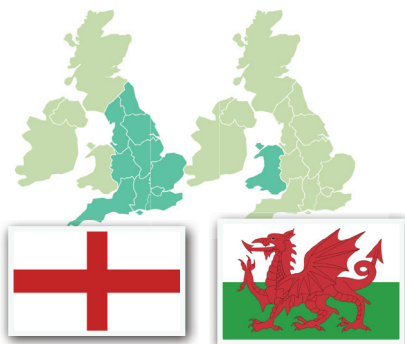
The Mental Health Act is a law that tells people what to do if they need to stay in hospital because they are in **crisis**.

Crisis is when you need help straight away because of your mental health.



The law says you can be sent to hospital for your care and treatment when you need to for your safety, or to protect other people.

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



This law is only for England and Wales.

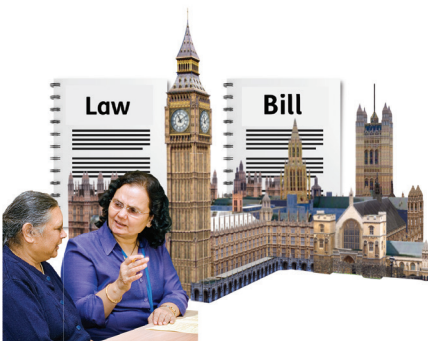


We wanted to change the law.
When you want to change the law,
you use a **Bill**.



We wrote our ideas in a Bill and
showed it to **Parliament**.

Parliament is where people called
politicians meet to talk about the
work of the Government.



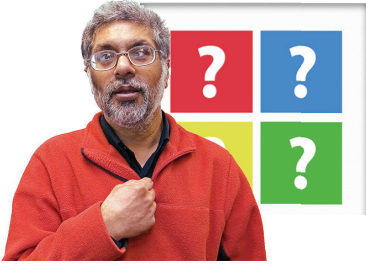
They also talk about and agree
changes to the law.

Why we wanted to change the law



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

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



We made changes so that you have more choice in:



- What happens if you have a mental health crisis.



- Who is involved in your care.



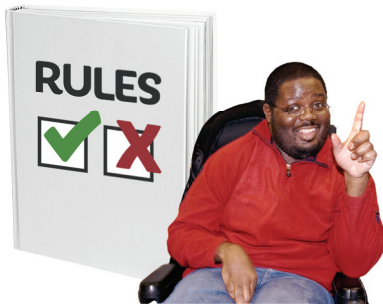
- What treatment you are given and why.



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

Your **rights** are things you are allowed to do and how you should be treated.

Principles



A **principle** is an idea or rule that explains or tells you how something happens or works.



We worked closely with people who use mental health services to do our review.



Our review helped us come up with 4 principles that we need to do to make things better.

Our principles are:

1. **Respect people's views and choices**

This means listening to what you want in your mental health care.

In the law we call this **Choice and Autonomy**.





2. Limit people's freedom as little as possible

This means using the law in the right way so you are not taken to hospital if you don't need to be.

In the law we call this **Least Restriction**.



3. Give people the help they need to feel better

This means helping you get the right treatment and support you need to feel well.

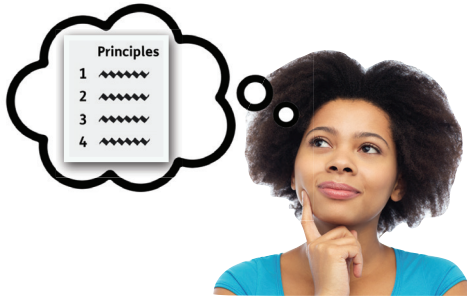
In the law we call this **Therapeutic Benefit**.



4. Respect people as individuals

This means treating you with respect, understanding you and what you need.

In the law we call this **The Person as an Individual**.



We have thought about these principles in everything we have done in the law.

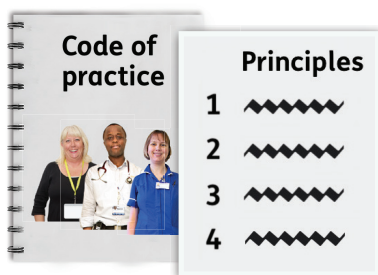


The **Code of Practice** is a set of rules that services should follow when they use the Mental Health Act.

Services like hospitals and **social care**.



Social care is care that you get in your own home or in the local community. This might be in places like a day centre or care home.



We will make sure that the principles are put in the **Code of Practice**.

Changes to the law that are better for you



We want you to get more care and support in the community.



Under the law, doctors or people who are in charge of your care will:

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



Your doctor or other health staff 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 written down.



2. People will only use the Mental Health Act when it is needed



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



The law will:

- Help people understand you as a person and give you more of a say over your treatment

and



- Make sure you are listened to and your voice is heard. It will help you to make choices about what care and treatment you want.



You will only have to go to hospital if there is a very big chance you might:

- Seriously hurt yourself.



- Not get better if you don't go to hospital.



- Seriously hurt other people.

Getting the right treatment in hospital



Sometimes, people need to be made to stay in hospital to keep themselves and others safe.



If you are made to go to hospital, the law says there has to be a very good reason for it.



Before coming into hospital, staff have got to decide where is the best place for you to get treatment.



Hospital must be the best place to give you the treatment and support you need.



When you are ready, you might get treatment at home instead of in the hospital.



Getting the right treatment

The law 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 law, you can talk to your doctor and tell them what you think works best for you.



They will listen to what you say.
They will tell you why they want you to have some types of medicine or treatment.



There might be a treatment that you don't want to have. If this treatment helps to keep you safe, you will still have to have it.



This might be because the medicine is the only one that works to keep you well.

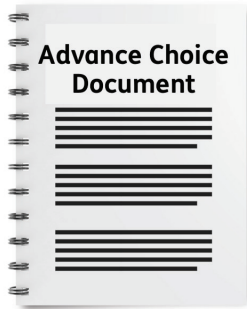


If you do not agree with the doctor, you can get a **second opinion**.



A **second opinion** is when another doctor is asked to check what treatments might be best for you.

Advance Choice Documents



An **Advance Choice Document** lets people say what care and treatment they want before they get ill.



This means doctors can still know what help you would like if you are too poorly to make decisions.



People can use an Advance Choice Document to say:

- What treatment they do and do not want if they became ill.
- Who they would want as their **Nominated Person**. A **nominated person** is someone who can make decisions and speak for you.





The law says that services must tell people about Advance Choice Documents.



Services should support people to write their own Advance Choice Document, if they want one.



Care and treatment plans

The law says everyone should have 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 who is looking after you will look at your care and treatment plan to see if it is still working.



They will talk to you about your needs and if you want to change anything in your plan.



Your doctor will do everything they can to make sure you are not taken to hospital.



They will only allow this if it is the best thing for you in your care and treatment plan.

More about care and treatment plans



You can ask your **advocate** or nominated person to help with the plan.



Advocates help you to speak out for yourself and have your say.



The plan should link in with your other care plans.



This means 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 tell us. This is called making a **complaint**.



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

Nominated person



A **nominated person** can speak for you if you are unable to make decisions yourself.



It is important that you choose someone who knows you well and who you can trust.



The law says most people 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.



Nominated person for children in care



In care means you live with **foster carers**, in a children's home or, in some cases, with another family member or family friend.



A **foster carer** is a person who looks after children when they cannot live with their own family.



Children and young people who are in care cannot choose their own nominated person.



The Government will tell an **Approved Mental Health Professional** who to choose.



Approved Mental Health Professionals are mental health staff who have done extra training.



They know a lot about the Mental Health Act and protecting people's rights.

Going to a tribunal



You might not agree that you need to stay in hospital.

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.



At a tribunal, people like lawyers, doctors and social workers look at what everyone says and decide what should happen.



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



The law says there should be more tribunals for people.



This will make sure you do not have to stay 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. They might be in prison.



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



The law also says that people cannot be taken to police cells or prisons as **a place of safety**.

A place of safety is a place people are made to stay for their own safety or for other people's protection.



You do not stay in a place of safety for long. A doctor comes to see you. They will check to see if hospital is the best place for you to go.



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.

This is because it helps to keep other people safe.



The law says they should have the chance to live in the community under very safe rules.

We call these rules **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



The mental health law can help people to get the right support in hospital for a mental health condition.



The law says that mental health law cannot be used to keep people with a learning disability or autistic people in hospital for more than 28 days.



If they also have a mental health condition that can be helped in hospital, they can be made to stay for longer.



If a person with a learning disability or autistic person is in trouble with the law, they can be sent to hospital instead of prison.



Some people might be told to stay in hospital under the mental health law.



If they do, the law says they should have a **care education and treatment review**.

A **care education and treatment review** is a meeting to see how an autistic person or a person with a learning disability is being cared for.



The person should only have a review if they agree to it.



This will help people to leave hospital as soon as they are ready.

Supporting people in the community



People with a learning disability and autistic people don't always need to be in hospital to get the right support.



A **Dynamic Support Register** is a list of people who need support to stay out of hospital.



People must be asked first if they want to be put on the register.
Staff must listen to what the person decides.

The Act says that people involved in arranging care and treatment should use the register to:



- Understand the needs of people with a learning disability and autistic people in the area

and



- Make sure people are getting the right support.

Leaving hospital

You might be able to leave hospital when:



- You feel better able to cope with your mental health

and

- You do not need to be in hospital anymore.



When you leave hospital it is called being **discharged**.



The law says that your doctor must look at your care before you leave.



Your doctor must speak to another person involved in your care before they decide if you can be discharged.



Together they must make sure you have the right treatment and support you need to leave hospital.

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.

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



The law makes it harder to be put on a Community Treatment Order if it is not the right thing for you.

Making the Bill into the law



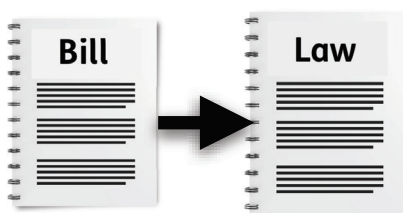
Parliament looked at the Bill and agreed with it.



Parliament then sent the Bill to the King.



The King has said yes to the Bill. This is called giving **Royal Assent**.



When the King gives Royal Assent, this means that the Bill is now a new law.



New laws that get Royal Assent are called **Acts of Parliament**.

Making the new law happen



It takes a long time to make new laws happen.



We think it will take at least 10 years to make the changes in the Mental Health Act.



Not all of the changes will be made straightaway.



This is because it will take a long time to train doctors, judges and other staff.



It will also take time to make sure there is enough support in the community for people with a learning disability and autistic people.



We will write a report on the Mental Health Act every year. The report will say:

- What work we have done
- and
- What things we need to work on.



Updating the Code of Practice

After the law has been changed, the Government will look at updating the Code of Practice.



We will speak to lots of people to find out what they think about the Code.



This will help us to make sure we make the right changes.



We will speak to:



- People who use mental health services and their friends and family.



- Health and care staff.



- People who plan and buy mental health services.



- Charity organisations.



We think it will take at least 1 year to update the Code of Practice.



When it has been updated, the Government will show the Code of Practice to Parliament.



Parliament will then talk about and agree the updated Code.