Looking at the Mental Health Act between 2018 and 2019

February 2020

Easy read version of ‘Monitoring the Mental Health Act in 2018/19’
About this booklet

We are the Care Quality Commission. We check services like hospitals and care homes to make sure they give good health and social care to people.

We also check that health staff follow a law called the Mental Health Act. This law helps them decide if a person with a serious mental illness needs to be kept and treated in hospital.

This booklet looks at how well health staff used the Mental Health Act to care for people between 2018 and 2019.
What we found

Having met with over 4,400 patients who were kept in hospital for treatment, we asked the staff caring for them to make around the same number of actions or changes.

Our Second Opinion Appointed Doctor service made over 14,000 visits to look at patients’ care plans. Quite often, this meant that patients’ treatments were changed.

A Second Opinion Appointed Doctor is a doctor who does not work at the hospital where a patient is staying and can check decisions about the patient.
Over the last year, we have seen an improvement in the way that people who are cared for under the Mental Health Act are given information about their rights.

We have also seen an improvement in the number of people who are offered the support of an Independent Mental Health Advocate.

Independent Mental Health Advocates are specially trained to support people to understand their rights under the Mental Health Act and to help them make decisions about their care and treatment.

However, we have 5 main worries about how people are cared for under the Mental Health Act.
1. The rules about people’s human rights:

- Too often, the rules about human rights are not being used to guide people’s care and treatment.

- We need to find out why some groups of people get better care than others.

- This should be looked at by the people in charge of each hospital, to make sure that people are being cared for in a way that keeps them as independent as possible.
2. Getting people’s views about their care and treatment:

- We thought that patients needed to be involved better in over a quarter of the care plans we looked at.

- In over 1 in 10 of the care plans, it looked like patients were not involved at all.

- Although patients in nearly all the wards we visited could get support from an Independent Mental Health Advocate, we thought that staff could encourage them to use them more.
People who are kept in a part of the hospital away from other people:

- Too many people with a learning disability and autistic people are kept in hospital because there are no services in their own community.

- Everyone who is kept away from others in hospital must be checked regularly to make sure they still need to be.

Having enough of the right services for people:

- People are not getting the support they need soon enough to stop them having to go into hospital.

- Between June 2018 and March 2019, 7 people died while they were waiting for a bed in a mental health hospital.
Police stations are still being used as safe places for people who are in danger of hurting themselves or other people.

**The different laws and rules about mental health:**

- Patients, and their families and carers find it difficult to understand how all the different laws and rules about mental health and their rights work together.

- Some of the guidance around these laws and rules needs to be updated quickly.

- People who work in mental health services need to keep up to date with any changes in these laws and rules so they know what to tell patients.
Find out more

See the full version of our guidance on our website at:

www.cqc.org.uk/mhareport

If you want to give feedback on your care – it can be good or bad – fill out our form at:

www.cqc.org.uk/givefeedback

Or you can call us on:

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