

# Mental Health Sections – a basic overview



Warwickshire  
Safeguarding

## What is the Background?

The Mental Health Act (1983) is legislation that covers when people with a mental disorder can be admitted to hospital, assessed, and treated without their consent. It can apply to some people living in the community too. Only a small minority of people need this and this is only if they are a risk to themselves or others. The act outlines their rights including when and what treatment can be given, how to appeal and when orders should end.

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 most common sections under the Mental Health Act would be beneficial for practitioners.

## Where Can I Find More Information?

- [NHS Information](#) about Mental Health Act
- Information from [MIND](#)
- [Local support agencies](#)

## Family Rights & Mental Health Tribunals

The Mental Health Act outlines who the individual's [nearest relative](#) is and the approved mental health professional (AMHP) has a duty to inform them. The individual does have the right to ask for their information about care, treatment, or discharge not to be shared with their nearest relative.

Individuals, and in some cases nearest relatives, have the right to apply for a tribunal in which the individual will be considered for discharge from their section. In England and Wales, the terms vary dependant on section and further information can be found [here](#).

# Minute briefing

## What is a Section 2?

It allows an individual that has (or may have) a mental disorder to be admitted to hospital for an assessment and possibly treatment. It can only be done where it is in the interests of their health, their safety or the safety of others. It lasts up to 28 days. Treatment beyond 28 days would have to be under section 3.

## What is a Section 3?

This is detention to hospital for treatment and it has to be necessary for their health, safety, or the safety of others. Treatment has to be available and for it not to be possible to give the treatment unless they are detained in hospital. It lasts up to six months and can be extended as long as the grounds are still met.

## What is a Section 136?

It allows police officers to take a person to a place of safety where it appears to them that they have a mental disorder and are *"in need of immediate care or control."*

They can be kept at the place of safety for up to 24 hours to be examined by a doctor and an Approved Mental Health Professional, so that arrangements can be made for their treatment or care.

## What is a Section 4?

Normally two doctors and an Approved Mental Health Professional have to make decisions to detain people. Section 4 allows people to be detained in **urgent circumstances** where waiting for a second doctor would cause *"undesirable delay"*. It lasts up to 72 hours and any further detention under section 2 would need to be agreed by another doctor.