Mental Health Law

*When are the Mental Health Act 1983 and 2007 relevant?*
Only a small proportion of people with mental health disorders will be subject to mental health legislation and powers of detention.

- A child may be assessed as a ‘child in need’ under Section 17 of Children Act 1989 and they may referred to Child and Adolescent Mental Health Services (CAMHS).
- An adult may receive a ‘needs assessment’ under Care Act 2014.

Mental Health Act 1983 (amended in 2007) sets out how you can be treated if you have a mental disorder, if it is felt that you may cause injury to yourself or others.

Mental Health Act sets out:
- when you can be taken into hospital against your will
- when you can be given treatment against your will
- what your rights
- what safeguards there are to make sure your rights are protected

The role of doctors is to make recommendations for an application to be assessed.

Mental Health Act Code of Practice- guiding principles

- least restrictive option and maximising independence, no detention unless necessary
- empowerment and involvement: taking into account the views of user and family
- respect and dignity: non-discrimination
- purpose and effectiveness: therapeutic
- efficiency and equity: minimise detention

Mental disorder defined as “any disorder or disability of them mind”

- affective disorder such as depression or bipolar
- schizophrenia and delusional disorders
- neurotic, stress-related and somatoform disorders, such as anxiety, phobic disorders, obsessive compulsive disorders, PTSD and hypochondria disorders.
- organic mental disorder such as dementia and delirium
- personality and behavioural changes caused by brain injury or damage
- learning disabilities (with aggressive or irresponsible conduct)

Roles:

- Approved Mental Health Professional (AMPH)
- Nearest relative
- Approved clinician
- Responsible clinician

AMPH Role is open to mental health nurses, occupational therapists and chartered psychologists as well as social workers.
They have various functions:
*carry out assessments