

# KNOW YOUR RIGHTS, OWN YOUR LIFE



Rights exist to protect and guide people. When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

Knowing our rights can change our lives. It gives us the tools to make decisions that define our future.

## THE MENTAL HEALTH UNITS (USE OF FORCE) ACT 2018

What You Need to Know and How It Protects You

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## OVERVIEW

The Mental Health Units (Use of Force) Act 2018 sets out how force, restraint, and restrictive interventions must be used in mental health units in England.

It strengthens protections, increases transparency, and ensures accountability when force is used.

The Act focuses on preventing harm, improving staff practice, and making sure people, families, and carers are informed and involved.

### What the Act Aims to Achieve

By full national implementation, the Act envisions:

- Mental health units using **prevention and de-escalation first**, not force.
- Clear limits on the use of physical, mechanical, chemical restraint and segregation.
- People feel safer, respected, and heard during crisis situations.
- Families and carers being properly informed when force is used.
- Better national data to reduce inequality, discrimination, and unsafe practice.

The Act was created in response to repeated concerns about avoidable harm, including the death of Olaseni Lewis, to ensure that restrictive interventions are **only used as a last resort**.

### The Key Duties of the Act

The Act is built around several key duties that every mental health unit must follow:

- 1. Have a clear, published Use of Force Policy**
- 2. Appoint a Responsible Person to oversee use of force**
- 3. Provide mandatory training for staff on de-escalation, trauma-informed approaches, and safer restraint**
- 4. Record all incidents of force in detail**
- 5. Report national data on the use of restraint**
- 6. Ensure transparency when serious harm or death occurs**
- 7. Set expectations for body-worn camera use, where applicable**
- 8. Reduce disproportionate and discriminatory use of restraint, especially affecting Black people, autistic people, and people with learning disabilities**

The Act requires every mental health unit to publish its Use of Force Policy, making it accessible to people, families, and carers, and ensuring accountability at every step.

## **GUIDANCE FOR FAMILIES, CARERS, AND PEOPLE RECEIVING CARE**

### **Understanding the Use of Force Policy**

You can ask for the unit's Use of Force Policy at any time. It must describe:

- When staff may use restraint
- How staff must try to prevent crisis situations
- How incidents are recorded and reviewed
- How families and carers are informed

### **What You Can Expect When Force Is Used**

The Act ensures that:

- Staff must prioritise communication and de-escalation.
- Families and carers are informed quickly when an incident occurs.
- You can request to see the recorded information about what happened.
- If harm occurs, there are strict duties to notify police, preserve evidence, and involve families.

### **Your Rights in Healthcare Settings**

Under the Equality Act, you can also request:

- Reasonable adjustments
- Support for communication
- Trauma-informed and personalised approaches

The Act works alongside these rights to reduce harm and ensure safer care.

## **This is how knowing our rights can change lives.**

When families and young people understand what support they're entitled to, they can make informed choices, access the right services, and create new possibilities for their future. One inspiring example is Eliot, who had been institutionalised for four and a half years (4.5), going through a really hard time. However, with person-centred and proactive support, Eliot began to live the life he has always wanted, finding joy and purpose in his favourite activities, in his own home.

**MORE**



## **OBLIGATIONS AND DUTIES FOR COMMISSIONERS, PUBLIC BODIES AND MENTAL HEALTH UNITS**

Commissioners, local authorities, NHS bodies, and mental health providers must:

- Ensure services comply with the Act.
- Monitor use of restraint in local contracts.
- Reduce inappropriate or unsafe use of force.
- Support teams to use proactive, person-centred crisis approaches.
- Promote alternatives to restraint, including PBS, trauma-informed models, and MDT support.

**Units must also maintain systems that identify patterns of concern, including high-use areas, escalation triggers, or disproportionate impact on minority groups.**

### **The Statutory Duties the Act Aligns With**

The Act connects with existing legislation, including:

- **Mental Health Act 1983 / 2007**
- **Care Act 2014**
- **Mental Capacity Act 2005**
- **Equality Act 2010**
- **Human Rights Act 1998**
- **Health and Social Care Act 2008**

**These duties require care providers to protect rights, ensure the least restrictive practice, and support safe, person-centred care.**

## Staff, Training and Reporting Requirements

Mental health units must ensure all staff receive training in:

- Preventing and reducing restrictive practices
- Trauma-informed care and person-centred support
- Cultural awareness and tackling inequality
- Communication needs, including autism and learning disabilities
- Safer restraint techniques (only used as a last resort)

Units must also collect and publish data on:

- Types of force used
- Demographic patterns (including ethnicity)
- Injuries or harm
- Staff involvement
- Frequency and duration of restraint

This creates national accountability and helps reduce disproportionate use of force.

## Data, Transparency and Governance

Under the Act, mental health units and public bodies must:

- Record all incidents consistently
- Publish annual data on restraint
- Provide information to the Secretary of State
- Investigate serious incidents fully and involve families
- Use data to improve safety, equality and practice

This transparency ensures public and parliamentary oversight.

## HOW PEOPLE AND FAMILIES CAN TAKE PART AND BENEFIT FROM THE ACT

### Know Your Rights

Ask for the unit's Use of Force Policy.

Request information about staff training and incident reporting.

### Engage in Care Planning

Ensure de-escalation strategies, communication needs, and personalised approaches are included in the care plan.

## **Request Reasonable Adjustments**

These can include communication support, familiar staff, sensory accommodations, or alternative crisis approaches.

## **Use Data and Records**

You can request copies of Use of Force records and ask for reviews to improve future support.

## **Raise Concerns**

You can speak directly with the unit's Responsible Person, who holds legal accountability for implementing the Act.

Original Source:

The information in this summary is based on the legislation published at: Mental Health Units (Use of Force) Act 2018 (UK Public General Acts)

**Full text available at:**

**<https://www.legislation.gov.uk/ukpga/2018/27>**