

ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBER

1	Meeting:	Cabinet Member for Adult Social Care
2	Date:	15 April 2013
3	Title:	Police Assistance and Conveyance to Hospital for those detained under the Mental Health Act 1983
4	Directorate:	Neighbourhoods and Adult Services

5 **Summary**

The 2008 Mental Health Act (MHA) Code of Practice requires Local Social Services Authorities, defined in section 145 (1) Mental Health Act 1983, the National Health Service and the Local Police Authority to establish a clear policy for the use of the power to convey a person to hospital under S.6 (1) MHA. This policy and procedure outlines the roles and responsibilities of the Approved Mental Health Professionals (AMHP), the ambulance service, medical and/or other healthcare practitioners, and police who may be called upon to facilitate the conveyance of an individual to hospital, or in the case of Guardianship an appropriate placement. The policy is to support good joint working and minimise the distress that service users, their family and friends can experience when admission is necessary.

Due to the number of stakeholders involved, the standards for each service and in some areas the resource constraints it has taken time to agree the wording of the policy. However, the policy is now in its final draft and all stakeholders are committed to its implementation.

6 **Recommendations**

- **For Rotherham Metropolitan Borough Council to confirm its approval of this policy and demonstrate its commitment to this multi-agency policy as a signatory body.**

7 **Proposals and Details**

It is recognised that arranging admission to a mental health unit is unpredictable and that circumstances and levels of risk to the service user and others will vary from one situation to another. However, the overall aim is to:

- To ensure that the person detained under the Mental Health Act 1983 is conveyed to hospital or alternative placement in an appropriate vehicle and in the most human way possible following an assessment of their mental health needs by 2 doctors and an Approved Mental Health Professional

Therefore, in accordance with Section 118 of the Mental Health Act 1983 as amended by the Mental Health Act 2007 (referred to in the policy as the MHA '83), the Department of Health issued a Code of Practice to provide guidance for managers and staff of Health and Social Services to assist them in undertaking duties under the Mental Health Act. The code places a requirement on statutory agencies to draw up a number of policies. Among these is the requirement for the provision of a jointly agreed policy for the conveyance of individuals who have been made subject to the Act.

The Code of Practice also specifies that policy should clearly identify what arrangements have been agreed with the police should they be asked to provide assistance to the AMHP's and the doctors, and how that assistance will be applied to minimise risk of the patient causing harm to themselves and maximise the safety of everyone involved in the assessment.

8 **Finance**

There are no financial implications of this report

9 **Risks and Uncertainties**

This policy will be monitored through the Mental Health Legislation Monitoring Group on a monthly basis and reviewed at 3 monthly intervals during the first year following implementation. This will not only ensure its fitness for purpose in its practical application but also provide assurances that where decisions are made and actions compromise the liberty and Human Rights of an individual, that this is done lawfully and informed by good practice.

10 **Policy and Performance Agenda Implications**

None Known

11 **Background Papers and Consultation**

The Mental Health Act Code of Practice
The Mental Health Act Manual

Mental Health Act 2007, New Roles, Guidance for Approving Authorities and employers on Approved Mental Health Professionals and Approved Clinicians. National Institute of Mental Health in England
The Mental Capacity Act 2005
Police and Criminal Evidence Act 1984
Criminal Law Act 1995
Human Rights Act – specifically Articles 2,3,5, 8,10,11

Consultation

Consultation has taken place and legal advice sought with and within
South Yorkshire Police
Yorkshire Ambulance Service
Rotherham Doncaster and South Humber NHS Foundation Trust
Rotherham Metropolitan Borough Council

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