

# Fact sheet

Last Review Date: 05 March 2024

Next Review Date: 05 March 2025

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## Mental Health Act

Not all admissions to psychiatric hospital requires the use of the Mental Health Act. Some people are admitted informally and others maybe supported at home by the Midlands Partnership Foundation Trust, Crisis Team.

In Telford this team is based at Halls Court, Jordan House, Hall Park Way, Town Centre, Telford, TF3 4NF. For referrals contact the ACCESS team on 0808 196 4501.

### The Mental Health Act

The Mental Health Act 2007 – (amended 1983 Mental Health Act) covers the assessment, treatment and rights of people with a mental health disorder.

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

It's important that you know what happens to you when you're detained, what your rights are, and where you can seek help.

For more information about being sectioned under the Mental Health Act, visit:

- [www.mind.org.uk](http://www.mind.org.uk) - for an overview of your rights
- [www.nhs.uk](http://www.nhs.uk) – for information on the Mental Health Act
- [www.mpft.nhs.uk](http://www.mpft.nhs.uk) – for information from Midlands Partnership Foundation Trust on your rights.

### What does 'being sectioned' mean?

Being 'sectioned' is the term that is often used when someone is detained under the Mental Health Act. The Mental Health Act is the law which can allow someone to be admitted, detained and treated in hospital against their wishes. It can be a very distressing experience for the person, and their family and friends, and will generally be used only if all other options have been considered, for instance looking at whether support can be provided in the community or if someone would agree to go into hospital voluntarily.

The use of detention is dependent on the presenting risks to self and others and whether the person has capacity to understand and agree to any treatment or admission.

### Why would someone be sectioned?

The Mental Health Act would only be considered if someone was very unwell and will never be taken lightly.

The Mental Health Act Code of practice covers how professionals reach that decision and guides them to ensure the patients, carers and families wishes are taken in to account wherever possible.

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## How is someone actually sectioned?

There are many different situations when a Mental Health Act assessment may be requested.

It could be that someone who is already in touch with a mental health services is felt to be very unwell and not accepting help. It could be that family and friends have raised concerns with the ACCESS Team or a GP requests an urgent Mental Health Act assessment.

Three professionals are required to carry out a Mental Health Act assessment, these are:

- An Approved Mental Health Professional (usually a qualified social worker or nurse RMN).
- Two approved doctors, (usually a Consultant Psychiatrist and a s12 Dr – a Dr who has specialist mental health training)

A Mental Health Act Assessment can be carried out in someone's home, a hospital, or somewhere else that is deemed a place of safety.

The criteria for detention is that a person has to be suffering from a mental disorder of a nature or degree which warrants detention in a hospital for assessment or treatment and that they ought to be detained in the interests of their own health and safety or with a view to the protection of others. Mental disorder is a broad term that includes conditions like schizophrenia, depression, including self-harm and/or suicidal intent, bipolar disorder or various types of personality disorder.

Someone can be only sectioned if the three professionals involved in a Mental Health Act Assessment agree that the person needs to be detained in hospital. The two attending Drs complete what is known as a medical recommendation and the AMHP has the ultimate decision to proceed with an application to hospital. The AMHP can and will delay the admission if the person's family/friends agree that an alternative plan can be used to manage risks and provide appropriate treatment in a least restrictive setting, for example the persons of families home.

There are three sections of the Mental Health Act that are used the most often. They are:

- Info on Section 2 (s2) – View more information on [www.mind.org.uk](http://www.mind.org.uk)
- Info on Section 3 (s3) – View more information on [www.mind.org.uk](http://www.mind.org.uk)
- Info on Section 136 – View more information on [www.mind.org.uk](http://www.mind.org.uk)

When making an application for s3 MHA the Approved Mental Health Professional has a duty to contact what is known as the Nearest Relative. The Nearest Relative is someone who is defined under s26 MHA. There is a hierarchy of relatives identified in the Mental Health Act, and it is not necessarily going to be the same person as someone's 'next of kin'. The Nearest Relative has certain rights under the Mental Health Act, you find out more about these rights and responsibilities by visiting [www.mind.org.uk](http://www.mind.org.uk).

In summary the Mental Health Act contains hierarchy of who should be considered the Nearest Relative starting with husband/wife/civil partner/partner providing they have cohabited for more than six months, oldest adult son or daughter and oldest parent all come before oldest sibling in the hierarchy. Visit [www.mind.org.uk](http://www.mind.org.uk)

If you are worried that someone is unwell and may need to be in hospital, you might think they need to be assessed under the Mental Health Act. There are a number of options that you could use to try and get someone help during a mental health crisis. As previously mentioned, the Mental Health Act is never an option



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that should be taken lightly or explored before other options have been fully considered. Unfortunately, at times despite the best efforts of friends and family, and professional services, other options may not have worked (e.g. providing support and treatment at home, or offering an informal admission).

At this stage the Mental Health Act may be used. The nearest relative has the right to request that a Mental Health Act assessment is considered for their relative under a particular section of the Mental Health Act and they can contact either contact the ACCESS Team at Redwoods on Tel: 03001240365 or Telford & Wrekin's Adult Social Care Mental Health Team on Tel: 01952 385385 – option 3

You may not be the nearest relative. However, if you are very concerned about someone and feel that the Mental Health Act may be necessary, then there are other ways you can request this help, such as contacting the persons GP or the local mental health services on the above telephone numbers.

For further information on issues covered in these questions, please see these useful websites:

- [www.mind.org.uk](http://www.mind.org.uk)
- [www.rethink.org](http://www.rethink.org)
- [Midlands Partnership Foundation Trust – www.mpft.nhs.uk](http://www.mpft.nhs.uk)

## Someone to speak on your behalf

People who are admitted to hospital under the Mental Health Act are entitled to help from an Independent Mental Health Advocate (IMHA). The advocate is a person who is independent of the hospital and is employed to speak on your behalf. They can help you discuss your feelings about your care and what support you may need in the future.

On admission you should automatically be offered the support of an IMHA.

To contact the local IMHA service you can call on 0300 330 0642 or email: [stw@voiceability.org](mailto:stw@voiceability.org)

## Mental Health Aftercare

If you have been formally admitted to hospital your care team will arrange a discharge planning meeting with you to explore the support you need after you leave hospital.

For more information on mental health aftercare:

- [GOV.UK website](http://gov.uk) - Mental Health Act 1983
- [GOV.UK website](http://gov.uk) - Mental Health Act: Code of Practice.

## Easy Read information

- [NHS website](http://nhs.uk) - Mental Health Act: your rights - easy read.
- [GOV.UK](http://gov.uk) - Mental Health Act 1983: Code of Practice.
- [Social care institute for excellence](http://socialcareinstitute.org) - understanding Independent Mental Health Advocacy (IMHA) for people who use services.



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