

How the law should change



Independent Review
of the Mental Health
Act 1983



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Introduction



The Prime Minister asked for a review of the law about mental health.



The law about mental health is set out in a law called The Mental Health Act 1983.



She asked us to look at:

- Why more people are being kept in a hospital for their own safety or for the safety of other people



- Why there are more people from **ethnic minority** backgrounds being kept in a hospital for their own safety or for the safety of other people



Ethnic minority means a group within a community which has different national or cultural traditions from most people



- How to improve some of the ways we work



This document explains:

- Who did the review



- How the review was done



- What should change

Who did the review?



The chair of the review was Professor Sir Simon Wessely.



Sir Simon is the Professor of Psychiatry at King's College London.



He had three vice chairs:

- Steven Gilbert – a service user
- Sir Mark Hedley – a retired judge



- Rabbi Baroness Julia Neuberger – who has been responsible for reviewing other work for the government



How did we do the review?



We talked to a lot of service users and carers:



- We talked to people at over 50 meetings across England and Wales



The meetings included:

- People who were being kept safe in mental health hospitals



- People with a learning disability



- People with autism



- We sent a survey to people who had been kept safe in a hospital.

We got answers from 1,500 people.



- We also put on 7 free, public meetings.

About 550 people came to these.



- We also had experts to give us advice.

The experts came to many meetings over the summer.

Many of these experts were people who used services, and carers.

What does the review think should change?

Giving you more choices



The law should:

- Give you more control over your treatment



- Give you the right to ask for a second doctor to check if the treatment is correct



- Give you the right to ask a **tribunal** to check if the treatment is correct



A **tribunal** is like a court of law.

The tribunal can tell the hospital to let you go home.



- Give you the chance to say what should happen if, later on, you can't make decisions for yourself.

Doctors should take account of what you said you wanted.



- Let you choose who can:
 - Make sure you get your rights
 - Get information about you

This person should be allowed to question the doctors and other professionals.



- Give you an **independent advocate** unless you say you don't want one

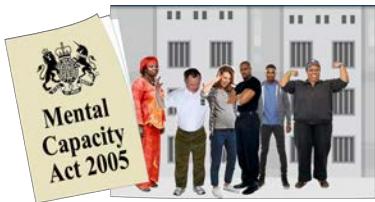


An **independent advocate** helps you to speak up.

They may speak for you if you can't speak for yourself.

Giving people as much freedom as possible

The law should:



- Explain when people should be kept in a hospital for their safety or for other people's safety



- Make sure that keeping people in hospital does not cause more harm



- Let tribunals decide if people would be better at home in the community



- Make it easier for people to ask a tribunal to help if things have changed



- Explain how Community Treatment Orders should be run, including making sure:

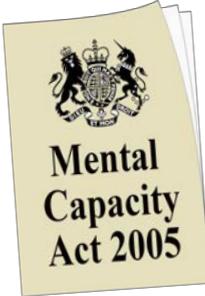
- The community psychiatrist and social worker agrees with the Order
- There are more regular reviews



A Community Treatment Order is where a psychiatrist says you must have a certain treatment or live in a certain place in your local community.



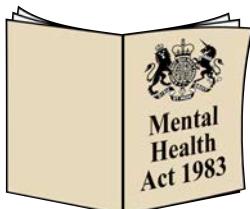
- Tribunals can check **Community Treatment Orders** conditions



- Make it much easier to work out if someone should be under:
 - **The Mental Capacity Act**, or



The Mental Capacity Act is a law which helps people who are not able to make decisions for themselves.



- The Mental Health Act



- Say that police cells, police vehicles and prison cells are not good places for people with a mental health problem



- Improve community mental health services so there is less need for people to be kept in a hospital for their own safety or other people's safety

Giving people the help they need



The law should:

- Make sure your care and treatment is planned properly



- Insist you have a proper care and treatment plan



- Make sure you are kept in a good place where you are treated with respect



- Make sure you have a modern room to yourself



- Make sure that you are treated fairly when you leave hospital and go back home

Giving people respect as an individual person

The law should:



- Make NHS trusts, local councils and the police keep records which show how people from different ethnic communities are being treated



- Make sure that people can follow their religions properly when they are being kept in hospital



- Give people an advocate who understands their background and what is important to them



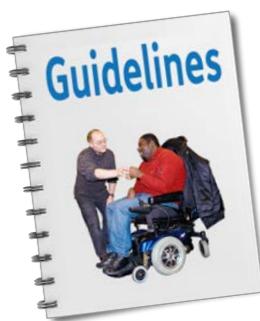
- Make sure that hospitals train their staff so they know how to care for people from ethnic minority communities



- Make hospitals try new ways of helping children and young people from African and Caribbean communities



- Give new guidance around helping children, young people and their families



- Give new guidance around helping people with a learning disability and people with autism

Thank you



Thank you to everyone who has given their views in the last year.



We think that our ideas for changing the law would:

- Bring the care and treatment of people with serious mental health problems up-to-date



- Improve the services in the way that the Prime Minister wanted



- Improve the care and treatment of people



We ask the government to change the law in the way that we have suggested.

For more information

If you need more information please contact us at:



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