

External User Guidance

Annual uses of the Mental Health Act 1983 in English acute hospital trusts

(Organisations who use this Act but are not currently submitting monthly MHSDS data returns)

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1. General Guidance

1.1 Background

The return needs to be completed to cover the period **1 April to 31 March**.

This collection is a cut down version of the old KP90 data return which was submitted by all providers of mental health services; it is reduced to cover only those uses of the Mental Health Act 1983 expected from acute hospital trusts.

The data is used to provide the Department of Health with information about the number of uses made of the Mental Health Act 1983 legislation (except for guardianship cases under sections 7 and 37), as amended by the Mental Health Act 2007, and other legislation. The return provides a source of briefing on the Act and informs policy development in relation to the Act. It also provides input to the process of needs assessment on hospital accommodation requirements.

This document will help you complete the yearly submission by explaining its component parts and the data items expected in each.

We welcome feedback on this guidance.

1.2 Who should read this guidance?

This guidance is intended for any organisation required to securely submit data to the Data Collections Team at NHS Digital via the Strategic Data Collections Service Level One tool (see separate guidance document).

A return is required from every provider organisation registered to take patients detained under The Act

1.3 How will this guidance help me?

This guidance will show you how to:

- Identify each separate Part of the submission
- Count the number of formal admissions to hospital during the year
- Determine the number in changes of legal status during the year
- Record the number of detained patients resident as at 31 March
- Show the counts of patient transfers (on section) in and out of hospital

2. Specific Guidance

Part 1 – Admissions during the year

This part is to record the legal status of patients at the point they are admitted to hospital (though note points on transfers and place of safety orders below).

Points to note: Do not include any Supervised Community Treatments (SCT) or SCT Recalls to hospital in this or any part of the form.

Mental Health Act 2007: categories of mental disorder:

Please note the special guidance on providing the Mental Health Act 2007 mental category for patients formally detained in hospital:

From 3 November 2008 all patients, by default, fall under the overarching category of Mental Disorder (Learning Disability NOT present or not primary reason for using Act) unless, for the purposes of detention for treatment or Guardianship or SCT, they were considered as mentally disordered solely on the grounds of learning disability. Such patients are subject to the particular safeguards for the learning disabled set out at section 1(2A) of the Mental Health Act 2007, which states that the learning disability must be associated with abnormally aggressive or irresponsible conduct.

Other points about Part 1

Include ALL admissions of patients to hospital during the course of the financial year, regardless of whether they have been discharged subsequently. Patients transferred between hospitals/sites/wards/consultants and whose legal status remains the same should not be regarded as an admission for the purposes of this return.

Changes in legal status while in hospital from informal to detained are included in Part 2 and should NOT be counted as admissions.

Although patients brought to hospital under Section 136 of the Act are not technically admissions under the Act, they should nevertheless be recorded on this part of the return in order to obtain a full record of the uses of the Act. However only patients for whom the place of safety was the hospital should be included. Please note that this should include people brought to specific Section 136 (Place of Safety) suites.

Other formal admissions includes Sections 38, 44, and 46 only and admissions under the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991, Section 47 of the National Assistance Act 1948, Sections 1, 2 or 12 of the Children and Young Persons Act 1969, Children Act 1989, and Section 3 of the Powers of Criminal Courts Act 1973.

Note for NHS organisations:

We are expecting figures returned for Section 136 uses in NHS hospital places of safety to be in accordance with those provided by Police Forces and Constabularies. Whilst there is not a one-to-one relationship between boundaries, we would like NHS organisations to be aware of area level figures published by the National Police Chiefs Association for the 2015/16 year. These were published here:

<http://www.npcc.police.uk/documents/S136%20Data%202015%2016.pdf>

Part 2 – Changes

This part collects number of changes in legal status, again during the whole year, while patients are in hospital or at point of discharge, by type of section change. Changes from Section 136 refer ONLY to those patients whose place of detention was initially a hospital. Please note that sections that have lapsed, and discharged patients, should be recorded as a change to informal status:

Do NOT include Supervised Community Treatments (SCT) in this or any part of the form.

For each change of legal status described enter the number of changes during the year.

Part 3 – Detentions at 31 March

This requires the number of detained patients resident at 31 March by MHA 2007 Category. The most recent mental category assigned to the patient should be used. The mental category of patients detained before 3 November 2008 (and who have not subsequently been assigned a MHA 2007 Mental Category at a renewal or change in legal status) should be mapped to the MHA 2007 Mental Categories using the guidance given for part 1.

Part 4 – Transfers in and out

Enter here the number of patients subject to the Mental Health Act (and whose legal status remains the same) transferred in and out 'on section' during the year between hospitals.

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