

Chapter 16: Mental health and the law

This lecture provides an overview of the Mental Health Act 1983, the Code of Practice and the review of the Act.

The first slide after the overview is about the extent of mental illness and the use of statutory powers under the Mental Health Act. It is worth checking the data near the date of your lecture.

The next slide, 4, sets out the mechanisms for overseeing the Act. It's worth asking the students if they know why there is a need for such oversight. The point is that the Act enables quite dramatic interventions in individual freedom, and therefore has to be monitored.

Slide 5 discusses the latest version of the Code of Practice, 2015 and the five guiding principles which underpin the Code.

Slide 6 talks about the statutory requirements for assessment of mental disorder under the Act.

Slide 7 sets out the role of the nearest relative. Might be worth asking students if they think this is an outdated means of protecting individual interests.

Slide 8 sets out the importance of informal admissions under the Act. Perhaps its worth discussing how the Act was careful to provide rights when people are admitted, but silent on the right to get treatment.

Slide 9 describes the law on 'sectioning'. This is brief, because it falls outside of the work of non-specialist social workers, but it is important that students know what is meant by sectioning and how the law works.

Slide 10 sets out the important role of the police and places of safety.

Slide 11 discusses how people get discharged from hospital and the role of the Tribunal.

Slide 12 then sets out some of the conclusions of the independent review of the Mental Health Act. This will probably become of increasing importance as the possibility of law reform draws nearer. However Brexit and the pandemic means that reforming mental health is hardly likely to be a priority. In addition legislation on mental health is always controversial so politicians are keen to avoid it. You can discuss how few mental health acts there have been since the mid 20th century.