

## **BRIEFING FOR PEOPLE DETAINED UNDER THE MENTAL HEALTH ACT**

### **What the New Law Means for You**

The Mental Health Act 2025 became law on 18 December 2025 and makes important changes to the rules about being detained (“sectioned”) and treated in hospital. These changes update the Mental Health Act 1983 and aim to give patients more rights, more choice, and better protection.

Some changes began on 18 February 2026, while others will be introduced gradually over the next few years.

This briefing explains the changes in simple terms.

### **1. What Has Already Changed? (From 18 February 2026)**

Some parts of the law affecting restricted patients (those under special court orders) have already come into force. These include:

#### **1.1 New rules for conditional discharge**

If you are a restricted patient, the Tribunal or the Secretary of State can now put conditions on your discharge even if they limit your freedom, but only if:

- They are necessary to protect other people from serious harm, and
- Being discharged with conditions is better for your mental health than staying in hospital.

These conditions could include living in a certain place or having limits on what you can do.

### **2. What Changes Are Coming Soon?**

Most of the new rules will be introduced gradually. Here are the key changes you should know about:

#### **2.1 A Higher Test for Being Sectioned**

In future, doctors will only be able to detain someone if there is a real risk of “serious harm” to them or to others. Doctors must consider:

- How serious the harm might be
- How likely it is
- The nature of the person’s mental health condition

This means it should be harder for people to be sectioned unnecessarily.

## **2.2 More Protection if You Refuse Treatment**

If you are able to make decisions for yourself and say no to a treatment, doctors will need a strong (compelling) reason to go against your wishes. For certain treatments, especially electro-convulsive therapy (ECT), an independent doctor (a SOAD – Second Opinion Appointed Doctor) must agree before it can be given. If you have an advance decision refusing ECT, doctors must respect it.

## **2.3 You Can Choose Your “Nominated Person”**

The old “nearest relative” rule is changing. Instead of the law choosing a relative for you, you will be able to choose someone you trust to speak up for you and be involved in decisions.

Your nominated person will have rights such as:

- Being consulted about your care
- Helping challenge decisions
- Objecting to certain treatments or orders

## **2.4 New Rules for People with Autism or Learning Disabilities**

In the future, you cannot be detained under section 3 *just because* you have autism or a learning disability.

You can only be detained if you also have a mental illness that needs hospital treatment, and the detention meets the new criteria.

This aims to reduce inappropriate hospital stays and increase support in the community.

## **2.5 More Frequent Reviews by the Mental Health Tribunal**

You will get more opportunities to appeal your section to the Tribunal. Reviews may also happen automatically sooner and more often.

This is designed to stop people remaining detained longer than necessary.

## **2.6 Better Care and Treatment Plans**

Everyone detained under the new Act will have a statutory care and treatment plan. This plan will:

- Involve you and your nominated person
- Explain why each part of your treatment is needed
- Show how it will benefit your mental health

## **3. When Will the Rest of the Changes Happen?**

The government says changes will be introduced gradually over 8–10 years. This is because hospitals and services need time for training, new guidance and more community support.

You may not notice all changes immediately, but more rights and protections will be added over time.

## **4. What This Means for You**

These reforms are designed to ensure that:

- Your voice matters more in decisions about your care.
- You have clearer rights, including stronger protection if you refuse treatment.
- Detention is used only when truly necessary.
- You get more say in who represents you.
- More support is available in the community, especially for autistic and learning-disabled people.