



Department
of Health &
Social Care

Changes that the Government wants to make to a law called the Mental Health Act – Reforming the Mental Health Act

**Summary of our consultation response.
Submitted by People First (Self Advocacy) on
behalf of the Covid-19 Support and Action Group.**



People First

a voice for people with learning difficulties



The **Covid-19 Support and Action Group** has been meeting weekly since April 2020. Andrew Lee, the Director of People First co-facilitates the meeting with Jenny Carter from Together All Are Able and Joanne Kennedy from Change.



The group had two sessions looking at the consultation document about the Mental Health Act White Paper. They were particularly interested in sharing their thoughts about the parts of the Act that affect people with learning difficulties/disabilities and autism.



Our response was sent by **21 April 2021**.

Here is a summary of our response.



1. Changing the Mental Health Act law

The Government want to change some things in the Mental Health Act. They asked if we agreed with the following 4 things.



a) Mental health staff should listen to what people getting care think and the choices they make. This should be a big part of people's care.



b) People should only be kept in hospital if they really need to be.

c) Hospital care should help people to get better. This is so they can leave as soon as possible.



d) Mental health staff should think about each person and what is right for them. Everyone should be treated fairly.



Do you agree with the 4 things?

Yes

No

Not sure

Comment: We agree with the 4 things listed, but these things should be happening already.

Definition of hospital – we are assuming this is referring only to mental health inpatient hospitals and Assessment & Treatment Units.

People should leave as soon as possible but only if they have the right support in place.



Rules about when someone can be kept in hospital.

People should only be kept in hospital:

- If they really need to be
- If it is best for them and could help them get better
- If there is a very big chance that they would hurt themselves or someone else



People should be told why they are going into hospital and being kept there. Other people should also check the decision to make sure it is right.



Do you agree with the new rules about when people can be kept in hospital?

Yes

No

Not sure

Comment: We need to be clear how long we can be kept in hospital and under which law – Mental Health Act or Mental Capacity Act. We need to understand which law is being used and why.

It is confusing having two pieces of legislation that can be used to lock us up, especially when they give us different rights to reviews and after care.

The changes to the Mental Health Act should also apply to the Mental Capacity Act (Liberty Protection Safeguards) if it is used to keep us in hospital against our will.

Our rights need to be clear and advocacy needs to be available in these circumstances.

People should have more chances to leave hospital if they do not want to be there.



There should be more checks to see if people still need to be kept in hospital, or if they could get other care instead.

There should be 3 checks to see if they can leave hospital in the first year. At the moment it is only 2.



People being kept in hospital have the right to ask if they can leave hospital. A decision might be made to keep the person in hospital even if they want to leave.

But this should only happen if there is a good reason why the person should still be there.



Question: Do you agree with the changes to give people more chances to leave hospital?

Yes

No

Not sure

Comment:

All other options of support should be considered before being admitted to a mental health hospital and advocacy available at every check/review.

The reforms still don't seem to come from a social model perspective or UNCRPD principles.

Hospitals must have stronger connections with community organisations and to support people before and after they leave hospital.

People should have more say about their care.



There should be a document called 'Advanced Choice Statement' that people can fill in. People should fill in the document when they are well enough to make their own choices.

It will say what care the person does or does not want in hospital if they are too unwell to decide in the future.



Mental health staff would then have to follow the document where possible if the person got too ill to make their own choices.



Question: Do you agree with the document idea?

Yes

No

Not sure

Advance Choice Statements must have legal standing. Many of our members who have had this type of document have often had them dismissed and not followed.

It should include information about triggers and situations that cause distress – for example not being restrained face down.

It should also have information about how a person communicates and any reasonable adjustments.



Do you think a doctor should agree that the person was well enough to make the choices in the document first?

Yes

No

Not sure

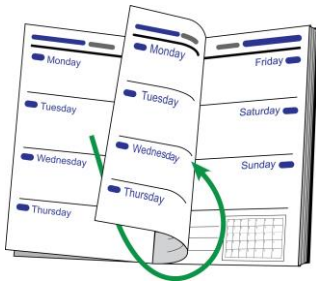
This should be done with a someone who is trusted and who knows the person well, or an independent advocate.



Everyone in hospital should have a plan about their care.

The plan should say things like:

- What care people will get and why
- How mental health staff have listened to what people want
- Plans for the person to leave hospital when they are well again



The plan should be made in the first 2 weeks that someone gets to hospital.



Question: Do you agree with the care plan for everyone who is kept in hospital?

Yes

No

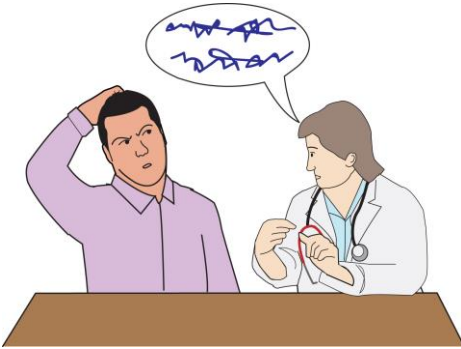
Not sure

Comment: The person themselves and an independent advocate, or someone who knows the person well, should agree if the person is well enough to make the choices in the document first and inform the doctor's decision. This cannot be decided by a person who does not have an ongoing relationship with the person.

All care plans and Advanced Choice Statements must be written with the person and apply the principles of supported decision making.

People who are kept in hospital should have more rights to:

- Choose medical care
- Say no to some medical care
- Have their choices listened to



This is about people who have not agreed to their care. It should be easier for another doctor to check decisions about the person's care. This is to see:

- If the care is right for that person
- If mental health staff have listened to what the person wants enough



People should be able to ask for decisions about their care to be looked at again. For example, if mental health staff did not listen to what they want. But maybe they should have.

The person who looks at the decision would be from somewhere else. Not the hospital.



Question: Do you agree with these new rights?

Yes

No

Not sure

Comment: Independent advocacy needs to be a key part of this process and must be available to people.

We need to make informed choices so information needs to be made accessible and reasonable need to made where necessary.



Some people might not agree to their medical care.

Question: Should mental health staff do what the person wants if the person is well enough to make their own choices? Should staff do this even if they think the person really needs the care to feel better?



Yes

No

Not sure



If someone does not agree to their medical care, do you think their doctor should be told to change it?

Yes

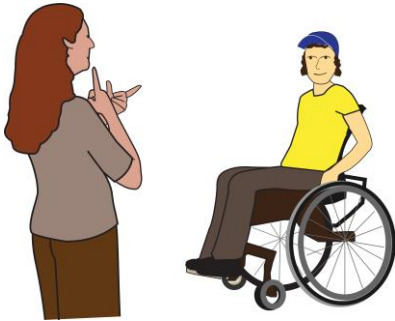
No

Not sure



We want people to choose someone to help make decisions about their care.

People who are kept in hospital have someone they know to help make decisions about their care. This is usually someone from their family.



A person getting care should be able to choose who they want. This person will have some new rights. For example, the right to have a say in the person's care plan and ask for decisions about the person's care to be looked at again, but only if the person cannot ask themselves.



Question: Do you agree with these new rights?

Yes

No

Not sure

Comment: This also needs to happen with independent advocacy and supported decision making.



Question: Do you agree that children and young people should be able to choose someone to help make decisions about their care as well?

Yes

No

Not sure



There should be better support for people to know their rights and make decisions.



There are people who can give people in hospital this support. They are called **mental health advocates**.

We want people to get even more support from mental health advocates. For example, mental health advocates could:

- Support people to make plans and documents about the care they want
- Help to make sure that mental health staff listen to people's choices



Question: Do you agree with these changes?

Yes

No

Not sure

Comment: Independent advocacy from community sources also need to be resourced and available.

We know that ‘self advocacy’ is something that often works better for people, especially over a long period of time.

Formal advocacy is important but is only available to people for shorter periods of time.

People who need urgent care should be moved to the right place quickly and safely.



Some people who go to A & E at their local hospital need urgent mental health care. They might hurt themselves or someone else.

We want to change the law so that people like this can be kept in hospital for a short time. This is to decide if they should go to a mental health hospital to get the right care.



Question: Do you agree with this change?

Yes

No

Not sure

Comment: There should be other more suitable provision available in the community – places of sanctuary and crisis support. Some of our members have told us that they have been treated like criminals and the places they've been taken are like prisons.



There should be better care for people who are in contact with the police, courts and prisons.

Some people who are in contact with the police, courts and prisons might need urgent mental health care.

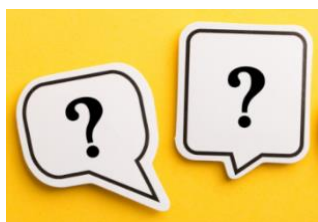


These people should get the right care at the right time; moving more quickly from prison to hospital if they need mental health care.



There should be a new person in charge of how people are moved from prison to hospital.

People who are waiting to move to hospital should get support to know their rights and make decisions.



Question: Do you agree with these changes?

Yes

No

Not sure

Comment: All professionals involved in these processes must be able to provide accessible information and understand reasonable adjustments.

Processes must allow enough time for people to understand what is happening and why.

There should be better care for people with a learning disability and autistic people.



Some people with a learning disability and autistic people might need mental health care in hospital. It should be good, safe and right for them.



But some people with a learning disability and autistic people might be kept in hospital when they do not need mental health care. It might be other support for their learning disability or autism instead.

They should get this support near where they live. Not in hospital.

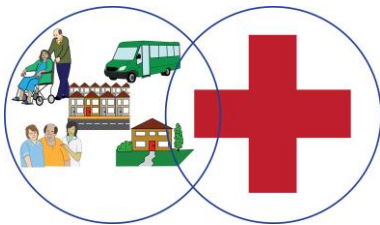


Some people with a learning disability and autistic people might have done a crime or they might be in contact with the police, courts and prisons. If they



need care they should be able to go to hospital instead of prison.

There should be enough support for people with a learning disability and autistic people near their homes. This means people with a learning disability and autistic people should only be kept in hospital if they need mental health care.



Health and care staff in local areas should work together to make sure there is enough support. This should be law.



Question: Do you agree with these changes?

Yes

No

Not sure

People should not be put into mental health hospitals or Assessment & Treatment Units just because they have a learning disability or autism.

There should be alternatives near to where people live. If we need treatment for a mental health condition then we should have immediate access to advocacy and humane support.



Everyone in hospital should have a plan about their care.

The plan will help stop people from being in hospital.

It should include what people agree at meetings about their care.



The meetings are called Care and Treatment Reviews, or Care, Education and Treatment Reviews for children.



Question: Do you agree with this idea?

Yes

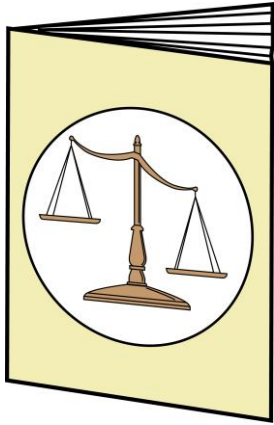
No

Not sure



All groups of people should be treated fairly by mental health services.

For example, Black African and Caribbean people. And people from other communities.



The changes to the law should make care better for people from different communities.

Some groups of people should have better support to have their say and know their rights.

People called advocates can give this support.



There should be more mental health staff and managers from different communities.



Question: Do you agree with these changes?

Yes

No

Not sure

People with learning disabilities and autism should be employed within services. For example, there are targets to employ Peer Support Workers with lived experience of mental health within services but not Peer Support Workers with learning disabilities and autism.

2. Changing mental health services to make them better for everyone



The plans include:

- More mental health staff working in hospitals with people who are very ill

This is to help people get better more quickly.

- Making sure everyone can get urgent mental health support if they need it



People would phone NHS 111 to get this support.

- Giving people better support near where they live if they need a lot of care

This is to stop problems getting worse.



We will also make mental health hospitals better places for people getting care and staff.

For example, by making sure everyone in hospital has their own room.



Question: Do you agree with these changes?

Yes

No

Not sure

Environments should be calming and attractive, not stark and scary or clinical.
Food needs to be healthy and people should have access to exercise and other activities.
Staff must be encouraged to positively communicate with people and not ignore them or provoke them.

People called the CQC check mental health care to see if it is safe.



Question: Do you think they should also check other things about mental health care in hospital, like:

- How people are treated
- What life is like for people in hospital
- How the care is helping people to get better?

Yes

No

Not sure

