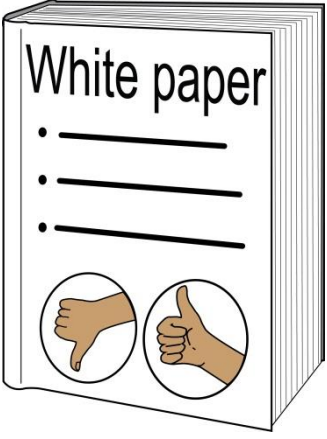



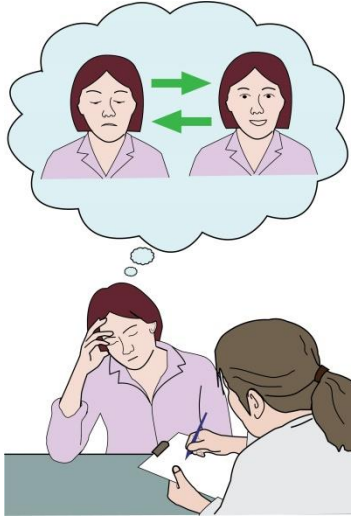


Reforming the Mental Health Act White Paper - 2021

	<p>The Reforming the Mental Health Act White Paper was produced following the recommendations from the Independent Review of the Mental Health Act in 2018.</p> <p>The Review set out what needed to change in both law and practice in order to deliver a modern mental health service.</p>
	<p>The consultation is running until 23rd April. The group wanted to do a collective response about that things that will affect people with learning difficulties and autism.</p>
 <p>Mental Health Act 1983</p>	<p>The Mental Health Act is a law that tells us all what the rules are when a person who has mental ill health can be treated in hospital, and sometimes without their consent. This is called 'detention' or being sectioned.</p>
 <p>legislation.gov.uk</p> <p>Mental Health Act 2007</p>	<p>Some changes were made to the Mental Health Act in 2007. A lot has changed since then in how we expect people with mental health problems to be treated.</p>



The Mental Health Act tells us what we can do when people behave in a way that might be dangerous to other people, or they might pose danger to themselves. It gives doctors, certain powers to keep people in hospital, to assess whether they are safe and that people around them are safe.



Currently a person with learning disabilities or autism can be detained in hospital under Section 3 of the Mental Health Act if they are deemed '*abnormally aggressive or seriously irresponsible*' without having a mental health condition.



The Mental Health Act also gives doctors the power to decide if you need to be treated in a community. This might also happen without their consent,



Doctors are able to make decisions that are in patient's medical best interest – this could be what medication they have and how long they need to stay in hospital.



Some people with learning difficulties and autism are kept in hospital for a long time, just because they have a disability and not just for mental health reasons. The Government wants to make sure there are alternative places and support.



The government is proposing that people should have more say in what happens to them. When Doctors look at 'best interests' they should also talk to you about other things in your environment or situation, not just make decisions on medical reasons.

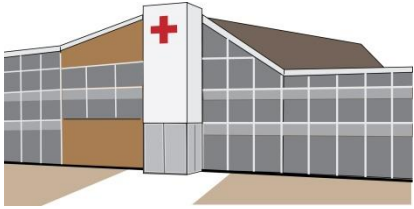


All other options for support should be considered before resorting to detention in a hospital. The least restricted option should be thought about.



Mental Capacity Act 2005

Stopping the sectioning of people under the Mental Health Act doesn't mean that they wouldn't be kept in hospital. The Mental Capacity Act (Liberty Protection Safeguards) could be used instead.



This is a worry as people aren't reviewed as often and they won't have the same rights, e.g. to after care.



There are also some changes about when people need urgent care.

They want to change the law so that people who need urgent care and emergency care can be kept in hospital for a short time to be assessed and to make sure they get the right care.

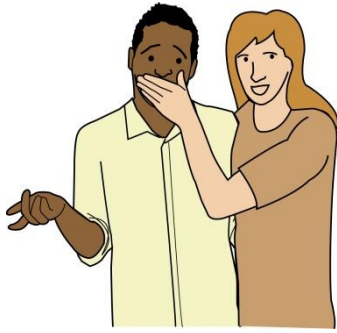


The reforms don't seem to come from a social model perspective.

It is important to make sure people are fully involved and informed about and involved in decisions being made on their behalf.



Good support should be available for people in the community when they leave hospital. This should include social care support with housing, benefits and employment etc.



Another change is to the 'nearest relative' (currently there is a list of people this can be) to a 'nominated person'. who can be a family member or friend chosen by the person to carry out this role.



The Government want to increase the number of mental health advocates in for people when they're in hospital. They generally want to increase the availability of advocacy in mental health services.



Mental Health advocates should support people to make plans and Advanced Choice Documents and make sure that mental health staff listen to people and respect their choices.



Advocacy and self-advocacy in the community needs to be included. Research tells us that people often value this more than formal advocacy.



Care and Treatment Reviews and Care, Education and Treatment Reviews will be a legal requirement.

