The Mental Health Act and The Mental Capacity Act

Mental Health Act

• Task: what kinds of things make a person liable to detention under the mental health act?
• Take 2 minutes to talk in pairs.

• They must have a mental disorder!
• There must be risk of harm to their health, their safety or the safety of other
• There must be treatment... and this includes nursing care, not just medication

Specific Sections of the MHA

<table>
<thead>
<tr>
<th>Section</th>
<th>Why?</th>
<th>How long for?</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>For assessment and treatment</td>
<td>Up to 28 days</td>
<td>By an Approved Mental Health Professional, with the recommendation of 2 doctors</td>
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<tr>
<td>3</td>
<td>For treatment</td>
<td>Up to 6 months</td>
<td>By an Approved Mental Health Professional, with the recommendation of 2 doctors</td>
</tr>
<tr>
<td>5(2)</td>
<td>To hold someone as an inpatient until a MHA assessment</td>
<td>Up to 72 hours</td>
<td>By 1 fully registered doctor</td>
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<tr>
<td>136</td>
<td>To remove someone who appears to be mentally disordered from a public place to a place of safety</td>
<td>Up to 72 hours</td>
<td>By 1 police officer</td>
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</tbody>
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Community Treatment Orders

• Introduced to try and prevent repeat admissions after relapse
• Can be used for people under S3 of the mental health act
• Recall mean readmission to hospital for up to 72 hours
• Task: what kind of patients might benefit form this care?

Physical treatment and the Mental Health Act

• People should always be offered appropriate physical health care
• If they decline physical treatment and we can show that their physical problems are a cause or a result of mental disorder, we can enforce treatment under the Mental Health Act.

• Task: In what sort of situations might this apply?
Task example answers:

- Treatment of a depression caused by hypothyroidism with thyroxine.
- Treatment of dangerous malnutrition with re-feeding in some patients with anorexia nervosa
- Treatment of paracetamol poisoning with parvolex in patients who have depression

Mental Capacity Act

- A way of ensuring that when someone is unable to make decisions for themselves, they are made for them in their Best Interests
- Key points:
  - The capacity assessment should be made by the professional best placed to do so
  - The capacity assessment is decision and time specific
  - We should do everything we can to help someone become capable to make the decision

Mental Capacity Act

Task:
What do we need to know when we are assessing someone’s capacity?

- Are they able to understand the information they need to make the decision?
- Are they able to retain this information?
- Are they able to weigh that information?
- Are they able to communicate their decision?

If the answer to any of these is ‘No’, they are not capable of making this decision at this time

So what do we do next?

- If we can, we wait until they are able to make the decision
- If we can’t we act in their Best Interests
- Task: How do we decide what is in someone’s Best Interest?

Best Interests

- Time allowing....
  - We find out what they would have wanted
  - We ask family, friends, anyone who knows them
  - We hold a meeting, involving the patient as much as possible
  - We act in the least restrictive way possible
MHA and MCA

• Are people with a mental disorder always incapable of making their own decisions?
• No!

MHA and MCA

• 2 pieces of legislation
• People can be subject to both of them at the same time for different aspects of their care