

# An overview of Mental Health Act reforms for adult social care

## Understanding the 2025 reforms and their implications for those providing care and support

The Mental Health Act is UK legislation for England and Wales, setting out the legal framework for detaining, assessing and treating people who have severe mental health disorders. Since originally coming into law, the act has gone through a journey of reviews and reforms:

### Timeline

- [1983](#) – The original Mental Health Act becomes law in England and Wales.
- [2007](#) – The act was amended in key areas, including the requirement that treatment is available for people who are detained under the act and expanding recognition of professional roles exercising powers under the act.
- [2018](#) – An independent review report of the Mental Health act was published, which identified key principles that should shape the new legal basis for all actions taken under the act. These principles were and are:
  - Choice and autonomy** – Respecting the will, preferences and dignity of people detained under the act, and that they are reflected in professional decisions.
  - Least restriction** – Ensuring the act is used in the least restrictive way, considering alternatives to detention.
  - Therapeutic benefit** - Services need to be delivered in a way that minimises the need for detention under the act, and to be focused on recovery that minimises time spent in detention.
  - The person as an individual** – Respecting people as individuals with different needs, priorities and aspirations, and not treating them like they are just a ‘diagnosis’.
- [2025](#) – Following the above review, the Mental Health Act was reformed again and received Royal Assent on the 18<sup>th</sup> of December 2025.

Moving forward, the reforms to the act will not immediately be implemented, but in the years ahead. This is to support sector readiness, training and availability of services to accommodate the reforms.

There will also be a review and update of the [Code of Practice](#) for the Mental Health Act, which outlines how responsibilities are carried out under the act.

# Summary of key reforms for adult social care

## 1. Stricter criteria for detention

People can only be detained under the act if they pose a risk of serious harm to themselves or others, and if there is a reasonable prospect that treatment will be beneficial.

## 2. Greater autonomy

People have the right to choose a “nominated person” to represent their interests, replacing the earlier provision in the act of the “nearest relative”.

The introduction of Advance Choice Documents (ACDs) allows people to outline their treatment preferences, which clinicians are legally required to consider and give clinical justifications if not followed.

## 3. Reform of detention for autism and learning disabilities

Autistic people, or people with a learning disability, without a co-occurring psychiatric disorder, can only be detained for a maximum of 28 days under **Section 2** of the Act (compulsory admission to hospital for 28 days).

Autism and/or a learning disability would not justify detention under **Section 3** of the Act (compulsory admission to hospital for up to 6 months), as there would need to be a co-occurring psychiatric disorder.

Integrated Care Boards (ICBs) and local authorities are also mandated to ensure adequate levels of community support and services are in place to prevent inappropriate detention of autistic people and people with learning disabilities.

## 4. Improved access to advocacy and tribunals

People detained under the act will automatically have access to [Independent Mental Health Advocates](#), unless they choose to opt out. People will have more frequent opportunities to challenge their detention under the act through [Mental Health Tribunals](#).

## 5. Removing police stations and prison cells as designated places of safety

Police stations and prisons will no longer be defined or used as ‘places of safety’ for people experiencing a mental health crisis, ensuring they receive support and treatment in appropriate care settings.

## 6. Timely transfers from prison to hospital

A new 28-day time limit is established for transferring people in prison requiring mental health treatment to appropriate hospital settings.

## 7. Emphasis on equity and safety

The reforms aim to address disparities when powers under the act are used, particularly the disproportionate detention rates amongst Black and Asian people and other ethnic minorities, autistic people and people with learning disabilities.

## 8. Statutory requirements for care, education and treatment reviews, and dynamic support registers

[Care Education & Treatment Reviews \(CETRs\)](#) are person centred reviews that help to identify and make recommendations for how social care, education, and/or health

needs can be met. Responsible clinicians, commissioners, integrated care boards (ICBs) and local authorities must show regard these recommendations under the reforms.

[Dynamic Support Registers \(DSRs\)](#) identify autistic people or people with a learning disability who have 'specified risk factors for detention'. ICBs must show regard to information in a DSR when they are commissioning services, and local authorities must have regard to it when they are 'exercising their market function'.

These measures ensure people's needs are understood, identifying potential risks that could lead to a crisis, and putting preventative care and support in place to avoid people being unnecessarily admitted to hospital under the act.

As earlier, reforms will not be 'switched on' until adequate provision of care and support services is established, and that the readiness of the adult social care sector to implement changes is developed alongside revisions to the existing Code of Practice.

There will need to be a shift of focus from hospital services to community services, including improved housing options, access to social care, healthcare (including mental health care), and educational support.

## Supporting links

Below are some supporting links to **wider guidance and resources** surrounding reforms to the mental health act, and the planned next steps going forward.

### [Skills for Care MHA e-Learning modules](#)

These two e-learning modules provide a broad, engaging and interactive exploration of the reforms to the Mental Health Act, in the context of providing care and support to autistic people and people with learning disabilities.

### [Skills for Care MHA guidance](#)

This page contains wider downloadable MHA guidance resources for adult social care staff including:

- Guidance on CETRs and DSRs for Adult Social Care
- Guidance on Practice Leadership and the MHA
- Guidance on Positive Behavioural Support & Restraint Reduction
- Guidance on Forensic Support and the MHA

[Mental Health Act 2025 \(legislation\)](#) ([www.legislation.gov.uk](http://www.legislation.gov.uk))

[The Mental Health Act 2025 – What you need to know](#) ([www.nhsconfed.org.uk](http://www.nhsconfed.org.uk))

[Policy Guidance for CETRs & DSRs](#) ([www.england.nhs.uk](http://www.england.nhs.uk))

[Mental Health Bill 2025 \(fact sheet\)](#) ([www.gov.uk](http://www.gov.uk))