

## Warwickshire Safeguarding Briefing:

### Mental Health Section Definitions; Guidance for Practitioners

#### Background

The Mental health Act (1983) is the main piece of legislation that covers the assessment, treatment and rights of people with a mental health disorder. People detained under the Mental Health Act are deemed to need urgent treatment for a mental health disorder and are a risk of harm to themselves or others.

Warwickshire Safeguarding has received a number of referrals where mental health issues have been factor, and it has been identified that some clarity on the scope of the mental health act would be beneficial for practitioners.

#### Most Commonly Used Definitions of Sections

##### Section 2

Detention under section 2 occurs if the individual:

- *has a mental disorder*
- *needs to be detained for a short time for assessment and possibly medical treatment, and*
- *needs to be detained for their own health or safety or for the protection of other people.*

How long can detention be under section 2?

*Up to 28 days. The section can't normally be extended or renewed. But you may be assessed before the end of the 28 days to see if sectioning under section 3 is needed.*

##### Section 3

Detention under section 3 occurs if the individual:

- *has a mental disorder*
- *needs to be detained for their own health or safety or for the protection of other people, and*
- *treatment can't be given unless they are detained in hospital.*

*Individuals cannot be sectioned under this section unless the doctors also agree that appropriate treatment is available.*

How long can detention be under section 3?

*Up to 6 months. The section can be renewed or extended by a responsible clinician:*

- *for 6 months, the first time*
- *then for 6 months, the second time*
- *after that, for 12-month periods. There is no limit to the number of times the responsible clinician can renew the section 3.*

The responsible clinician can also discharge the person from the section before it comes to an end. If this happens, they are free to go home.

##### Section 4

Detention under section 4 occurs if the individual:

- *you have a mental disorder*
- *it is urgently necessary for you to be admitted to hospital and detained, and*
- *waiting for a second doctor to confirm that you need to be admitted to hospital on a section 2 would cause "undesirable delay".*

The section can be completed by one doctor only (together with the approved mental health professional) however the rights of the individual are different compared to their rights under other sections. For example, they cannot be treated without your consent.

How long can detention be under section 4?

*Up to 72 hours.*

### **Section 5(2)**

*Section 5(2) applies to the individual if they are a voluntary patient or inpatient (including inpatients being treated for a physical problem).*

*A doctor or other approved clinician in charge of the treatment needs to report to the hospital managers that an application to keep them in hospital (a detention section) 'ought to be made'.*

How long can detention be under section 5(2)?

*For up to 72 hours.*

### **Section 5(4)**

Section 5(4) applies if the individual is a voluntary patient receiving treatment for a mental disorder as an inpatient. A nurse specially qualified and trained to work with mental health problems or learning disabilities can detain them if they think that their mental health problem is so serious that:

- *they need to be kept in hospital immediately for their health or safety or for the protection of others, and*
- *it is so urgent that it is not practicable to get a practitioner or clinician to provide a report to the hospital managers.*

How long can detention be under section 5(4)?

*Individuals can be kept under section 5(4) for up to 6 hours, or until a doctor or clinician with authority to detain arrives. Whichever is earlier.*

### **Section 136**

If it appears to a police officer that the individual has a mental disorder and are "in need of immediate care or control", they can take them to (or keep them at) a place of safety. The individual will be kept in the place of safety in order for them to be examined by a doctor and interviewed by an approved mental health professional, and any necessary arrangements can be made for their treatment or care.

How long can detention be under section 136?

*Individuals can be kept under this section for up to 24 hours (this can be extended up to 36 hours in some circumstances).*