

research  
in practice  
*for adults*

**A brief guide to...**  
***Mental Health Act***  
***(MHA) assessments***

Dartington

# What is...

## ***a Mental Health Act (MHA) assessment?***



A MHA assessment looks in detail at whether you have a mental health condition and whether you need assessment or treatment in the interests of your health, safety and for the protection of others. The primary purpose of a MHA assessment is to help health and social care professionals (practitioners) decide how best to support you. This could be through medical treatment in hospital or the community, or other types of care or support interventions.

When deciding this, practitioners will seek the least restrictive option to ensure your human rights are protected. A MHA assessment should consider your strengths, needs and wishes and promote your wellbeing. If it is thought a hospital admission might help to provide you with the treatment and care you need, your agreement will be sought.

In some circumstances you can be lawfully detained in hospital for treatment. Certain conditions need to be fulfilled before this can happen and these are set out in different sections of the MHA. These sections explain how the law is to be acted upon (applied) in particular circumstances.

The length of time you can be detained in hospital depends on which section is applicable. Under Section 2 you can be detained for up to 28 days to give time for practitioners to complete an assessment and provide treatment. Under Section 3 you can be detained for up to 6 months while you receive treatment. Under both sections you have a right to appeal.

It is important to stress that detention in hospital is not the only outcome of a MHA assessment. People may enter hospital voluntarily (informal admission) or receive community support such as intensive home treatment, support from mental health services, voluntary agencies, or friends and family.

## How ... *does it work?*



As part of the MHA assessment there will be a meeting between you and mental health practitioners. The practitioners will explain who they are (they should have identification available), what will happen, and why. The practitioners include an:

- > Approved Mental Health Professional (AMHP)
- > MHA trained doctor (often a psychiatrist)
- > Second registered doctor

Other professionals may also be present, for example members of the community mental health team. The assessment could take place in a variety of places, including in your home, a community venue, GP surgery, in hospital or in a 'Place of

Safety' (this relates to Section 135 and 136 of the MHA and is a place you may be taken if there are concerns for your safety).

The MHA trained doctor and the second registered doctor will each make their medical assessment. They will not necessarily meet with you at the same time, but you should see all of them within a few days of each other. The doctors will individually decide whether to make a recommendation if you have a mental health condition which needs assessment or treatment in hospital. The AMHP will then decide whether it is appropriate and legal to place you on a section, or how best to support you in the community.

An AMHP is a qualified professional who has undertaken additional training in mental health conditions and the law concerning mental health treatment and care. The AMHP role is to understand how your personal and social circumstances affect your mental health and make a decision, taking into account your views, as to how to provide appropriate support.

You will be asked about your mental health and things that affect this, for example sleep or thoughts of self-harm. You may also be asked how you feel about where you live, your daily routine, friends and family, what you enjoy doing, or anything else that will help them decide how best to help or support you.

The AMHP will then explain their decisions to you. By law the decision must always be what is best for your wellbeing, safety and the safety of others.

### Nearest relative

The MHA includes a role called the 'nearest relative' and sets out who this is. This is different from 'next of kin' and your nearest relative has certain rights and responsibilities in relation to your sectioning. You can talk to the AMHP about who your 'nearest relative' is and what they will tell them. If your 'nearest relative' is not the person you would prefer, talk to the AMHP about any options to change this.

## Practical advice

The purpose of a MHA is to get the best possible outcome for you.

It is not unusual to find the process of a MHA assessment stressful when you are unwell – you may find it difficult to understand, remember or answer the questions you are asked. You can ask for a trusted friend or family member to support you during the assessment.

There will be plenty of time for you to consider your answers to the questions you are being asked – take the time you need.

Talk openly and honestly with the practitioners about your thoughts and feelings as this will help them to understand and consider your wishes.

It is important you let the practitioners know if you do not understand something that is said during the meeting, what is happening or why it is happening, and ask them to explain it to you.

## How do ...

### *I know if things are working well?*

You are safe from harm.

You are treated with respect throughout the MHA assessment process.

The process of an MHA assessment and your rights are explained to you, with practitioners checking whether or not you understand.

You are asked about your cultural needs and personal wishes.

The process is timely.

You, and people who care for you and know you well, feel able to put forward your views about your health and wellbeing.

If it is decided you need to be detained for hospital treatment, you are given clear written information about the section of the MHA that applies to the decision on admission to hospital.

## Independent Mental Health Advocates

If you are detained under the MHA, you have a right to the support of an Independent Mental Health Advocate (IMHA) as soon as reasonably possible.

An IMHA can:

- > support you to explain your needs and wishes
- > explain your rights
- > help you understand how the MHA is applicable to your circumstances
- > explain your right to a second opinion, legal advice and right to appeal.

The care and support you receive as a result of the MHA assessment improves your mental health and wellbeing – this can be in the community or hospital.

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This guide has been produced by Research in Practice for Adults. We are a charity that uses evidence from research and people's experience to help understand adult social care and to improve how it works.

**Authors:** Rosie McNamara and Katy Shorten

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