

The Mental Health Act
2007

Purpose of the act

- Defines the criteria for detaining persons with a mental illness for compulsory treatment
- Updates the 1983 Act

Definition of a Mental Disorder

‘Any disorder or disability of the mind, excluding drug or alcohol dependence, or learning disability (unless associated with aggressive or seriously irresponsible behaviour)’

Compulsory Hospitalisation

- Voluntary means of dealing with the patients mental health problems should have been exhausted.
- The patient must have a defined mental disorder
- The patients mental disorder must require hospital detention for assessment not treatment or to protect the interests of the patients or others

Professional Roles

- Applicant Approved Social Worker is now replaced by Approved Mental Health Professional
- Medical recommendations are to be made by two doctors, of the two being section 12 approved.
- An approved clinician is a person approved by the appropriate national authority.
- Responsible clinician is defined as the approved clinician with overall responsibility for the patient’s case and may be a nurse, OT, psychiatrist, psychologist or social worker

Supervised Community Treatment

- This should be considered when
 - The patient has a medical condition which requires medical treatment
 - It is necessary for their health or safety, or the health and safety of others that they receive that treatment
 - Treatment can be provided without the need for hospitalisation
 - Provision exists for a requirement to return to hospital for the protection of themselves or others
 - Appropriate medical treatment is available
 - The responsible clinician should be able to exercise the power to recall the patient to hospital

Rights of Appeal

- Mental Health Review Tribunal
- Hospital Managers
- Responsible Medical Officer
- The Mental Act Commission

Role of the GP

- Deciding whether application is necessary
- Contacting approved mental health professional
- Emergency admission to hospital
- As second medical recommendation

Relevant Sections

- Section 2
- Section 3
- Section 4
- Section 136

Section 2

- Admission for Assessment
 - Lapses after 28 day
 - Approved mental health professional or nearest relative makes the application on the recommendation of two doctors one of whom is 'approved' under section 12 of the Act
 - Second doctor either 'knows the patient' (usually GP) or is also 'approved'

Section 3

- Admission for Treatment
 - Exact mental disorder must be stated
 - Detention is renewable for a further 6 months
 - Two doctors sign the form and must know why treatment in the community is contraindicated. They both must have seen the patient within 24 hours.
 - Treatment likely to benefit patient, prevent deterioration, or necessary for protection of patient or others

Section 4

- Admission for 72 hours assessment
- Must be an urgent necessity
- Requires only one medical recommendation
- Requires approved mental health professional application
- Usually converted to section 2 on admission

Section 136

- For up to 72 hours
- Allows police to arrest a person 'in a place to which the public have access' who is believed to be suffering from a mental illness
- Patient must be conveyed to a place of safety (usually A/E) for assessment by a doctor and approved mental health professional.
- After assessment must be discharged or detained under section 2 or 3 of the Act