



## NDTi Mental Health Act Handout for CTR Experts

### Introduction

The Mental Health Act (1983 revised 2007) is the law that says how people can be assessed and treated for mental health disorders if they do not give their consent to go in to hospital.

Mental health disorders under this law can include a person who has a learning disability, autism or both but only when they also show either abnormally aggressive and/or seriously irresponsible behaviour.

There is a Mental Health Act Code of Practice which tells people how to use the law. This can be found here: <https://www.gov.uk/government/publications/code-of-practice-mental-health-act-1983>

An easy read version of the Code of Practice can be found here: <https://www.2gether.nhs.uk/wp-content/uploads/Code-of-Practice-Easy-Read.pdf>

### There are five overarching principles to the Code of Practice:

1. Least restrictive option and maximising independence
2. Empowerment and involvement
3. Respect and dignity
4. Purpose and effectiveness
5. Efficiency and equity

### Common Sections you will hear about

Section 2	This is for admission to hospital for assessment.
Section 3	This is for admission to hospital for treatment.
Section 17	This is so that a person on a section can have leave the hospital to go out.
Section 37	This is when a court sends someone to hospital for treatment.
Section 41	This is a Restriction Order and the Ministry of Justice will be involved.
Section 117	This gives someone who has been detained in hospital for retreatment the right to receive care after they leave hospital.
Section 132	This sets out how hospitals should let people know about the rights they have when they are on a section.

There is also a section called a **Community Treatment Order**. This means that some people can have their mental health care in the community. They are often referred to as a CTO. A CTO will set out some rules that people will need to agree to for their treatment to be in the community. A rule could be about attending hospital appointments or living in a particular place. If someone doesn't follow their rules then they can be sent back to hospital.

### Independent Mental Health Act Advocates (IMHA)

An IMHA is a specially trained advocate. Any person who is detained under the mental health act in hospital or on a Community Treatment Order has a legal right to an IMHA to support them to understand what the law says and what rights they have under the law.