

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

Guillaume Favre



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 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

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