



# Mental Health Act Assessment Information for Carers

# Mental Health Act Assessment

On.....(insert date) someone you care for was assessed under the Mental Health Act (1983).

## What is the Mental Health Act?

The Mental Health Act is the law used to admit, detain and treat adults, children and young people who need treatment in hospital for their **mental health condition**.

The assessment involved myself.....  
(an Approved Mental Health Professional) and 2 doctors.....

.....(insert doctor's names). I am an employee of Derbyshire County Council and my contact number is: .....

The outcome of that assessment is: .....

## What does it mean?

### Section 2

This is a section of the Mental Health Act which authorises the detention of a person in hospital for assessment of their mental disorder (or assessment followed by treatment). Detention under Section 2 can normally only last for up to 28 days.

### Section 3

This is a section of the Mental Health Act which authorises the detention of a person in hospital so that they can receive treatment for a mental disorder. Detention under Section 3 can last for an initial period of up to 6 months, after which it can be renewed if necessary.

## **Supervised Community Treatment/Community Treatment Order**

A person can be placed on a Supervised Community Treatment Order after being detained in hospital under ‘treatment sections’ of the Mental Health Act. The Community Treatment Order will set out certain conditions that the person must comply with while living in the community. If they fail to comply, they can be returned (‘recalled’) to hospital.

### **Nearest relative (NR)**

A carer may also be the ‘Nearest Relative’ (NR) under the Mental Health Act, but it is important to remember that the Nearest Relative and carer can be two different people.

### **The role and rights of the Nearest Relative**

- The Approved Mental Health Professional (AMHP) must let the NR know within a reasonable time if his/her relative is to be detained under Section 2 of the Mental Health Act. The NR can object to the detention by writing to the managers of the detaining hospital
- The AMHP must speak to the NR before someone can be detained under Section 3 of the Mental Health Act, unless it is not reasonably practical/would cause unreasonable delay. If the NR objects then the detention under Section 3 cannot go ahead unless the County Court removes the NR. This is known as displacement of the NR
- The NR can request that Adult Social Care consider carrying out a Mental Health Act assessment
- The NR can apply for their relative to be admitted to hospital under the Mental Health Act
- The NR can request the discharge of a relative who is detained under Section 2 or 3 – the responsible clinician can stop the discharge in certain circumstances
- The NR can delegate their role to someone else
- The NR can contact the Independent Specialist or Community Advocacy Services for support and advice (see page 4)
- The NR can apply for a Mental Health Tribunal.

If you have any queries, please speak to the AMHP who carried out the assessment.

# Useful contacts

**Derbyshire Mind** - Independent Specialist and Independent Community Advocacy services, tel: **01332 623732**

If the person you care for lives in Derbyshire but is in a Tameside hospital then you can get advocacy advice from **Cloverleaf** on tel: **0161 2070767**

**North Derbyshire Forum for Mental Health Carers**

tel: **07494943084** or **07494947427**

**Derby City and South Derbyshire Mental Health Carers**

tel: **07921162740** or **07891450119**

**Derbyshire Carers Association** tel: **01246 222373** or **01773 833833**

**Carers in Derbyshire Website:** [www.carersinderbyshire.org.uk](http://www.carersinderbyshire.org.uk)

**Derbyshire Focusline (Rethink)** tel: **0800 027 2127** from 5pm to 1am, 7 days per week or visit: [www.rethink.org](http://www.rethink.org)

**Samaritans** tel: **116 123**

**Mind Helplines** - Info Line tel: **0300 1233393**, Legal Line tel: **0300 4666463** or visit: <http://www.mind.org.uk/information-support/helping-someone-else>

**Young Minds** - tel: **020 73368445** web: [www.youngminds.org.uk](http://www.youngminds.org.uk)

**For professional advice:**

**Call Derbyshire** - tel: **01629 533190** or if it's out-of-hours you can contact tel: **01629 532600**

**NHS** - tel: **111**

Please be aware these contact numbers were correct at the time of printing/publication but may change in the future. We will try our best to keep them up to date by reviewing them regularly.

Produced by Derbyshire County Council Adult Care, County Hall, Matlock, DE4 3AG

