

## Summary briefing

The main purpose of the Mental Health Act 2007 is to amend the 1983 Act - which was mainly concerned with how someone with a mental disorder can be detained for treatment.

The key changes to the 1983 Act made by the 2007 Act:

- **definition of mental disorder:** it changes the way the 1983 Act defines mental disorder, so that a single definition applies throughout the Act, and abolishes references to categories of disorder.
- **criteria for detention:** it introduces a new “appropriate medical treatment” test which will apply to all the longer-term powers of detention. As a result, it will not be possible for patients to be compulsorily detained or their detention continued unless medical treatment which is appropriate to the patient’s mental disorder and all other circumstances of the case is available to that patient. At the same time, the so-called “treatability test” will be abolished.
- **professional roles:** it is broadening the group of practitioners who can take on the functions currently performed by the approved social worker (ASW) and responsible medical officer (RMO).
- **nearest relative:** it gives to patients the right to make an application to the county court to displace their nearest relative and enables county courts to displace a nearest relative who it thinks is not suitable to act as such.
- **nearest relative:** the provisions for determining the nearest relative were amended to include civil partners amongst the list of relatives from 1 December 2007.
- **supervised community treatment (SCT):** it introduces SCT for patients following a period of detention in hospital. It is expected that this will allow a small number of patients with a mental disorder to be discharged from detention subject to the possibility of recall to hospital if necessary. Currently some patients leave hospital and do not continue with their treatment, their health deteriorates and they require detention again – the so called “revolving door”.
- **electro-convulsive therapy:** it introduces new safeguards for patients
- **Tribunal:** it reduces the periods after which hospital managers must refer certain patients’ cases to the Tribunal if they do not apply themselves and introduces an order-making power to make further reductions in due course. Separate changes to the Tribunal system also come into effect on 3 November: see the Tribunals website at the link below.

- **advocacy:** it will place a duty on the appropriate national authority to make arrangements for help to be provided by independent mental health advocates. This is on course to be implemented in April 2009.
- **age-appropriate services:** it will require hospital managers to ensure that patients aged under 18 admitted to hospital for mental disorder are accommodated in an environment that is suitable for their age (subject to their needs). This is on course to be implemented in April 2010.