

## ■ What is the Mental Health Act?

The Act is the legal framework to ensure that proper care is provided for people with mental disorders. Legislation has radically changed since it first appeared in 1845, when mentally ill people had to be 'certified' by a local magistrate before admission to hospital. The spirit of the act is that treatment or care on a compulsory basis is very much a last resort, and voluntary treatment is always preferred if consent can be obtained. Where necessary, the Act does provide for compulsory admission, detention and treatment. This usually only applies if the health and safety of the patient is in question, or to protect others.

## ■ How long can a person be kept in?

If a person with a severe mental disorder refuses to enter hospital on the recommendation of a doctor, then on the application of the nearest relative, or an approved social worker, the person can be admitted compulsorily for varying lengths of time. This is known as being 'admitted under section'. The most frequently used sections are the following: **Section 4:** Up to 72 hours in an emergency for assessment; **Section 2:** Up to 28 days for assessment and treatment (patients can appeal to the Mental Health Review Tribunal within 14 days of being admitted); **Section 3:** Up to six months for treatment (again, patients can appeal to the MHRT); **Section 136:** Up to 72 hours; a police officer can take a person from a public place, if suffering from a severe mental disorder to a 'place of safety', usually a hospital.

## ■ Can the family get their relative admitted?

If the family feels that their relative needs to be admitted under compulsory powers, they should ask their GP for advice, or contact the local social services department, who will send a social worker to look into the situation.

## ■ Can a doctor treat patients without their consent?

Medication can be given for three months, without patients' consent, if they are kept in hospital under Section 2 (28 days) or Section 3 (six months). After three months, it may be given if the person agrees to it. If the person does not consent, medication can be given if a second doctor from the Mental Health Act Commission also approves of the treatment.

## ■ Can a nurse stop patients leaving?

Nurses may detain a patient for up to six hours, either for that person's health and safety, or to protect others. This is to allow time for a doctor to arrive and to decide if the person should be kept in hospital or be allowed to leave.

## ■ Does the hospital have to help the patient after leaving hospital?

Health and social services must provide after-care services for people who have been kept in hospital for six months or longer until it is felt that it is no longer needed.

## ■ What do you do if you have any complaints?

A committee has been set up called the Mental Health Act Commission to make sure that legislation is applied properly. The Commission consists of 90 professionals from the fields of medicine, law, psychology and social work, as well as lay members. They visit hospitals regularly and the medical members give second opinions.