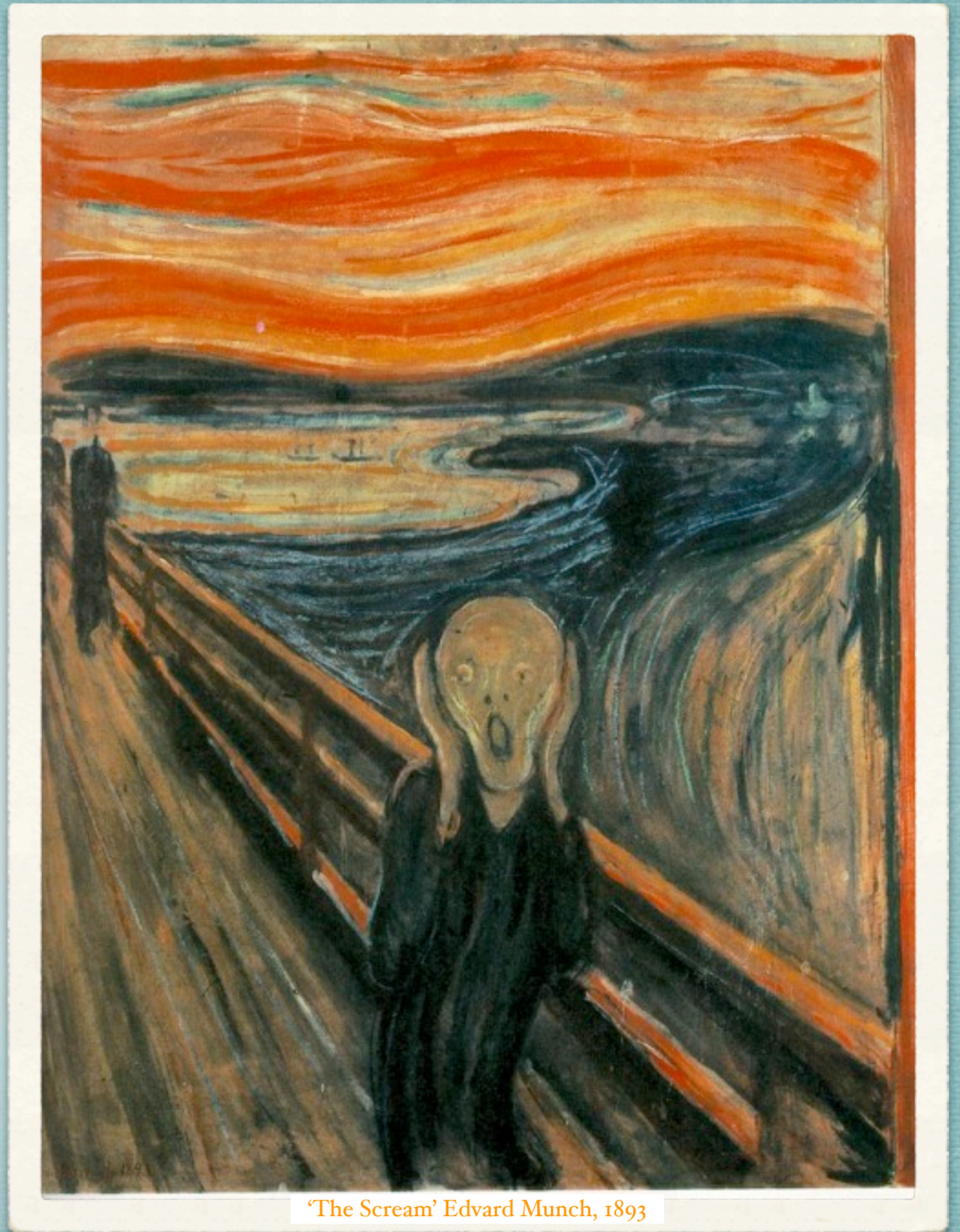


The Mental Health Act 1983

‘the reception, care and treatment of mentally disordered patients, the management of their property and other related matters’

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‘The Scream’ Edvard Munch, 1893

Characters Involved

- * **ASW:** Approved Social Worker under Section 114
- * **RMO:** Responsible Medical Officer under section 34 is person in charge of patient (usually consultant ψ)
- * **NR: Nearest Relative** Husband or Wife , Son or Daughter, Father or Mother, Brother or Sister ,Grandparent ,Grandchild ,Uncle or Aunt ,Nephew or Niece ,Someone, not being a relative, with whom the person concerned normally resides, and has done so for at least 5 years
- * Section 12 approved doctor (by Secretary of State for Health); special experience in diagnosis or treatment of mental disorder. Usually SpR/MG/Consultant

Section 1

- * Scope and legal definitions
- * **Mental Disorder** ‘... mental illness, arrested or incomplete development of mind, psychopathic disorder and any other disorder or disability of mind’
 - * **Severe Mental Impairment** (severe)
 - * **Mental Impairment** (significant-not severe)
 - * **Psychopathic disorder** (persistent disorder/disability)
 - * **Mental Illness** (not defined)

Section 2

- * **Compulsory** detention for assessment +/- treatment
- * Lasts 28 days, then discharge or Section 3 applied
- * NR or ASW & 2 doctors, (1 section 12 approved)
 - * is suffering from mental disorder of a nature or degree which warrants the detention of the patient in a hospital for assessment (or for assessment followed by medical treatment) for at least a limited period;
and
 - * he ought to be so detained in the interests of his own health or safety or with a view to the protection of other persons
- * Commonest for A&E patients

Section 3

- * Compulsory detention for treatment
- * Lasts 6 months, renewable
- * Same indications as Section 2 + such treatment is likely to alleviate or prevent deterioration in the condition
- * NR or ASW & 2 doctors, (1 section 12 approved)
- * Patient can appeal to Mental Health tribunal in first 6 months then yearly

Section 4

- * Emergency admission for assessment
- * Lasts 72 hours then needs Section 2 (not renewable)
- * Same indications as Section 2
- * NR or ASW and any doctor
- * Can be done by A&E doctor **IN EXCEPTIONAL CIRCUMSTANCES ONLY** as no bed available with this method
- * Only if unacceptable delay to get Section 2

Section 135

- * Warrant for search and remove patient to a place of safety
- * Applies to people in their home
- * Lasts 72 hours
- * For patients with mental disorder and being ill treated, neglected or lives alone and is unable to care for self
- * Magistrate issues warrant for police officer, plus ASW and doctor (GP) in attendance

Section 136

- * Instituted by police officer
- * Person in public place and a danger to self/others
- * Lasts up to 72 hours, for assessment
- * Must be taken to place of safety (A&E, ψ unit, police station). Police maintain responsibility for patient
- * Only revoked by ψ , (NOT police/A&E Dr etc)

Section 5(2)

- * Applies to voluntary **inpatients**,
- * For patient who Dr feels section 'ought to made'
- * Up to 72 hours for assessment, convert to section 2
- * By the registered medical practitioner in charge of patients care/nominated deputy

Section 5(4)

- * Applies to voluntary **inpatients**,
- * that the patient is suffering from mental disorder to such a degree that it is necessary for his health or safety or for the protection of others for him to be immediately restrained from leaving the hospital; *and* that it is not practicable to secure the immediate attendance of a medical practitioner for the purpose of furnishing a report under Section 5(2)
- * Lasts 6 hours, convert to 5(2)
- * Initiated by a registered nurse

Other sections

* Not relevant to A&E, concerned with courts/forensics

Admission as a Result of Criminal Proceedings

- Section 35. Remand to hospital for a report on a person's mental health.
- Section 36. Remand to hospital for treatment.
- Sections 37 and 38. Hospital Orders imposed by the Court.
- Section 41. Restrictions on discharge.
- Sections 47 and 48. Transfer of prisoners to hospital for treatment.

DURING A PERIOD OF DETENTION

Consent to Treatment

- Section 57. Treatment which requires the patient's consent *and* a second medical opinion.
- Section 58. Treatment which requires the patient's consent *or* a second medical opinion.
- Section 62. Urgent Treatment.
- General Points on Consent.

Leave and Absence

- Section 17 Planned / authorised leave.
- Sections 18 and 21 Unauthorised absence: Absence without leave, and Returning.
- Section 19 Transfers.



