

MENTAL HEALTH ACT 1983, AS AMENDED BY THE MENTAL HEALTH ACT 2007

The Mental Health Act provides a framework for people being detained in hospital or on a psychiatric ward for mental health assessment or treatment even if they do not want to be there. Legally this is known as Detention (under the relevant section of the Act) although it is sometimes inappropriately referred to as “being Sectioned.” Other powers under the Act refer to issues around community provision, such as a Community Treatment Order or a Guardianship Order. The Act is also concerned with ensuring that the treatment of people under this Act is carried out with due concern for dignity, safety and principles of least restriction.

An individual may only be detained under the Mental Health Act if either:

- They are suffering from a mental health disorder that can only be treated as an in-patient, or
- They are assessed as being a threat (or a risk) to their own health and safety (for instance, suicidal ideation or self-neglect) or to other people (for instance, threats or aggressive behaviour).

An application for detention can only be made by an Approved Mental Health Practitioner (AMHP), or by a nearest relative with the support of an AMHP. Doctors can only make recommendations for an admission, the application itself has to be made by an AMHP. An AMHP is a professional who has been specifically trained to implement elements (such as assessments) of the Mental Health Act in conjunction with medical practitioners. An AMHP may be an approved social worker, a registered mental health nurse or occupational therapist or a chartered psychologist who has completed the specific training. It is the role of the AMHP to decide, based on the medical recommendations of a doctor, to decide whether a person should be detained under the Mental Health Act.

The Police also have powers under S136 of the Act to take a person believed to be experiencing a mental health crisis to a place of safety for assessment by mental health professionals. The Police do not “arrest” people for being mentally unwell and do not have the power to detain anyone in hospital. Whilst in the past “places of safety” were designated cells in Police stations, people within Gloucestershire who are detained under S136 because they appear to be suffering from a mental health disorder and need immediate care are normally transferred for assessment by an AMHP to the “Maxwell Suite” (adjacent to Wotton Lawn Hospital) which is operated by the Gloucestershire Health & Care NHS Foundation Trust.

If you would like any further information about the Mental Health Act, please either contact Diverse Leap or have a look at either of these links:

[What is the Mental Health Act 1983? | Mind, the mental health charity - help for mental health problems MH-CoP-Being-detained.pdf \(assets.nhs.uk\)](#)