

MENTAL HEALTH ACT 1983

The Mental Health Act 1983 makes provision for the compulsory detention and treatment in hospital of those with mental disorder. The Act is in ten parts:

- I Application of the Act (the scope)
- II Compulsory admission to hospital and Guardianship
- III Patients concerned in criminal proceedings or under sentence
- IV Consent to treatment
- V Mental Health Review Tribunals
- VI Removal and Return of Patients within UK etc
- VII Management of property and affairs of patients
- VIII Miscellaneous functions of local authorities and the Secretary of State
- IX Offences
- X Miscellaneous and Supplementary

Most patients who require inpatient care will agree to hospital admission - '**informal patients**'. 5% - will require compulsory admission and detention. Detained under the Mental Health Act of 1983

All compulsorily detained patients should be suffering from a mental disorder which merits detention in hospital in the interests of their own health or safety, or the safety of others.

Section 1 of the Mental Health Act defines mental disorder. A patient must be suffering from a mental disorder, as defined by the Act, if they are to be compulsorily detained using the Act.

Four categories are defined:

- mental disorder means mental illness, arrested or incomplete development of mind, psychopathic disorder and any other disorder or disability of mind.
- severe mental impairment means a state of arrested or incomplete development of mind, including severe impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned.
- mental impairment - as above only 'severe' is replaced by 'significant' in the definition.

psychopathic disorder means a persistent disorder or disability of mind which results in abnormally aggressive or seriously irresponsible conduct on the part of the person concerned

Applies to > 18 years old

Section 2: admission for assessment– 28 days

assessment/assessment followed by treatment for mental disorder and the physical consequences of that disorder

Nearest relative or approved SW and 2 medical recommendations (one 12 (2) approved – other should ideally know the patient)

Appeal to the Mental Health Review Tribunal is allowed within 14 days of admission.

Section 3: **Section 3** is similar to section 2, only the detention is for **treatment** and may be for **a duration of up to 6 months, although this can be extended.**

Grounds:

- patient suffers from mental illness, severe mental impairment, mental impairment or psychopathic disorder of nature or degree that makes treatment in hospital appropriate; these four criteria are narrower than 'mental disorder' as defined in section 2 admissions.
- in the case of psychopathic disorder or mental impairment, such treatment is likely to alleviate or prevent deterioration in the condition.

AND

- it is necessary for the health or safety of the patient or for the protection of other persons, and such treatment cannot be provided unless they are detained under this Section.
-

Duration is for 6 months, including the day of admission.

Renewal is from the end of the 6 months for periods of 6 months and then for periods of one year.

The patient has the right to appeal to the **Mental Health Review Tribunal within the first 6 months and then once a year.**

admission for treatment- up to 6 months

Nearest relative or approved SW and 2 medical recommendations (one 12 (2) approved)

Section 4: emergency admission for assessment – 72 hours

Nearest relative or approved SW and one medical recommendation
(Preferably psych)

The recommendation should indicate the urgent nature of the application such that detention under section 2 would involve unacceptable delay.

A second medical recommendation from an approved doctor, under section 12 of the Act, received within 72 hours will allow further detention under section 2.

Renewal is not possible. But by means of a second medical recommendation, which must be signed and received by the hospital managers within three days of the admission, **Section 4 can be converted into Section 2.**

Section 5(2): report on hospital inpatient – 72 hours
Emergency holding order – to allow time to complete section 2 or 3
One medical recommendation – doctor in charge of patients care
If this is not a psychiatrist then doc in charge must personally consult a psychiatrist

Section 5(4): nurses holding power – 6 hours
Patient already treated for mental disorder

Section 136: mentally disordered persons in public places
Police officer – to remove someone to “place of safety”
72 hours to allow examination by doctor/social worker
“designated place of safety” agreed locally eg police station, hospital
police maintain responsibility for patient

Warrant to search for and remove patients (Section 135)

Duration of detention: 72 hours maximum.

Procedure: if there is reasonable cause to suspect that a person is suffering from mental disorder and

(a) is being ill-treated or neglected or not kept under proper control; *or*

(b) is unable to care for her or himself and lives alone

a magistrate can issue a warrant authorising a police officer (with a doctor and ASW) to enter any premises where the person is believed to be and remove her or him to a place of safety.

NB. If a physical disorder arises from a mental disorder (eg anorexia) then medical treatment for the physical disorder can be given under the MHA.

Legally restrain any patient who is sectionable – wise to have psychiatrist present.

Able to apply “doctrine of necessity”

PSYCHIATRY LIASON

(RCPsych report 1996) – mentions the following as desirable

nominated psych consultant for liason with A&E

nursing experience with psych patients

advice from child and adolescent psych available

also specialist services for elderly, substance abuse, learning disabilities

Social work contacts

DSH assessment teams

Control and restraint and breakaway techniques taught

Act, if they are to be compulsorily detained using the Act.