



GOVERNMENT OF BERMUDA

Ministry of Health



Detained under the Mental Health Act

Mental Health Act 1968, Code of Practice

Fact Sheet 2



The Mental Health Act 1968

Code of Practice

The Code of Practice explains how patients who are detained in hospital should be supported by the mental health services.

This Fact Sheet tells you what it means if you are detained in hospital for assessment or treatment

It is made easy to read for as many people as possible.

This is one of a series of different fact Sheets that describe how different parts of the Code of Practice should be followed.

Cover art is Mo' Betta Blues by Lynwood Richardson, 2019

Key facts:

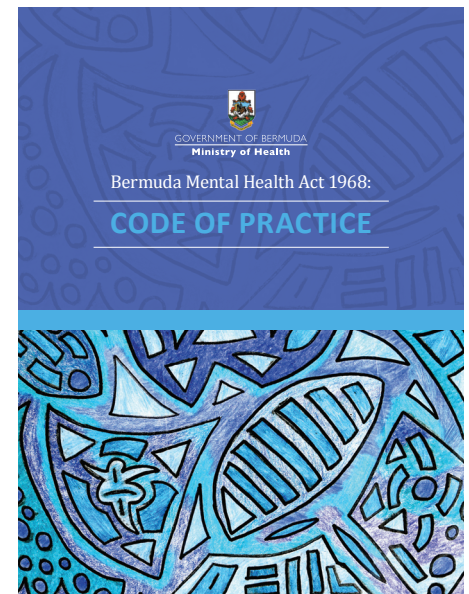
Detention is sometimes called Sectioned

Detention means that you have to stay in hospital

The rules of the Code of Practice must be followed if you are detained and have to stay in hospital

You can be detained in hospital for assessment and/or for treatment when there is a concern for your health and safety, or for the safety of others

Other ways of supporting you in the community should be talked about before detention



What does the Mental Health Act say about detention?

Before you can be detained:

An application must be made for you to be detained

This application must make sure that this is because you really need to be detained for assessment or treatment



Who can detain me?

An application can be made by:

- a Mental Welfare Officer (MWO)
- a family member who is your nearest relative (see *The Nearest Relative* Fact Sheet # 5), or
- a police officer

After assessment, a Psychiatrist will then have to agree that the application for detention is needed

You can be detained in hospital even if you don't want to stay

A nurse will give you a copy of this Fact Sheet

A doctor will explain your Section to you, how long it will last, and how you can appeal against it if you want to



Why am I being detained?

You are being detained in hospital:

Because you are suffering from a mental illness that can only be treated in hospital:

- For your own health or safety
- Or to protect other people



What happens if I have the capacity to consent or to refuse admission?



If you need to be in hospital, and you have the capacity to consent (see *Making decisions about my care* Fact sheet #4), voluntary admission may be considered

But, you may need to be detained if it is likely that you may change your mind about voluntary admission, and become a risk to yourself or others

You will not be threatened with detention to try to coerce you into consenting to admission



What are some alternatives to detention?

Professionals will always try to help you without detaining you. They will consider these questions:

- Can treatment or care be provided in the community (e.g. as an Outpatient)?
- Is voluntary admission appropriate for someone who has the capacity to consent?
- What is in the person's best interests if they lack the capacity to consent?



How will I be assessed to see if I need to be detained?

A Mental Welfare Officer (MWO) will usually make the application for detention. The nearest relative (see *The Nearest Relative* Fact sheet # 5) may also be involved in making the application

Two doctors then have to support the application. One of these will usually be an experienced consultant psychiatrist

The doctors will have personally assessed you to decide if you should be detained



What factors will be considered before I am detained?

Your health or safety:

- Are you at risk of suicide or of harming yourself?
- Will your mental health get worse if it is not treated?
- How big is the risk to you?
- Can you manage your own condition?
- Do you have the capacity to consent, or to refuse admission and treatment?
- Are the benefits of admission likely to be greater than the effects of being detained?
- Are other methods of managing the risk available?



Protection of others:

- What is the risk to others?
- How likely is it that the risk will occur?
- How much harm might happen?
- Can those who provide support manage the risk?
- Are there other ways to manage the risk?



What are the most common sections of the MHA?

Section 13

Emergency admission for assessment, lasting a maximum of 72 hours. This might be extended to a Section 9 if a more detailed assessment is needed

Section 14

If a voluntary patient needs to be detained under the MHA. This lasts for 3 days from the day that the RMO decides that detention is needed

Section 9

Admission to hospital for up to 28 days for assessment and/or treatment

Sect on 10

Admission to hospital for treatment. This can last up to 1 year, but may be extended in the future to a Section 22 or a CTO (see *Community Treatment Order* Fact sheet #3)

Section 7(3A)

If the RMO or another doctor believes that a voluntary patient needs to be detained under the MHA. This can last for 72 hours

Section 7(3B)

If a voluntary patient appears to need to be immediately prevented from leaving hospital, a registered nurse may detain a person for up to 3 hours until a doctor can assess the person further

Who can I talk to about my detention?

If you need to ask questions about your treatment or detention, you can talk to your nurse, a doctor or anyone in your multi-disciplinary team

If you disagree with being detained, you can apply to the Mental Health Review Tribunal (MHRT). See the *Mental Health Review Tribunal* Fact Sheet # 6. Your doctor, nurse or someone else in the multi-disciplinary team can help you to make an application



This Fact Sheet has been developed from the Bermuda Mental Health Act 1968: Code of Practice, chapter 10 “Applications for Detention in Hospital”, pages 34 – 37, and Appendix II “Summary of Mental Health Act Detention Sections”, pages 68 – 69

Do you need more information?

The Mental Health Act and Code of Practice are found at:
<https://www.gov.bm/mental-health>

More Fact Sheets on the Act and Code are found at:
<https://www.gov.bm/mental-health>

If you have questions about the Act or the Code, contact the BHB Mental Health Act Administrator at Mid-Atlantic Wellness Institute:

Telephone: **236 3770**
Email: **MHA@bhb.bm**



If you have a complaint about something to do with the Mental Health Act this should be directed to the unit/ department manager of the relevant service provider.

BHB Complaints: Patient Relations Manager
at 239 1425, or feedback@bhb.bm or

Patient Relations Manager
Quality and Risk Department
Bermuda Hospitals Board
PO Box 1023
Hamilton, Bermuda HMDX



Thank you to the clients and patients at Mid-Atlantic Wellness Institute who have helped in the development of this Fact Sheet.

