



Department of
Health

An Roinn Sláinte

Männystríe O Poustíe

www.health-ni.gov.uk

Mental Health Law

How mental health law should be used



**CODE OF
PRACTICE**



This is an Easy Read version of some hard information. It may not include all of the information but will tell you about the important parts.



This Easy Read information uses easier words and pictures. You may still want help to read it.



Some words are in **bold** - this means the writing is thicker and darker.



These are words that some people will find hard. When you see a **bold** word, we will explain it in the next sentence.



Blue and underlined words show links to websites and email addresses. You can click on these links on a computer.

What is in this booklet?

- 1** About this booklet
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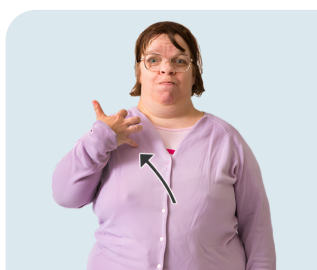
About this booklet



This booklet is about the law called the **Mental Health Order** in Northern Ireland. It explains what can happen if you are very unwell and may need hospital care.



The **Code of Practice** tells staff like doctors, nurses, social workers, hospital staff and other mental health workers, how to use mental health law. The Code is not the law, but staff should follow it.



Complain

If staff do not follow it, this can matter if you complain or are unhappy with a choice they made.



Must means this has to happen. **Should** means this should usually happen. If it does not happen, staff should write down why. **May** means staff can choose what is best and safest.



Some old words are still written in the law. Staff should use better everyday words when they talk to you.

Your rights



Human rights are basic rights everyone has. You have the right to care that meets your needs and treats you with respect.



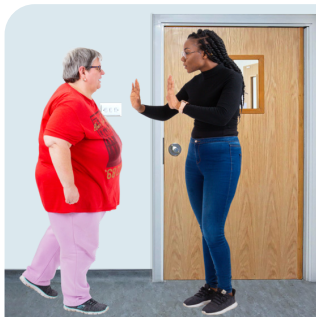
You should have as much freedom as possible. The people helping you should only stop you doing things when they really need to keep you or other people safe.



You have the right to be involved in decisions about your care and treatment. This means the help and treatment you get in hospital or from mental health services.



Staff must explain things in a way you can understand. You can ask for Easy Read, large print, audio, another language, or other communication help.



Staff should only use the least control needed to keep people safe.

Getting help

This page is about who can help when people are making plans about your care, treatment or support.



Your family or carer should usually be involved. This may not happen if there is a good reason not to.



An **advocate** is someone who helps you speak up. An advocate should be offered when big decisions are being made.



If the law says you must stay in hospital, staff must tell you how to get legal help. Staff should help you speak to a solicitor in private. A **solicitor** is a person who can give you advice on the law.



The **Mental Capacity Act** is another law. It is used when someone cannot make some decisions for themselves.



Staff must use the right law for you.

If police take you to a place of safety

This page is about a mental health emergency in a public or a private place. It is not usually about being arrested.



Sometimes police may take you to a **place of safety**. A place of safety is a safe place where staff can check what help you need.



This is usually a hospital.



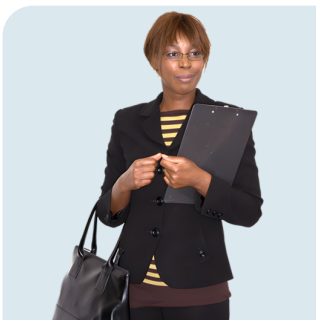
A police cell should only be used if someone could be badly hurt and no other safe place can keep people safe, or if a serious crime may have happened.



You can be kept there for up to 48 hours. The 48 hours starts when you arrive.



A doctor should see you.



An **Approved Social Worker** is a social worker trained in mental health law. They may see you too.



If the law does not apply, a doctor, social worker and other health staff should still make a plan to help you get the care you need.

Going to hospital

This page is about when a doctor and social worker think you may need to go to hospital under the law.

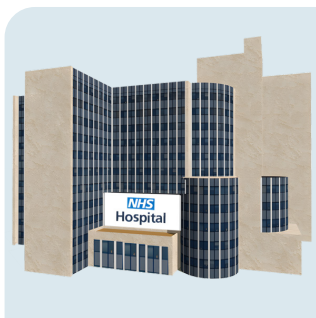


Hospital

This can happen after a crisis at home, in hospital, or after you have been taken to a place of safety.



Staff should think about other ways to help first. This could be help at home or going into hospital by choice.



If you agree, you can go into hospital by choice.



The law can only be used if there is a strong chance you or someone else could be badly hurt.



After the papers are signed, you should usually get to hospital within 48 hours. A doctor must see you when you get there.

Staying in hospital



The first 7 days in hospital are for an **assessment**. Assessment means staff check what help and treatment you need. This can sometimes be longer, but not more than 14 days.



You will only be kept in hospital for as long as it is needed. If you have to be in hospital for more than 6 months, the doctor will look at your case again.



They must check if the law should still keep you in hospital. If staff decide the law should not keep you in hospital anymore, the detention should end.



Detention means the law says you must stay in hospital.



You may still choose to stay in hospital, even if you don't have to.



If you were already in hospital by choice and want to leave, a nurse can sometimes stop you for up to 6 hours, or a doctor for up to 48 hours, while staff decide what to do.

Guardianship



Guardianship is help and rules in the community for some people aged 16 or over. It is used when someone needs help to stay safe outside hospital.



It can say where you should live.



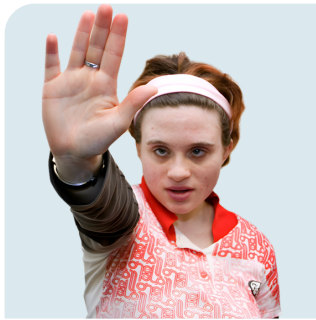
It can say you should go to appointments or day activities.



It can say staff can see you where you live.



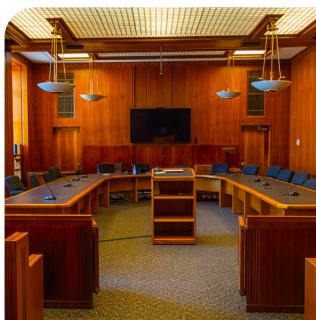
It cannot make you have treatment.



It cannot hold you or force you to live somewhere.

Guardianship and court decisions

This page is only about some people who are already involved with a court case or are in prison.



Sometimes a court can send someone to hospital if the court thinks the person may be very unwell and needs a report, treatment or support.



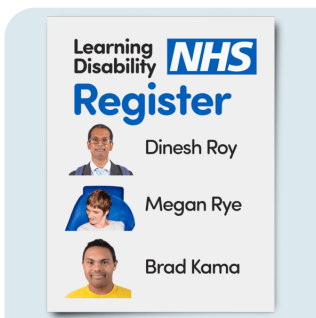
Sometimes the court adds extra rules.



This can mean the **Department of Justice** must agree before you go on leave or leave hospital for good. The Department of Justice is the part of government that deals with courts and prisons.



Sometimes the court can order support and treatment in the community instead of hospital.



A learning disability on its own is not enough for the law to keep you in hospital for treatment for a long time.

Treatment and saying yes or no



Consent means you understand a treatment and say yes.



Staff should explain what the treatment is for. They should explain the good things and the bad things that might happen.



Some treatments, like **ECT**, need extra checks. ECT is a treatment that uses electricity while you are asleep.



Extra checks are also needed if mental health medicine carries on after 3 months when the law is keeping you in hospital.



If you do not or cannot say yes, another doctor may need to check the treatment.



Urgent treatment without consent can only happen in a serious emergency. It must stop when the emergency is over.

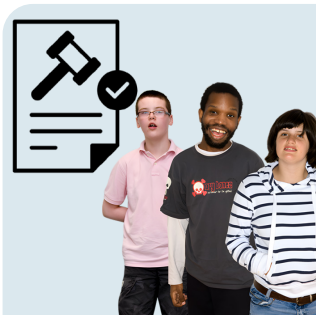


A family member cannot usually say yes to treatment for an adult.

If you are under 18



If you are under 18, there are extra rules to protect you.



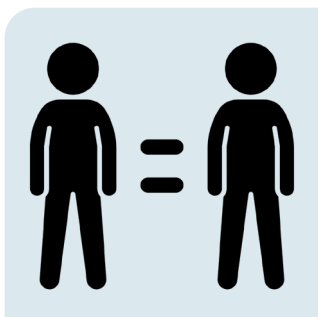
Older children and young people may sometimes make their own decisions, but sometimes a court may make the final decision.



Parental responsibility means the law says an adult can make important decisions for a child.



Doctors and other staff helping you must think about your age, your wishes, and what is best for you.



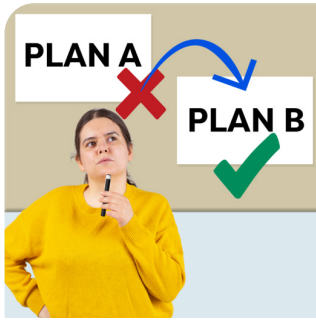
Children and young people should usually be cared for with people of a similar age. They should not be on an adult ward unless there is no other place that can meet their needs.

What staff must do

This page is about what staff must do. Here, staff means doctors, nurses, social workers, hospital staff and other mental health workers.



Staff must explain what is happening and tell you your rights. They must give information in a way you can understand.



Before using the law to make you stay in hospital, staff should think about other help. Staff must use the right law for you and work together with other services.



Staff must act if they think there is **abuse** or **neglect**.



Abuse

Abuse means someone hurts you, scares you or controls you in a bad way.



Neglect means not getting the care or help you need.



Staff should only hold you, search you, or keep you on your own when they really need to. They should treat you with respect when they do this.

What if you are not happy?



If you are not happy with a choice or decision, you can ask the doctor, nurse, social worker or other worker involved to explain it again.



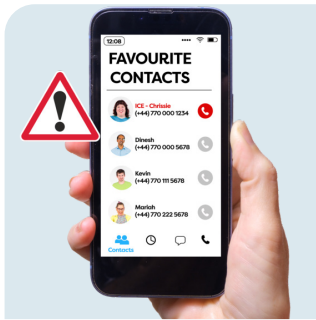
You can also make a complaint.



You can ask for an advocate or a **solicitor**. A solicitor can give legal advice.



Staff should tell you how to get legal help.



Your **nearest relative** is the family member the law gives special rights to.



They may sometimes ask for you to be let out of hospital or apply to the **Review Tribunal**. A Review Tribunal is an independent group that can look at your case.



RQIA checks care and checks the law is used properly. RQIA can visit you and talk to you in private.

Need Help or More Information?



You can ask your doctor, nurse, social worker or advocate to explain this booklet.



You can ask for this information in Easy Read, large print, audio or another language.



You can ask for help to speak up and understand your rights.



Your family or carer can also ask for information and support.

For more information:

Contact the
Department of Health
Castle Buildings
Stormont
Belfast
Northern Ireland
BT4 3SQ

Email about this Code:

mentalhealthunit@health-ni.gov.uk

Email for other formats:

mcaimplementation@health-ni.gov.uk

Website: www.health-ni.gov.uk