

7 MINUTE BRIEFING

Mental Health Act



**KNOWSLEY
SAFEGUARDING
ADULTS BOARD**

PREVENTION THROUGH PARTNERSHIP



7. Further information:

[Mental health and wellbeing support | Knowsley Council](#)

[Mental Health Act 1983 – Knowsley APPP](#)

[Mental Health Act 1983 \(legislation.gov.uk\)](#)

[Mental Health Act - NHS \(www.nhs.uk\)](#)

[What is the Mental Health Act 1983? - Mind](#)

[Together: A leading UK mental health charity \(together-uk.org\)](#)



6. IMHA – Independent Mental Health Advocate

Access to an IMHA is a statutory right for people detained under most sections of the Mental Health Act, subject to Guardianship or on a community treatment order (CTO).

An IMHA can help you to understand:

- Your rights under the MHA
- The parts of the MHA which apply to you
- And conditions/restrictions you are subject to
- Any medical treatment
- The rights of others (such as your nearest relative)

If you are eligible for an IMHA, you are referred to as a "qualifying patient" and can request IMHA support from your clinician, AMHP or ward staff.



5. More Sections of MHA

Section 5 – If the person is already in hospital, certain nurses can stop them leaving under Section 5(4) until the doctor in charge of care or treatment, or their nominated deputy, can make a decision about whether to detain under Section 5(2).

Section 17a - Community Treatment Orders (CTO's) are used to support people in the community that have mental health needs and require continued treatment under supervision.

Section 135/136 – In an emergency where someone may be at risk to themselves or others police have powers to enter a property (Section 135 warrant) and then take the person to a place of safety for assessment. If the police find you in a public place and you appear to have a mental health disorder and are in need of immediate care or control, they can take you to a place of safety (usually a hospital or sometimes the police station) and detain you there under Section 136.

Section 117 – After being sectioned (detained for treatment in a psychiatric hospital), any mental health aftercare needed when leaving hospital should be provided free of charge. This aftercare is given to try to prevent the persons mental health condition from getting worse and to avoid needing to be re-admitted to hospital.

4. Frequently Used Sections of MHA

Most people being admitted to an adult/older adult acute ward on a Section of the MHA will be on either a Section 2 or a Section 3.

Section 2 – Admission for Assessment

Section 2 allows for a person to be admitted to hospital, for up to 28 days, to assess whether they are suffering from a mental disorder, the type of mental disorder and/or how the person responds to treatment.

Section 3 – Admission for Treatment

Section 3 is used where the person is already well known to psychiatric services or following an initial assessment under Section 2

1. What is the Mental Health Act (MHA)?

The **Mental Health Act (MHA)** is the current law which provides legal powers for the admission, detention and treatment of a person against their wishes. For this to happen, certain people must agree that you have a mental disorder that requires a stay in hospital.

The MHA tells people with a mental health disorder what their rights are and how they can be treated. The term mental health disorder is used to describe people who have:

- A mental illness
- A learning disability
- A personality disorder

Being detained (also known as sectioned) under the MHA is when you are made to stay in hospital for assessment or treatment.

The Mental Health Act Code of Practice tells everyone how to use this law and what they must do.



2. Who does the MHA apply to?

Most of the MHA does not distinguish between people who have the mental capacity to make decisions and those who do not. Many people covered by the MHA have the capacity to make decisions for themselves.

A person under 18 who has a mental disorder and needs the protection of the Act can be detained and treated under it. There is no lower age limit on the powers of the Act and there are no specific provisions that specifically deal with young people. However, from April 2010 if a person under 18 is detained in hospital under the Act they have the right to be placed in a ward that is suitable for their age and needs.



3. Who can exercise powers under MHA?

An approved mental health professional (AMHP) is a mental health worker who has received special training to provide help and give assistance to people who are being treated under the Mental Health Act. Their functions can include helping to assess whether a person needs to be compulsorily detained (sectioned) as part of their treatment. This assessment is completed alongside 2 doctors.

The guiding principles followed during assessment are:

- Least restrictive option and maximising independence.
- Empowerment and involvement
- Respect and dignity
- Purpose and effectiveness
- Efficiency and equity