



Safeguarding Key Messages

November 2018

Mental Health Act (MHA) Detention's

What is it?

It is the main piece of legislation that covers the assessment, treatment and rights of people with a **mental health** disorder.

It is a completely different piece of legislation to the Mental Capacity Act

Why are people detained?

People detained under the Act need urgent assessment or treatment for a mental health disorder and may pose a risk of harm to themselves or others.

What sections might I come across?

Section 136 (S136) – Police holding power (A&E)

Section 5(2) (S5(2)) – Doctor holding power – for up to 72 hours whilst awaiting a mental health assessment

Section 2 (S2) – **Assessment** of the mental disorder – can be kept in hospital for up to 28 days.

Section 3 (S3) – **Treatment** of the mental disorder – can be detained for treatment for up to six months.

Safeguarding training

Make sure you are up to date!!
This is a CQC '**must do**'

Who oversees the MHA Detention?

A **Responsible Clinician** (A specified person who oversees the care/MHA detention) – this should be clearly recorded on the patient record – if unsure, check with the Mental Health Liaison Team (via switchboard 8 a.m. to 10 p.m.)

Do I need to do anything?

YES

- You may be asked to sign a H4 form which transfers the patient (and legal responsibility for the section detention) from one hospital to another hospital
- Complete a DATIX immediately – category – MHA Detention
- Inform Mental Health Liaison Team that the patient has been admitted.
- If the patient is not admitted under section but is subsequently assessed during admission and sectioned – inform the Mental Health Liaison Team

What if the patient moves wards?

- Ensure the receiving ward is aware of the MHA detention status of the patient
- Complete a further DATIX incident

Useful Contact Information:

Mental Health Liaison – Ageless Service

(8 a.m. – 10 p.m.)

WRH – bleep – 195

ALEX – bleep - 0234

WAHT Safeguarding team – Ext.

33735 (in hours)

Crisis Team (Out of Hours – adults only)

01905 681915

What if a patient dies whilst under detention of the MHA?

- Report immediately to the Consultant in charge of the patients care and also inform the Responsible Clinician who is overseeing the MHA detention

Why?

- If a patient is detained at the point of death then the Coroner must be notified immediately and we have to submit a CQC Notification. An inquest is legally required if the deceased died whilst in custody or in state detention (a patient detained under the act in our care would be deemed to be in 'state detention')

Do I need to do anything else?

- Yes – **NEVER** destroy mental health documents – the original papers should be sent to the Divisional Director of Nursing for the respective area if no longer required.
- If the patient is transferred out then scan a copy to the patient records and send the originals with the patient

Further advice and guidance/forms are available from the homepage of the Trust Intranet:

Safeguarding/Safeguarding Adults/Use of mental health act in an acute hospital setting

This includes information in reading the patient their rights, nearest relative, transfers out from one hospital to another and tribunal.