

An Audit of the use of Section 5 (2) of the Mental Health Act in the Royal Derby Hospital

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Introduction

Section 5(2) of the Mental Health Act 1983 (MHA 1983) authorises the detention of service users with mental health problems for up to seventy-two hours. This can only be used where the doctor in charge of the informal inpatient's treatment or nominated deputy concludes that an application for admission under Section 2 or Section 3 of the MHA 1983 is appropriate.

Form H1 is the official document that has to be completed at the time of MHA 1983 Section 5(2) application for detention of a service user.

Most junior or medical doctors are not MHA 1983 Section 12 approved and so the application of MHA 1983 Section 5(2) can be very daunting. Although the junior doctors will have some understanding of this holding power from their medical degree or psychiatry rotations, the practical problems related to this are only evident when it has to be applied in practice by any clinician.

Audit Criteria Standard

I used the Royal Derby Hospitals policy on use of section 5 (2) holding power and also the Mental Health Act 1983 Code of practice by the departments of health to set audit criteria and standards.

The following information should be completed on the H1 form accurately:

Hospital Details (name and address)
Written their own name (doctor)
Correctly deleted phrases (a) or (b) on the form
Correctly completed the patients Name
Reason for holding power explained
The form should then be Signed, dated & Timed by doctor completing paperwork
They should also delete the phrase detailing how it will be furnished/delivered

The form should then be Signed, dated & Timed by the accepting nurse on behalf of hospital managers

They should also delete the phrase detailing how it was furnished/delivered to them
100% of the forms should be completed accurately to make this a section legal

Results

A sample of 21 H1 forms were selected from 2019/2020:

- 12 of the forms didn't include the name and address of the hospital. I observed that the address was often missing.
- 16 of the forms didn't clearly specify whom was completing the form by deleting phrase (a) or (b).
- Of the 19 forms that were signed, dated and timed by the completing doctor, 17 didn't specify how it was furnished to the hospital manager by crossing out the appropriate phrase.
- 2 of the forms weren't signed, dated and timed by the doctor completing the form.
- Of the 12 forms that were signed, dated and timed by the receiving nurse, 9 didn't specify how it was received/delivered to them by crossing out the appropriate phrase.
- 9 of the forms weren't signed, dated and timed by the nurse receiving the paperwork on behalf of the hospital manager.

Discussion

There are implications for future training need within the trust to complete this paperwork accurately. There is also a duty of candour to notify the patients in many cases that it is likely their detention using this holding power wasn't legal due to the paperwork not being completed properly. This is something I will discuss with the trust.