

Sections of the mental health act

Assessment: section 2

Emergency: section 4

Treatment: section 3

Guardianship: section 7

Supervision: section 25A

Court orders: sections 37 and 41

Directions of the home secretary: sections 47 and 48

Section 5(2): Patient already admitted to hospital can be detained by the RMO or appointee of the RMO for up to 72 hours, if the patient does not want to stay in hospital and there are concerns about the patient's mental health, safety or safety of others. It is non-renewable and non extendable. Before the section lapses one of the following two outcomes:

- Patient is taken off the section
- Patient is detained either under section 2 or 3 of the MHA. One doctor cannot take this decision. Application is made by an ASW (Social worker who has undergone at least 60 hours of training in mental health). It then needs to be approved by two doctors, one of whom needs to be section 12 approved. It is good practice that the second doctor should be someone who knows the patient (G.P.).

Patient does not have the right to appeal against section 5(2).

Section 2 (Assessment section): Patient can be asked to stay in hospital for up to 28 days if they need to be detained for their own mental health and safety or for the safety and protection of others. Section cannot be renewed or extended. It is applied for by the nearest relative or an ASW and then approved by two doctors. Patient has the right to appeal to the mental health tribunal within the first 14 days. Patient may be offered treatment but it is not enforced but if the safety of the patient or others is at risk they can be asked to take medication to help calm them down.

Section 3 (Treatment section): Duration is 6 months. It can be renewed for a further 6 months and then for a year at a time. Two doctors and an ASW need to assess the patient. Patient can appeal at any time within the first six months and also during subsequent detentions.

Mental health tribunal: consists of a doctor, a solicitor and a layperson who may be a social worker. Tribunal is independent of the hospital. Any person detained under the mental health act has the right to appeal against their detention and is entitled to legal aid and representation by a solicitor.

Care programme approach: involves assessment of psychiatric, psychological and social needs of a patient. Any person who has significant contact with the psychiatric services has a CPA set up.

Standard CPA is for patients who need minimal support and pose little danger to themselves or to others. Enhanced CPA is for patients whose needs are more extensive and require input from multiple agencies

In a CPA meeting doctors, nurses and social services, represented by a social worker, assess the health and social needs (housing, benefits, employment) of the patient in consultation with them. A care plan is formulated and a key worker is identified from amongst the professionals involved. The key worker is responsible for liaising between the different services. Regular reviews (usually three or six monthly) are held to ensure that the patient's needs are being adequately met.