



Mental Health Act Survey

Paper Survey

This survey should take approximately fifteen minutes to complete.

Once completed, the survey can be returned by freepost to:

FREEPOST

Rethink Mental Illness

This is a crucial opportunity to share your perspective on this important legislation, and to help the Mental Health Alliance to influence its future direction. You don't need to be an expert to complete this survey.

Thank you very much for contributing to this important research.

Survey on the Mental Health Act

Welcome to the Mental Health Act Survey

This survey is from the Mental Health Alliance, a coalition of more than 75 organisations from across the mental health spectrum and beyond that work together to advocate for fair implementation of the Mental Health Act in England and Wales. Rethink Mental Illness are members of the Alliance and have been commissioned to develop this survey.

This survey is aimed at a broad range of people with experience of the Mental Health Act, including individuals with lived experience of the Act, family, carers, and friends, mental health professionals, and others. Information is provided throughout to assist you in answering questions if you feel you need it.

This survey is about the Mental Health Act 1983. The Mental Health Act is the law which sets out when you can be admitted, detained, and treated in hospital against your wishes. This should only be done when a person has a mental illness and either their health or safety is at risk, or to protect other people. The Mental Health Act covers what rights you have, when you can be discharged from hospital and what support you are entitled to once you are discharged. The Act applies in England and Wales.

This survey is designed to gather your views on the principles of the Mental Health Act and how people's rights are currently protected, where this is working well and what could be changed and improved. The survey also refers to the Mental Capacity Act and the Human Rights Act. The survey will be clear which Act it is referring to in the relevant sections. It does not ask questions about specific sections of the Mental Health Act, but asks about the wider principles of the Act and topics such as human rights, detention and capacity. You do not need to be an expert in these matters to answer this survey. Relevant information is embedded within this survey to ensure that you can reference legislation and factsheets if you need to.

The Mental Health Alliance will use the findings of this survey to inform its future work on the Mental Health Act. Data will be collected and used anonymously. The survey will take approximately 15 minutes to complete and all questions are optional. Your personal details and demographic information will not be shared.

Please return paper surveys by Freepost to:

FREEPOST
Rethink Mental Illness

If you fill out a PDF version of the survey, please return it by email to:
amy.hart@rethink.org

Survey on the Mental Health Act

About You

I am interested in the Mental Health Act because (please tick all that apply):

I have personal experience of mental illness and:

- I am currently receiving treatment for mental illness
- I am currently detained under the Mental Health Act
- I have previously been detained under the Mental Health Act
- I have never been detained under the Mental Health Act

I am a family member, carer, or friend who cares for someone with a mental illness and:

- They are currently receiving treatment for a mental illness
- They are currently detained under the Mental Health Act
- They have previously been detained under the Mental Health Act
- They have never been detained under the Mental Health Act

I am a professional and:

- I am an approved mental health professional (AMHP)
- I am a psychiatrist
- I am an approved clinician (AC)
- I am a hospital manager
- I am a mental health nurse
- I am a social worker
- I am a psychologist
- I am an independent mental health advocate (IMHA)
- I am an independent mental capacity advocate (IMCA)
- I am a health professional who does not work in mental health services (e.g. GP, practice nurse, A+E consultant - please specify below)
- I work in a voluntary sector organisation (please specify below)
- I am a mental health professional not listed above (please specify below)
- I work in the legal profession (please specify role below)

Other (please specify)

Survey on the Mental Health Act

Previous detention under the Mental Health Act

How long ago were you or the person you care for detained under the Mental Act?

- Less than a year ago
- 1 - 2 years ago
- 3 - 5 years ago
- 5 - 10 years ago
- More than 10 years ago

Survey on the Mental Health Act

Questions about the Mental Health Act

Please provide your opinion on the following statements using the scale strongly

disagree - strongly agree.

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
It is sometimes necessary to treat someone in hospital against their wishes, even when they have the ability to make decisions for themselves and say they do not want to be treated in hospital	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is sometimes necessary to restrict a person's human rights for their own safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People should always have an option of being detained in a hospital as close to their preferred location as possible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It should not be possible to detain someone in hospital if they can make decisions about their own care and refuse treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is a good balance between restricting some of a person's human rights and looking after their health and/or safety under the Mental Health Act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is sometimes necessary to restrict a person's human rights for other people's safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People are currently treated with dignity when detained under the Mental Health Act	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are circumstances where people detained under the Mental Health Act might need to be placed in isolation (secluded)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
I am confident that my human rights would be protected under the Mental Health Act if I were to be detained under it	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are circumstances where people detained under the Mental Health Act might need to be physically restrained	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The rights of people living with mental illness are protected and enforced as effectively in law as those for people living with a physical illness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

There is an opportunity to provide additional information including group feedback and personal reflections on the Mental Health Act at the end of this survey.

You may feel that you need more information to respond to the survey questions. If so, relevant information about the Mental Health Act, the Mental Capacity Act and the Human Rights Act can be found below. We have selected these links for their accessibility and comprehensive nature, but there is no need to read all (or any) of them.

These links will function within PDF versions of this survey. If you are filling out a paper version of the survey, please access a PDF or online version to access this information. The distribution of these links has been reduced for the PDF and paper versions of the survey in order to save paper.

If you do not have internet access, full texts of the relevant legislation are freely available from all mental health trusts, or you can call Rethink Mental Illness on 0121 522 7007 and ask to be sent printed information.

The Mental Health Act:

[Care Quality Commission](#), [Mental Health Wales \(English\)](#), [Mental Health Wales \(Welsh\)](#), [Mind](#), [Rethink Mental Illness](#)

The Mental Capacity Act:

[CQC](#), [Mencap](#), [Mind](#), [The National Autistic Society](#), [NHS Choices](#), [Rethink Mental Illness](#)

Human Rights and Mental Health:

[British Institute of Human Rights](#), [BIHR](#) (includes Easy Read format) [CQC](#), [Rethink Mental Illness](#), [Mind](#)

The full text of the Mental Health Act, the Mental Capacity Act, and their Codes of Practice are here: [Mental Health Act \(1983\)](#), [Mental Health Act Code of Practice](#), [Mental Health Act Code of Practice \(Easy Read format\)](#), [Mental Health Act Code of Practice for Wales \(English\)](#), [Mental Health Act Code of Practice \(Welsh\)](#), [Mental Capacity Act](#), [Mental Capacity Act Code of Practice](#)

Survey on the Mental Health Act

Detention in hospital and discharge from hospital under the Mental Health Act

This question asks for a written answer. If you are filling out a paper version of the survey, please enclose your written answer on a separate sheet of paper.

Who should be able to contribute to decisions to detain a person in hospital under the Mental Health Act? (please tick all that apply)

- The person themselves
- A person's partner
- A person's family member(s)
- A person's friend/other carer
- Someone legally appointed to make decisions for the person if they cannot make decisions themselves (e.g. lasting power of attorney, deputy)
- A person's GP
- An approved mental health professional (AMHP)
- A psychiatrist
- A judge
- Department of Health officials
- N/A – I don't think people should ever be detained in hospital

Other (please specify)

This question asks for a written answer. If you are filling out a paper version of the survey, please enclose your written answer on a separate sheet of paper.

Who should be able to contribute to decisions to discharge a person from hospital under the Mental Health Act? (please tick all that apply)

- The person themselves
- A person's partner
- A person's family member(s)
- A person's friend/other carer
- Someone legally appointed to make decisions for the person if they cannot make decisions themselves (e.g. lasting power of attorney, deputy)
- A person's GP
- An approved mental health professional (AMHP)
- A psychiatrist
- A person's responsible clinician
- A hospital manager
- A judge
- Department of Health officials
- Ministry of Justice officials
- N/A – I don't think people should ever be detained in hospital

Other (please specify)

To what extent is it important that a person is able to specify which individual(s) close to them (e.g. partner, friend, family member) is/are involved in these decisions?

Not at all important

Slightly important

Moderately important

Very important

N/A

Survey on the Mental Health Act

Community Treatment Orders (CTOs)

Following discharge from hospital under the Mental Health Act, some people continue to be supervised in the community and have some conditions attached to their treatment. These might include restrictions on where you can live or where you can go for treatment and support. This is called a Community Treatment Order (CTO). If a person does not follow these conditions, or if there are concerns about their health or safety, they may be recalled to hospital.

Please provide your opinion on the following statements using the scale strongly disagree - strongly agree.

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
It is sometimes necessary to require people living in the community to follow conditions attached to their treatment, with an option to recall them to hospital	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Discharging people to the community with some conditions on their treatment can be an important part of keeping people safe and well	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conditions should only be attached to a discharge when all other options have been exhausted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent is it important that a person is able to specify which individual(s) close to them (e.g. partner, friend, family member) is/are involved in these decisions?

Not at all important	Slightly important	Moderately important	Very important	N/A
<input type="radio"/>				

Survey on the Mental Health Act

The Mental Capacity Act

The Mental Capacity Act (MCA) is the law that protects people if they are not able to make decisions for themselves (lack mental capacity). Whether or not people have capacity is decided on a decision-by-decision basis. The Act sets out the circumstances in which people may be seen to lack mental capacity, who can make decisions on their behalf, and how these decisions should be made in their best interests. Under the Act, the assumption is that everyone has mental capacity until it is proven that they do not and every effort should be made to support people to make decisions for themselves.

Under the Mental Capacity Act, if you do not have mental capacity to make treatment decisions then a decision can be made about your treatment on your

behalf. This is the same for people with physical or mental health conditions.

Under the Mental Health Act, you can be taken to hospital and treated against your wishes if you refuse mental health treatment, whether or not you have capacity to make decisions about your treatment. There is legal guidance that outlines which Act people should be treated under and when.

Are there circumstances in which someone should be treated against their wishes if they have capacity to make decisions about mental health treatment but refuse it?

Yes	No	Don't know
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Under the Mental Capacity Act, people can make an 'advance decision' to refuse a specific treatment in the future. People make the decision and record it when they have capacity to do so. It is legally binding and must be followed if the person loses capacity at some point in the future.

If someone is detained under the Mental Health Act, an advance decision regarding mental health treatment can be over-ridden by a health professional. The only exception under the Mental Health Act is electroconvulsive therapy (ECT), which can usually be refused in advance. A valid advance decision can never be over-ridden for a physical health condition, even if the person is detained under the Mental Health Act.

To what extent do you agree with the following statements:

	Strongly disagree	Disagree	Neither	Agree	Strongly agree	Don't know
Advance decisions should be treated the same under both Acts	<input type="radio"/>					
If someone has mental capacity when they make an advance decision, this should not be over-ridden at a later stage	<input type="radio"/>					
With the right support people can always make their own treatment decisions, either in advance or at the time	<input type="radio"/>					

The Human Rights Act makes human rights legally enforceable in the UK. Sometimes human rights can be legally restricted, but this has to be justified in the circumstances and these exceptions are set out in law.

There are certain human rights that are particularly relevant to mental health services and these are listed below. To what extent do you think these rights are protected under the Mental Health Act?

	Very well protected	Protected	Neither	Not protected	Definitely not protected	Don't know
Article 2: Right to life – the government should take steps to protect your life if it is at risk and not expose you to further risk	<input type="radio"/>	<input type="radio"/>				
Article 3: Right not to be tortured or treated in an inhuman or degrading way – people should not experience abuse, excessive use of force or be treated in a way that is undignified or humiliating	<input type="radio"/>	<input type="radio"/>				
Article 5: Right to freedom and security – people should not be detained unlawfully or without good reason	<input type="radio"/>	<input type="radio"/>				
Article 8: Right to respect for private and family life – this right covers, for example, the right to maintain family relationships, to have personal information about your private life kept confidential and to take part in community life	<input type="radio"/>	<input type="radio"/>				
Article 14: Right to non-discrimination – everyone should have equal access to their human rights	<input type="radio"/>	<input type="radio"/>				

Survey on the Mental Health Act

Additional Rights

This question asks for a written answer. If you are filling out a paper version of the survey, please enclose your written answer on a separate sheet of paper.

In addition to protecting human rights, people also have legal rights under the Mental Health Act. For example, these include:

- A right to an independent advocate.
- A right to information about why the person is detained and how they can be considered for discharge.
- People detained under the Act and their carers have a right to information about how to make a complaint.

Based on what you already know about the Act, are there any additional rights you think people should have when they first become unwell, or when they, or someone they care for, are detained under the Mental Health Act?

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Other information

This question asks for a written answer. If you are filling out a paper version of the survey, please enclose your written answer on a separate sheet of paper.

Is there any further information that you would like to inform our research?

If you have key issues which emerged from a group discussion, this is also an opportunity to share these.

This response is limited to 5000 characters, which is approximately 800 words.

Are you submitting key issues and reflections from a group discussion?

Yes

No

Survey on the Mental Health Act

Demographic Information

The Mental Health Alliance wishes to collect information about the respondents to this survey to help us understand how particular groups of people are affected by the Mental Health Act. This data will never be used to identify individual participants. Submitting this information is optional.

Please select your local area

- Bedfordshire
- Berkshire
- Bristol
- Buckinghamshire
- Cambridgeshire
- Cheshire
- Cornwall
- County Durham
- Cumbria
- Derbyshire
- Devon
- Dorset
- East Sussex
- Essex
- Gloucestershire
- Greater Manchester
- Hampshire
- Herefordshire
- Hertfordshire
- Kent
- Lancashire
- Leicestershire
- Lincolnshire
- London
- Merseyside
- Norfolk

- North Yorkshire
- Northamptonshire
- Northumberland
- Nottinghamshire
- Oxfordshire
- Rutland
- Shropshire
- Somerset
- South Yorkshire
- Staffordshire
- Suffolk
- Surrey
- East Riding of Yorkshire
- Isle of Wight
- West Midlands
- Tyne and Wear
- Warwickshire
- West Sussex
- West Yorkshire
- Wiltshire
- Worcestershire
- North West Wales
- North East Wales
- Mid Wales
- South West Wales
- South East Wales
- Scotland
- Northern Ireland
- Other

Please select your age group

- 16 - 18
- 18 - 24
- 25 - 30
- 31 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 65 - 74
- 75 - 80
- 80+

Which gender do you most identify with?

- Male
- Female
- Prefer not to say
- Prefer to self describe (please specify)

Which of the following terms best describes your sexual orientation?

- Bisexual
- Heterosexual/straight
- Gay man
- Gay woman/lesbian
- Queer
- Prefer not to say

Other (please specify)

Which of the following best describes your ethnic group?

These ethnic categories are taken from the 2011 UK Census. If no category applies to you, please enter your ethnic group in the 'Other (please specify)' box at the bottom.

- White (English/Welsh/Scottish/Northern Irish/British)
- White (Irish)
- White (Gypsy or Irish Traveller)
- Other White background (please enter as comment below)
- Mixed/multiple ethnic groups (White and Black Caribbean)
- Mixed/multiple ethnic groups (White and Black African)
- Mixed/multiple ethnic groups (White and Asian)
- Any other mixed/multiple ethnic group (please enter as comment below)
- Asian/Asian British (Indian)
- Asian/Asian British (Pakistani)
- Asian/Asian British (Bangladeshi)
- Asian/Asian British (Chinese)
- Any other Asian background (please enter as comment below)
- Black British
- African
- Caribbean
- Any other Black/African/Caribbean background (please enter as comment below)
- Arab
- Prefer not to say
- Any other ethnic group (please enter as comment below)
- Other (please specify)

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Do you consider yourself to have a disability? (please tick all that apply)

- Yes - I have a long term physical impairment
- Yes - I have a long term mental health impairment
- Yes - I have a learning disability
- I do not consider myself to have a disability
- Prefer not to say

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