

Approved medical practitioner (AMP) (see note 1) carries out a medical examination and recommends hospital admission.

Patient Refuses Admission

Patient Agrees to Admission

Consider the following grounds for detention:

1. You consider it likely that conditions (a) to (e) are met:
 - (a) the person has a mental disorder (see note 2);
 - (b) because of that mental disorder, the person's ability to make decisions about the provision of medical treatment for that mental disorder is significantly impaired;
 - (c) it is necessary to detain the patient in hospital for the purpose of determining what medical treatment requires to be provided to the patient or of giving medical treatment to the patient;
 - (d) if the patient were not detained in hospital, there would be a significant risk to the health, safety or welfare of the patient or to the safety of any other person if s/he were not detained in hospital;
 - (e) the granting of a short-term detention certificate is necessary.
- AND
2. Immediately before the medical examination, the patient was not detained in hospital by way of certain provisions of the Act (see note 3).
- AND
3. There was no conflict of interest in relation to the medical examination (see note 4).

AND

2. Immediately before the medical examination, the patient was not detained in hospital by way of certain provisions of the Act (see note 3).

AND

3. There was no conflict of interest in relation to the medical examination (see note 4).

Patient subsequently decides to leave.

Continue hospital treatment.

AMP available to examine patient.

Non-AMP available to examine patient.

No medical practitioner available.

Consider whether criteria for an emergency detention certificate are met.

Consider whether criteria for a short-term detention certificate are met.

Consider using nurse's holding power under section 299.

All the above detention criteria are met.

All the detention criteria above are not met: a short-term detention certificate may not be granted.

You must consult a mental health officer (MHO) and obtain their consent to the granting of the certificate. If that consent is not given, you may not grant the short-term detention certificate. See note 5.

You must, where practicable, consult the patient's named person before granting the certificate and must have regard to the named person (see notes 6 and 7).

NEXT STEPS:

1. Inform patient of decision to grant the certificate.
2. Complete and sign the emergency detention certificate within prescribed timescales (see notes 7, 8 and 9).
3. Ensure that arrangements are in place for the patient's transfer to hospital where this is required.
4. Ensure that the detention certificate is passed to the relevant hospital managers (see note 10).

Throughout the process of granting an emergency detention certificate, you are bound to have regard to the principles of the legislation as laid out in sections 1 to 3 of the Act.

Mental Health Scotland Act Guide

Didier Musso



Mental Health Scotland Act Guide:

The New Mental Health Act, 2005-01-01 This is a simple guide to the Mental Health Care and Treatment Scotland Act 2003 The new law affects people with learning disabilities and people with mental health problems **In the Act** Scottish Association for Mental Health, 1984 **Social Work and Mental Health in Scotland** Steve Hothersall, Mike Maas-Lowit, Malcolm Golightley, 2008-04-09 Since the inception of the Scottish Parliament in 1999 mental health law policy practice and ethos have changed dramatically in Scotland This book provides a thorough grounding in the key issues in mental health and presents a clear picture of the current Scottish mental health scene By highlighting the skills and values that are necessary for contemporary practice it helps students to develop their knowledge and understanding to enable them to deliver an appropriate and responsive service for people facing mental health challenges Routledge Handbook of Mental Health Law Brendan D. Kelly, Mary Donnelly, 2023-10-12 Mental health law is a rapidly evolving area of practice and research with growing global dimensions This work reflects the increasing importance of this field critically discussing key issues of controversy and debate and providing up to date analysis of cutting edge developments in Africa Asia Europe the Americas and Australia This is a timely moment for this book to appear The United Nations Convention on the Rights of Persons with Disabilities 2006 sought to transform the landscape in which mental health law is developed and implemented This Convention along with other developments has to varying degrees informed sweeping legislative reforms in many countries around the world These and other developments are discussed here Contributors come from a wide range of countries and a variety of academic backgrounds including ethics law philosophy psychiatry and psychology Some contributions are also informed by lived experience whether in person or as family members The result is a rich polyphonic and sometimes discordant account of what mental health law is and what it might be The Handbook is aimed at mental health scholars and practitioners as well as students of law human rights disability studies and psychiatry and campaigners and law and policy makers Chapters 1 21 and 36 of this book are freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license and Chapter 35 is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution CC BY 4 0 license *Psychiatric and Mental Health Nursing in the UK* Katie Evans, Debra Nizette, Anthony O'Brien, Catherine Johnson, 2019-06-28 Psychiatric and Mental Health Nursing in the UK is an adaptation of Australia and New Zealand's foremost mental health nursing text and is an essential resource for both mental health nursing students and qualified nurses Thoroughly revised and updated to reflect current research and the UK guidelines as well as the changing attitudes about mental health mental health services and mental health nursing in UK Set within a recovery and patient framework this text provides vital information for approaching the most familiar disorders mental health nurses and students will see in clinical practice along with helpful suggestions about what the mental health nurse can say and do to interact

effectively with patients and their families Gives readers a thorough grounding in the theory of mental health nursing Case studies throughout the text allow readers to understand the application of theory in every day practice Includes critical thinking challenges and ethical dilemmas to encourage the reader to think about and explore complex issues Exercises for class engagement complement learning and development in the classroom environment

Access to the Environment: Appendices. Domestic and international examples of legislation, guidelines, standards and criteria, bibliography, listing of people and organizations contacted, locations of barrier free sites and glossary of terms American Society of Landscape Architects Foundation,1977 *Community Care Practice and the Law* Michael Mandelstam,2005 This third edition of *Community Care Practice and the Law* has been substantially rewritten and restructured to reflect the rapid legal and policy changes affecting the community care field It provides comprehensive and jargon free explanations of both community care legislation and other areas of the law directly relevant to practitioners Topics covered include assessment and eligibility criteria fair access to care and waiting times placing people in care homes non residential domiciliary and home care services carers assessments and services home adaptations and disabled facilities grants direct payments continuing health care and health services generally including community equipment services joint working between local authorities and the NHS single assessment process intermediate care decision making capacity and incapacity information sharing adult protection human rights and disability discrimination health and safety at work legislation including manual handling people subject to immigration control including asylum seekers care standards Numerous examples of legal cases and ombudsman investigations clearly illustrate the practical impact of legislation on community care A separate chapter provides an at a glance view of the whole range of legislation underpinning the everyday work of practitioners The author also identifies the underlying mechanisms tensions and problems affecting community care law and practice Primarily covering England in detail much of the legal case law covered and the legal principles involved are of general relevance across the United Kingdom and where material is not directly applicable to Wales Scotland and Northern Ireland short summaries offer general pointers for the position in these three countries This book is an essential guide for practitioners and managers in both the statutory and voluntary sectors policy makers in local and central government advocates lawyers and social work students

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