

Changes to Mental Health Law

A plan to say what organisations in the North East, Yorkshire and Humber area need to do as a result of the planned changes to the Mental Health Act (1983) and the Mental Capacity Act (2005)

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About this document



This document has been written by the North East, Yorkshire and Humber office of the National Institute for Mental Health. This is the mental health department of the Care Services Improvement Partnership.

The document says what changes the Government wants to make to mental health law.

It says which organisations will need to change the way they work because of the planned changes to mental health law.

It says what the National Institute for Mental Health needs to do to help everyone to understand what the changes mean for them.

About the Mental Health Act 1983



The Mental Health Act 1983 sets out the law about assessing or treating someone with a mental disorder against their wishes.

In November 2006 the Government announced that it wants to make some changes to this law. It also wants to make some changes to the Mental Capacity Act 2005 to help protect people who are unable to make decisions for themselves.

The changes the Government wants to make are likely to happen in April 2008.

What changes does the Government want to make?

1. Have one simple meaning for mental disorder, instead of the four different sorts of mental disorder there are now.
2. Make sure that patients are not kept in hospital unless they will be offered appropriate treatment.
3. Allow some patients to be supervised in their own homes rather than being kept in hospital.
4. Make it quicker and easier for mental health patients to talk to the Mental Health Review Tribunal.
5. Change the names of the jobs of people who work with mental health patients:

Let more people like nurses and occupational therapists do the jobs that only Approved Social Workers do now. Change the name from Approved Social Worker to Approved Mental Health Professional.

Let more people who work in mental health, such as psychologists, nurses, occupational therapists and social workers, as well as doctors, do the types of work done by Responsible Medical Officers. Change the name from Responsible Medical Officer to Responsible Clinician.

6. Give mental health patients more say in who is called their 'nearest relative'.

7. Protect the human rights of all people with mental health problems through the Mental Capacity Act. The changes are called the 'Bournewood provisions'.

A booklet explaining more about these changes has been written by the Department of Health. It is called **Mental Health Bill: How the Government wants to change the law.**

You can get a copy of this booklet from the Department of Health:



www.dh.gov.uk/mentalhealth



Telephone 020 792 4477

Which organisations will be affected by these changes and what will they need to do?

The organisations that will need to work differently as a result of the planned changes to the Mental Health Act 1983 are:

- **Strategic Health Authorities** – who will need to make sure that health and social care organisations work together well to make the changes.

They will also need to make sure that those organisations have the right number of trained staff.

- **Primary Care Trusts** – who will need to make sure the money is available to pay for any extra costs caused by the changes.

Primary Care Trusts plan and buy services for patients in their area. They will need to make sure that any services they buy for people with mental health problems take account of the changes in the law.

- **Mental Health Trusts and others who provide mental health services** – who will need to:

- Train staff and change the ways they work and update their systems
- Provide information on the changes to the law for patients and their carers
- Work closely with other local organisations to implement the changes and agree how to share information

- **Local Authorities** – who will need to:
 - Train staff and change the ways they work and update their systems
 - Provide information on the changes to the law for patients and their carers and voluntary sector partners
 - Work closely with other local organisations to implement the changes and agree how to share information

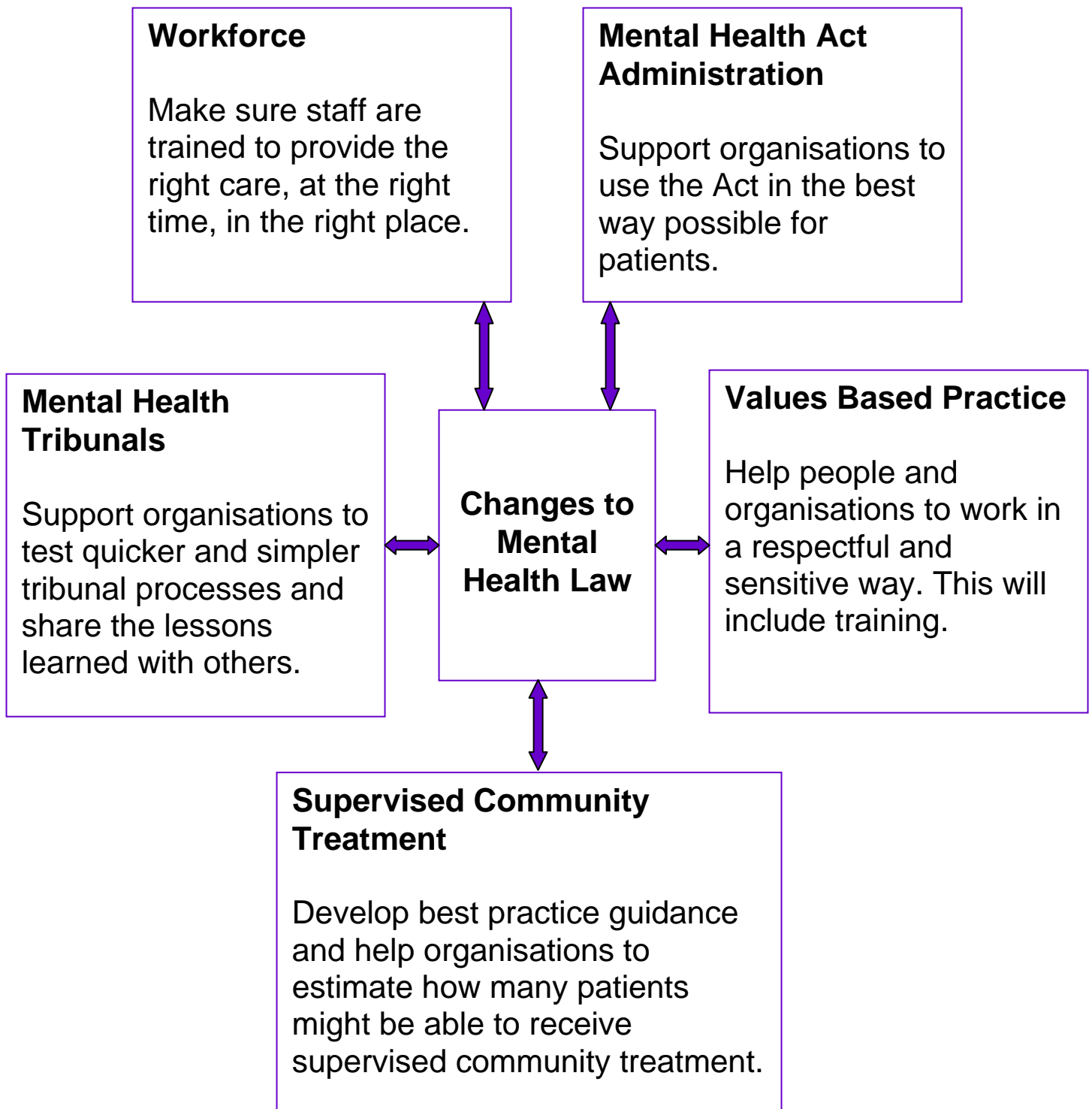
- **The Police** – who will need to brief and train staff on the changes to the law. They will also need to review the way they work themselves and how they work with health and social care organisations.

- **Ambulance Services** – who will need to brief and train staff on the changes to the law that affect them.

- **The Healthcare Commission** – who will need to make sure that organisations know what their new responsibilities are. They will also need to make sure that organisations set up ways of making sure they are meeting the requirements of the law.

Making the changes happen

The pieces of work that the National Institute for Mental Health in England (NIMHE) will do nationally to make these changes to mental health law happen is described in this diagram:



Support from NIMHE in the North East, Yorkshire and Humber region

The National Institute for Mental Health (NIMHE) has eight regions across England. Each region has a person called the mental health legislation lead.



In North East, Yorkshire and Humber our mental health legislation lead is Bruce Bradshaw.

Bruce will:

- Work with Strategic Health Authorities, Primary Care Trusts and organisations that provide health and social care services to make sure that they work together so that there is a coordinated approach to the introduction of the changes and that training needs for staff are addressed.
- Share information about the changes to mental health law and any national work to implement the changes, with all of the organisations who provide mental health and social care services.
- Set up local working groups to look at how we can use the planned changes to help organisations and staff to work more effectively to provide a better service for patients.

How to find out more

If you would like to know more about this work please contact Bruce Bradshaw:



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