

Communique
Chief Civil Psychiatrist
Chief Forensic Psychiatrist

Practice points are designed to supplement information provided in Chief Psychiatrists' Standing Orders and Clinical Guidelines. They will be issued from time to time by the Chief Psychiatrists to assist in clarification of identified operational difficulties concerning the *Mental Health Act 2013*.

Practice Point Two:
INVOLUNTARY PATIENTS – MENTAL HEALTH ACT 2013

The following points are made in order to assist clinicians when dealing with people in circumstances where an application for Assessment Order (AO) has been made:

- Note that an application is required for a Medical Practitioner to be able to make an AO.
- Following application, **any** Medical Practitioner may make an AO provided he/she believes that, amongst other matters, the assessment criteria are met. The assessment criteria are:
 - The person has, or appears to have, a mental illness that requires or is likely to require treatment for the person's health and safety or the safety of other persons, and
 - The person cannot properly be assessed with respect to the mental illness or making of a Treatment Order except under the authority of the AO, and
 - The person lacks decision-making capacity.
- Note that a person who is the subject of an **application** for an AO only is **NOT** an involuntary patient and therefore **CANNOT** be treated, secluded or restrained under the authority of the *Mental Health Act 2013*. Any treatment, seclusion or restraint may only be effected under common law. The reasons for this treatment, seclusion or restraint should be carefully detailed in the clinical notes.
- Once the person has been examined by a Medical Practitioner, and the decision is made to make an AO, ALL treatment should be administered either under the authority of a Treatment Order, an Interim Treatment Order or Urgent Circumstances Treatment. Seclusion and restraint must be used in accordance with the provisions of the *Mental Health Act 2013* (sections 56 and 57). Procedures for this are detailed in the Chief Psychiatrist Standing Orders and Clinical Guidelines.

Questions?

If you have any questions about this Practice Point you can contact the Clinical Director in your area, or the Chief Civil or Chief Forensic Psychiatrist.

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