

A guide to your assessment under the Mental Health Act 1983 and what happens next

Adult's Services

Introduction

The Mental Health Act 1983 (the act) makes sure you get the right care and support if you have a mental health crisis and services in the community can no longer help you keep safe and well.

This information is for people who have had an assessment under the act and who:

- will be admitted to a hospital and will be staying there voluntarily;
- will not be admitted to a hospital and will be referred for services in the community; or
- can decide what they want to do for themselves and do not need further specialist help.

There is also information in this leaflet about what help is available for your family and friend carers.

If you are detained under the act following an assessment, the approved mental health professional (AMHP) should give you a copy of a separate guide to your rights under the act, including your right to appeal. See '[Why might I be assessed under the act?](#)' for information about AMHPs.

Guiding principles

There are five principles which professionals must always consider when making decisions relating to care, support or treatment. These principles apply at the assessment stage and once you have been admitted to hospital (if this applies).

Principle 1: Least restrictive option

Anyone who is assessed and cared for under the act must not be restricted unnecessarily, and the outcome must be provided in the least restrictive way. When professionals are making decisions on a person's behalf, they must also assess whether there is any need to act at all.

Principle 2: Individuals being supported to make their own decisions – empowerment and involvement

Anyone who is assessed and cared for under the act must be given practical support to make decisions for themselves.

Principle 3: Treated with respect

Anyone who is assessed and cared for under the act, and their family members and carers who are consulted for information, should be treated with respect and dignity and their views listened to by professionals.

Principle 4: Purpose and effectiveness

Any decision about care and treatment under the act must be specific to the person's personal circumstances, have clear therapeutic benefit to them, promote their recovery, and be based on best-practice guidelines.

Principle 5: High quality

Health and social care organisations should work together to make sure that the services they provide are of high quality and will help the person leave hospital safely and with appropriate support in place.

Why might I be assessed under the act?

If you have been assessed under the act, this is because:

- you have been showing signs of mental distress and your mental health is in crisis;
- your health has been at risk;
- your safety, or the safety of others, has been at risk; and
- you need support to get better and be safe.

If you agree to be in hospital and you want to work with the people there to improve your mental health, you should not be detained under the act but should be admitted as a voluntary patient.

If you do not agree to be in hospital and the assessment team feel that this is necessary, you will be detained under the act.

Who decides on the next steps?

You will be assessed under the act by:

- an AMHP
- a doctor with specialist expertise in assessing mental health difficulties and
- a doctor who knows you well or, if this is not possible, another doctor with specialist expertise in assessing mental health difficulties.

You would usually be assessed by all three people at the same time.

Local authorities approve people to work as AMHPs. They are not doctors. Most AMHPs are social workers, but they could be a mental health nurse, an occupational therapist or a psychologist. To find out more, ask the AMHP for a copy of the information leaflet on the [What is the Approved Mental Health Professional service page](#). You can also get a copy by visiting [the Adults' social care publications page](#) on the West Sussex County Council website or [contacting our Adults' CarePoint](#).

All the people assessing you under the act have a legal duty to ask for your views on what has been happening and what needs to happen next. They will want to find out your past and present wishes, feelings, beliefs and values.

The people who are assessing you will always try to be sensitive to your cultural background, faith, sexuality and gender identity, and they will use language appropriately. They must not make assumptions based on your age, appearance, disability or behaviour. They will provide a professional translator, including for British Sign Language, if you need one.

The views of others who have an interest in your care and support will be taken into account. If you agree, this could include your relatives or friends. If you have been assessed before, the record of that assessment may also be considered.

The AMHP must decide whether you meet the legal criteria to be detained.

If you are going to be admitted to hospital voluntarily, the team will check that you understand the role and purpose of the stay in hospital and that you agree to go there and receive support.

Nearest relative

'Nearest relative' is a legal term and is not the same as 'next of kin'. Your nearest relative may be someone in your immediate family or a distant relative. It could also be someone who is caring for you but who is not actually related to you.

Your 'next of kin' has no legal status and cannot make decisions on your behalf unless they are also your nearest relative.

The AMHP must follow the guidance set out in the act to identify your nearest relative and work with them.

If you do not have a nearest relative and would like someone such as a friend to take on this role, the AMHP will explain what you need to do.

The nearest relative has the right to:

- get information about the assessment under the act;
- be involved in your care and treatment (as long as you agree to this); and
- get information about plans for your discharge from hospital (as long as you agree to this).

The nearest relative has extra rights if you are detained in hospital under the act.

Will the police be involved?

The police are not usually involved unless the assessment has taken place at a police station, or a court has issued a warrant to gain entry to your home. In some cases, the police may be called to support the people carrying out an assessment, to prevent violence or public disturbance.

If I go to hospital, who is responsible?

The NHS is responsible for finding a hospital that is best able to care for you, but this may not be close to where you live. Sussex Partnership NHS Foundation Trust provides most of the mental health hospitals in West Sussex.

If there is a delay before a hospital is found, you should be given extra support at home to keep you safe from harm. This might include being provided with some medication on a temporary basis.

You may be taken to hospital in an ambulance. Or you may be able to go in a taxi or be taken there by your carers, family or friends. The important thing is that you have decided you want to be in hospital, so you should go there in the way that best suits you.

When you arrive, the hospital staff will introduce you to the facilities and show you to your room. Mental health hospitals have single en-suite rooms and shared dining and

leisure facilities. There may be a gym, quiet lounge or enclosed garden that you can use.

You will be told how your care and treatment will be arranged, and whether there are any restrictions that you need to be aware of.

The arrangements for people visiting you in hospital will also be explained.

If I go to hospital, how long will I stay?

If you are admitted as a voluntary patient, you will need to speak to the medical and nursing staff about what you want to achieve from your stay in hospital and work out a plan together.

The main priority is to help you get better and support you to leave hospital when the time is right and it is safe for you to do so. Your carers, family and friends will be involved if you would like them to be included.

You could be referred to mental health services in your local community. If you are already in contact with any of those services, they should get in touch with you before you leave hospital. Other services may need to be put in place and should be arranged before you leave hospital.

If I don't go to hospital, what will happen instead?

If you are not going to be admitted to hospital, the assessment team will discuss with you what can be done instead. They will want to discuss what you are going to do to keep yourself safe and well, and whether you need any particular support to do this.

You may already be in contact with local mental health services, and these should continue to support you. If you need help to access other community services you should ask the AMHP for advice.

You may want to make an appointment with your GP to discuss follow-up support, including any medication or talking therapies that could help you.

How can I make a complaint?

If you are in hospital and want to make a complaint about your care, you should contact the patient advice and liaison service there. Staff on the ward will be able to give you the details you need.

[The Care Quality Commission \(CQC\)](#) makes sure that mental health law is used properly. If you are not happy with how duties or powers under the act have been carried out, you can complain to the CQC, and it will investigate.

Phone: 03000 616161 (Press 1 to speak to the mental health team.)

Email: enquiries@cqc.org.uk.

If you want to make a complaint about the AMHP who carried out your assessment under the act, you should contact our Customer Relations Team (see 'Contact us' for details).

Contact us

Adults' CarePoint

Phone: 01243 642121

Call using Relay UK: 18001 01243 642121 (from a textphone or the NGT Lite app, which you can download onto a computer, tablet or smartphone)

Email: socialcare@westsussex.gov.uk

Website: [the Social care and health page](#) of the West Sussex County Council website.

Post: Director of Adult Social Services, West Sussex County Council, Second Floor, The Grange, County Hall, Chichester, West Sussex, PO19 1RG.

Customer Relations Team

The quickest and easiest way to send us a comment, compliment or complaint is through [the West Sussex County Council website](#).

Phone: 01243 777100 (Please help us to keep this phone line for people who cannot use the internet without help, or who want general advice about the complaints process.)

If you need an interpreter to help you make a complaint, please call 01243 777100 and ask to use the telephone interpreting service.

Call using Relay UK: 18001 01243 777100 (from a textphone or the NGT Lite app, which you can download onto a computer, tablet or smartphone)

If you cannot contact us online or by phone, please write to: Customer Relations Team, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ.

Mental health support contacts and resources

- If you are experiencing a mental health crisis, you can phone [the Samaritans](#) free of charge, at any time, on 116 123.
- If you need help in an emergency, phone 999 or go to your nearest hospital urgent treatment centre or A&E. There are mental health liaison teams in all emergency departments in West Sussex.

- [Togetherall](#) is an online space where you can talk safely and without giving your name. Trained professionals are available 24 hours a day, seven days a week.
- You can download the free [Hub of Hope](#) app on your smartphone. Enter your postcode on the app for details of all available mental health support services in your local area.
- A trained and experienced **Sussex Mental Healthline** team is on hand and ready to listen and offer urgent mental health support, 24 hours a day, seven days a week. Phone: 0800 0309 500.
- Sussex Partnership NHS Foundation Trust provides all the specialist NHS mental health services in West Sussex.

Current versions of all our public information guides are available on the [Adults' social care publications page](#) of the West Sussex County Council website.

Other formats

If you would like more copies of this booklet or need this information in another format, for example, in large print or Easy Read, on audio CD or in a different language, please [contact us](#).