

Stronger Code: Better Care

Implementing the Changes to the Mental Health Act Code of Practice

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Tuesday 12 May 2015 Hallam Conference Centre London

Chair & Speakers include

Dr Julie Chalmers

Special Adviser, Mental Health Law

The Royal College of Psychiatrists

& Member, Advisory Group

Stronger Code, Better Care

Nicola Guy

Policy Lead, Mental Health Act

Department of Health

Supporting Organisations



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A revised code of practice for the Mental Health Act 1983 was published on the 15th January 2015 and provides guidance for professionals. The code shows professionals how to carry out their roles and responsibilities under the Mental Health Act 1983, to ensure that all patients receive high quality and safe care. There have been significant changes in legislation, case law, policy and professional practice since the last code was published in 2008.

The revised code aims to provide stronger protection for patients and clarify roles, rights and responsibilities. This includes:

- involving the patient and, where appropriate, their families and carers in discussions about the patient's care at every stage
- providing personalised care
- minimising the use of inappropriate blanket restrictions, restrictive interventions and the use of police cells as places of safety.

The main changes to the code include 5 new guiding principles; new chapters on care planning, human rights, equality and health inequalities; consideration of when to use the Mental Health Act and when to use the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards and information to support victims; new sections on physical health care, blanket restrictions, duties to support patients with dementia and immigration detainees; significantly updated chapters on the appropriate use of restrictive interventions, particularly seclusion and long-term segregation, police powers and places of safety and further guidance on how to support children and young people, those with a learning disability or autism.

The new code will come into force on 1 April 2015, subject to Parliamentary approval.

"We will continue to monitor the implementation of the revised Code of Practice. We will work with the Department of Health and others to learn from Code of Practice consultation responses, and to shape our own approaches to regulating and monitoring the MHA. Many of the proposals for change we made to the Department of Health during the consultation are reflected in the new Code. These changes should help patients to understand what happens when they are detained under the MHA, and to challenge services when they do not receive good care...Uses of the Mental Health Act have grown. ...CQC is committed to further strengthening our inspection and monitoring approaches for the MHA...Our inspections highlighted the variation of care provided to detained patients. Too often we found services that are not routinely involving patients in their treatment. In addition, we are concerned with the issue of bed availability and the increasing number of patients being detained far away from home...Providers must ensure that people, and their families or carers, understand their legal rights and are involved in their treatment." Mental Health Act Annual Report 2013/14, February 2015

This conference focuses on implementing the changes to the Mental Health Act Code of Practice following the revised code of practice. A new Code will come into force on 1 April 2015. The Code informs health practitioners' decisions, protects patients' rights and ensures that the Mental Health Act is followed. The Code tells families, carers and people who are detained, treated or released under the Act about care and support available during a crisis. It also covers what to do if it isn't received. The draft Code includes new chapters on the Care Programme Approach, equality, human rights and parity of esteem, mental capacity and deprivation of liberty and victims.

The conference will reflect the five new guiding principles as set out in the draft Code focusing on an individual patient's recovery, better reflect the current and future health and care system, and which clarify the roles of all professionals in ensuring high quality and safe care for individuals subject to the Act.

10.00 Chairman's Welcome and Introduction

Dr Julie Chalmers

*Special Advisor, Mental Health Law The Royal College of Psychiatrists
& Member, Advisory Group for Stronger Code, Better Care*

10.10 What the new code means for service users

Naomi James

*Regional Development and Research Manager
NSUN network for mental health*

- ensuring the code is accessible and understandable for service users
- the role of the code is setting out rights
- ensuring the service user voice is heard
- the tension between the concept of 'recovery' and the contents and language in the Code

10.40 The new code: what has changed?

Nicola Guy

*Policy Lead, Mental Health Act
Department of Health*

- guiding principles
- what's new under the revised code?
- training, education and professional responsibilities

11.20 Question and answers, followed by coffee and exhibition

11.50 EXTENDED SESSION: Understanding the interface between the Mental Capacity Act (MCA) including the Deprivation of Liberty Safeguards and the Mental Health Act under the revised code

Ashley Irons

*Partner
Capsticks Solicitors*

- providing clarity to aid professionals needing to make a choice between treating an individual under the Act, the MCA or both
- ensuring individuals, especially those who lack capacity, have a say in their care and treatment and can complain
- ensuring blanket restrictions are avoided
- meeting the new chapter on the interface in practice
- implications of the Care Act 2014
- looking ahead: what the future holds

12.50 Question and answers, followed by lunch and exhibition

14.00 Inspection against the new code

Kim Shepherd

*National MHA Policy Manager
Care Quality Commission*

- how will CQC inspect against the revised code of practice
- learning from Mental Health Act inspections
- key issues for providers

14.30 Training and educating frontline staff and demonstrating compliance with the revised Mental Health Act Code Practice of Practice

Richard Murphy

*Mental Health Act and Mental Capacity Act Lead
Solent NHS Foundation Trust*

- demonstrating compliance in practice
- training and educating frontline staff: ensuring consistency in practice through the organisation
- challenges we are facing in practice
- board assurance of compliance

15.00 Implementing the new guidance on restrictive practices

Eric Baskind

*Senior Lecturer in Law and International Expert on Physical Interventions
Liverpool John Moore's University*

This session will look at the new code of practice with regard to restrictive interventions. The session will bring together the various policies, legal and practical implications in the prevention and management of violence and aggression and examine various restraint techniques addressing problems delegates are facing in practice including the ban on prone restraint a year on. The session will also focus on developing a restrictive intervention reduction plan and the use of least restrictive options

15.40 Question and answers, followed by tea

16.00 EXTENDED SESSION: Moving Forward: Priorities and challenges for implementation

Kate Hill

*Senior Solicitor RadcliffeLeBrasseur Solicitors
& Trainer InPractice Training*

- protecting patients' rights and autonomy
- issues around assessment, transport and admission
- issues around leaving hospital
- additional considerations under the revised code
- documentation of decision making under the revised code

16.50 Question and answers, followed by close

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Mental Health Act Code of Practice

Tuesday 12 May 2015, Hallam Conference Centre, London

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The PDF will be sent out after the conference, please fill in the 'Your Details' section above for delivery, and the 'Payment' section.

Venue

Hallam Conference Centre, 44 Hallam Street
London, W1W 6JJ. A map of the venue will be sent with confirmation of your booking.

Date

Tuesday 12 May 2015

Conference Fee

- ☐ £365 + VAT (£438.00) for NHS, Social care, private healthcare organisations and universities.
- ☐ £300 + VAT (£360.00) for voluntary sector / charities.
- ☐ £495 + VAT (£594.00) for commercial organisations.

The fee includes lunch, refreshments and a copy of the conference handbook. VAT at 20%.

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