



Mental Health (Northern Ireland) Order 1986
Revised Code of Practice
CONSULTATION DOCUMENT

SEPTEMBER 2025



Contents

Introduction	3
Key aspects of the draft revised Code of Practice	4
Who does the Code apply to?	4
Consultation Questions	6
How to Respond:.....	8
Background	9
Geographical scope:	10
Body responsible for the consultation:.....	10
Duration of the consultation:.....	10
Accessibility.....	11
Consultation response:.....	11
Feedback on the consultation process:	11
Equality, human rights and rural needs assessments impact assessments screening:	12
Privacy, Confidentiality and Access to Consultation Responses:.....	12
Background to the Revised Code of Practice to the Order	13
Limitations and scope.....	14
Next Steps.....	15
Appendix:	15

Introduction

This consultation seeks your views on the draft revised Code of Practice to the Mental Health (NI) Order 1986 (referred to throughout this document as “the Code” and “the Order”).

It is important to note that this consultation is concerned only with the Code of Practice to the Order, and not with the Order itself.

In making your responses, please consider the background information in the sections below the questions, as they set out what the revised Code is for, the changes proposed, and how we will respond to the responses to this consultation

The need for consultation

The revision of the Code responds to:

- Evolving mental health practices and societal expectations.
- Lessons from Serious Adverse Incidents (SAIs), highlighting the need for improved inter-agency communication (e.g., between HSC, PSNI, and NIAS).
- The need to strengthen human rights protections and equality, particularly for vulnerable groups.
- The partial implementation of the MCA, requiring clarity on its interaction with the Order.
- The Order contains a requirement on the Department to review the code from time to time

Key aspects of the draft revised Code of Practice

The draft revised Code emphasises

- Patient-centred care: Patients have the right to participate in care decisions, receive clear information, and be treated with dignity and respect.
- Professional duties: Professionals must communicate clearly, respect patient autonomy, and collaborate across agencies (e.g., HSC, PSNI, NIAS) to ensure safe care.
- Least restrictive practices - decisions must prioritise minimal restrictions on liberty, supported by ECHR-compliant safeguards and consider how to involve patients and families and respect individual preferences and values.
- Deprivation of Liberty: Addresses safeguards to prevent inappropriate deprivation of liberty, aligning with ECHR Article 5.
- Equality, Human Rights, and Parity of Esteem: Services must be accessible to all, with the need to promote equality of opportunity and good relations in respect of religious belief, political opinion, gender, race, disability, age, marital status, dependants and sexual orientation.
- Strengthens human rights protections.
- Safeguarding Rights: Enhanced protections for vulnerable groups, aligning with Bamford Review principles and human rights legislation.
- Effective interagency working across Health and Social Care (HSC), the Police Service of Northern Ireland (PSNI), the Northern Ireland Fire and Rescue Service (NIFRS) and the Northern Ireland Ambulance Service (NIAS).

Who does the Code apply to?

- People with lived experience of mental health disorders and people with learning disabilities, their families, carers and guardians.

- HSC Trusts and other public authorities who directly provide or commission mental health services.
- Private health and care providers commissioned by HSC Trusts, now or in the future.
- Professionals, including medical practitioners, nurses approved social workers, and hospital staff, including in Emergency Departments.
- PSNI, NIAS, NIFRS.
- RQIA, advocacy services, and judicial bodies.
- Departments, agencies and other public sector organisations who have a key interface with the proposed draft revised code and who have been involved in its Co-Design include The Executive Office, Department of Health policy branches, Department of Justice, PSNI, and other statutory organisations.

Consultation Questions

We seek your views on the following:

- **Will the revisions to the Code help protect patient rights and promote person-centred care?**
- **Does the Code reflect modern mental health practices and human rights standards, including the Human Rights Act 1998 and Section 75 of the Northern Ireland Act 1998?**
- **Does the Code align with the Bamford Review’s rights-based principles and the partial transition to the Mental Capacity Act (Northern Ireland) 2016 (MCA) for those aged 16+?**
- **Are the professional responsibilities, including inter-agency collaboration, clearly defined in the Code? If not, what changes could be made to the Code to improve this?**
- **Are there any gaps in the Code, in relation to guidance, for professionals (e.g., PSNI, NIAS, or HSC staff)?**
- **Does the Code effectively address the needs of under-16s? If not, what changes are required?**

- **What additional measures could enhance the Code's implementation?**
- **Are the actions/proposals set out in this consultation document likely to have an adverse impact on any of the nine equality groups identified under Section 75 of the Northern Ireland Act 1998? If yes, please state the group or groups and provide comment on how these adverse impacts could be reduced or alleviated in the proposals.**
- **Are you aware of any indication or evidence – qualitative or quantitative – that the actions/proposals set out in this consultation document may have an adverse impact on equality of opportunity or on good relations? If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.**
- **Is there an opportunity to better promote equality of opportunity or good relations? If yes, please give details as to how.**
- **Are there any aspects of this Code where potential human rights violations may occur?**

If possible, please provide specific examples or evidence to support your responses.

How to Respond:

There are three options available for response. The online option is the preferred option and we would urge you to use this, however if you wish to request a hard copy, please contact us by email or post.

Online: Submit your response at <https://consultations2.nidirect.gov.uk> .

Email or Post: Download the response form from the Department of Health website and send it to:

Email: MCAimplementation@health-ni.gov.uk or

Post: Mental Capacity Act Unit, Department of Health, Room D2.10, Castle Buildings, Belfast BT4 3SQ

Background

The revised Code provides statutory guidance for professionals, agencies, and stakeholders involved in the care, treatment, and support of individuals with mental health conditions and learning disabilities under the Order in Northern Ireland. It aims to ensure person-centred, rights-based practices that align with modern standards, human rights obligations, and the principles of the Bamford Review. Your feedback will shape the final Code, ensuring it meets the needs of patients, families, carers, and professionals and reflects their needs and experiences and promote collaborative and effective mental health care under the MHO.

The consultation runs from **30 September 2025 to 29 December 2025**. We invite responses from all stakeholders and all who have an interest, including those with lived experience, families and carers, health and social care professionals, and partner agencies. We encourage the widest possible engagement and sharing of views and experiences through this consultation. including but not limited to:

- People with lived experience, their carers and families;
- Community and voluntary sector organisations;
- HSC sector;
- Legal sector;
- Health and Social Care professions including medical staff, Approved Social Workers, mental health nursing and staff working in Emergency Departments.
- Health and social care providers;
- Police Service Northern Ireland (PSNI)
- Northern Ireland Ambulance Service (NIAS) and contracted patient transport agencies
- Registration and Quality Improvement Authority (RQIA)
- Advocacy services;

- Judicial bodies;
- academics; and
- Departmental officials and other agencies or arm's length bodies.

Geographical scope:

The Order and its draft revised Code of Practice apply to Northern Ireland.

Body responsible for the consultation:

This consultation is being undertaken by the Mental Capacity Act Unit in the Department of Health on behalf of the Department of Health and the Department of Justice.

Duration of the consultation:

The consultation will run for 12 weeks from **30 September 2025 to 29 December 2025**.

All responses, whether online or by email or post, should be submitted by 11.59pm on 29 December 2025. Due to the timeframe required to consider all responses only in extenuating circumstances will extensions be granted and early responses are encouraged.

When responding we would be grateful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation. You may also make your response anonymously but if possible, and comfortable in doing so, please include:

- your name;
- your position (if applicable);
- the name of the organisation (if applicable and its address and postcode; and
- an email address.

Please respond to as many, or as few of the consultation questions as you wish.

Accessibility

We can provide information in alternative formats on request, where reasonably practicable. We know that some members of the public may not have access to a computer to obtain information from websites. The Department will consider a range of communication methods to ensure wide access to its information. We will respond positively to requests for access to information to enable people to take part in this consultation.

Consultation response:

All responses will be reviewed. A report summarising findings will be published on the Department of Health website at the earliest opportunity in 2026.

Feedback on the consultation process:

We value your feedback on this consultation process. Please send any comments or suggestions about the consultation process to the contact details above.

Equality, human rights and rural needs assessments impact assessments screening:

An Equality Impact Assessment (EQIA) screening was conducted, taking account of stakeholder comments and views. The screening found that the draft revised Code to have an overall positive impact on people with lived experiences and their carers and families/ families. A Human Rights assessment undertaken as part of the EQIA screening found that the revised draft Code positively or neutrally engages multiple rights under the European Convention on Human Rights (ECHR).

A Rural Needs Impact Assessment (RNIA) screening was also conducted. It confirmed the Code's applicability across urban and rural areas, promoting equitable access to mental health services provided under the Order. The EQIA and RNIA screenings are available on the Department of Health website, alongside this document.

A Data Protection Impact Assessment (DPIA) was also undertaken, to identify, analyse and minimise any the data protection risks of the Code revision which will involve the processing of personal information and engagement is ongoing with the Information Commissioners Office in that respect.

Privacy, Confidentiality and Access to Consultation Responses:

Responses from individuals acting in a private capacity will not be published. Responses from organisations or professionals may be published in full, excluding personal contact details, in line with UK General Data Protection Regulations (UKGDPR), the Freedom of Information Act 2000, and the Environmental Information Regulations 2004. If you feel that information that you provide should be treated as private or confidential, please explain why so that we can take this into consideration

For more information, see the Department's Privacy Notice at www.health-ni.gov.uk/privacy-notice .

Background to the Revised Code of Practice to the Order

The Mental Health (Northern Ireland) Order 1986 provides the legal framework for the care, treatment, and rights of individuals with mental disorders, including compulsory admission, guardianship, and treatment. The Code of Practice offers statutory guidance to professionals (e.g., Approved Social Workers, medical practitioners, HSC Trusts, PSNI, and NIAS) and is considered best practice, though not legally binding. Non-compliance may be referenced in legal proceedings. The draft revised Code updates the original to:

- Reflect modern mental health practices and human rights standards, including the Human Rights Act 1998 and Section 75 of the Northern Ireland Act 1998.
- Promote person-centred care, patient rights, and professional responsibilities.
- Align with the Bamford Review's rights-based principles and the partial transition to the Mental Capacity Act (Northern Ireland) 2016 (MCA) for those aged 16+.

The sections of the Code that have been updated include those concerned with:

- Police Powers under the Order Articles 129/130 and warrants;
- Human Rights and the interface with the Order;
- Regulation and Quality Improvement Authority roles and responsibilities in relation to the Order;
- Northern Ireland Ambulance Service roles and responsibilities in relation to the Order;
- Socially accepted terms to refer to people with lived experience;

- Guidance that was contained within the Guide to the Order documents and regional conveyance protocol that were not within the Code, including flow charts and diagrams to aid understanding including a jointly agreed risk matrix to assist decision making;
- Newly designed and tested best practice recording forms that support effective communication and recording of decision making between and within organisations.

Limitations and scope

The Code applies to all patients, including those under 18, with specific guidance for younger patients where appropriate. It is not exhaustive but provides practical advice on day-to-day implementation, complementing clinical judgment. As is the case with the current Code, the revised draft Code does not purport to be all-embracing. Its intention is to provide guidance in straightforward language on matters of day-to-day practice which it would not be appropriate to deal with in primary or secondary legislation. It offers advice on what is generally agreed to be good professional practice in relation to the procedures laid down in the Order

There are limits to the changes possible within the rewrite of the Code as terminology used within Order remains the legislative basis upon which decisions must be made, therefore the definitions of "severe mental handicap" and "severe mental impairment" including the term "severe impairment of intelligence and social functioning" remain within this revised version. However, the Department acknowledges that some of these terms are now considered outdated and potentially offensive, and do not reflect contemporary clinical or social understanding of mental health and intellectual disability. Their continued use in this Code does not imply endorsement, but rather reflects the current statutory language that professionals are required to work within.

Next Steps

Following the consultation, we will:

- Analyse all responses and publish a summary report, at the earliest opportunity in 2026.
- Revise the Code based on feedback.
- Publish the final Code of Practice on the Department of Health website.
- Publish an Easy-read version of the Code on the Department of Health website.
- Provide implementation support through partnership working with HSC Trusts, PSNI, NIAS and RQIA, including any additional training for professionals that may be required.

Your input is vital to ensuring the Code is practical, inclusive, and effective and we look forward to receiving your responses.

Appendix:

- Mental Health (NI) Order 1986: Legislation governing mental health care and treatment in Northern Ireland. [The Mental Health \(Northern Ireland\) Order 1986](#)