



MENTAL HEALTH SERVICES POLICY

NURSES HOLDING POWER POLICY USE OF SECTION 5(4)

1. Introduction

This power can only be used to detain patients who have already been informally admitted to hospital.

The power to detain lasts a maximum of 6 hours or until a doctor or Approved Clinician with the power to use Section 5(2) arrives, whichever is the earlier.

Section 5(2) is not renewable

This power can be used whether or not the patient has capacity to consent to their admission to hospital but cannot be used with out-patients

Using the Power in DRH

The Nurse in charge of the Hospital at the time may invoke Section 5(4) of the Act in respect of a patient who is already receiving treatment for mental disorder.

The power may only be used where the nurse considers that:

- The patient is suffering from a mental disorder to a degree that it is necessary for their own health and safety or the protection of others that they are prevented from leaving the hospital and
- It is not practicable to secure the attendance of a doctor or approved clinician who can submit a report under section 5(2)
- It can only be used when the patient is still on the hospitals premises.

The patient may be detained from the moment the nurse completes Form H2. The form must be immediately given to the person in charge of the Hospital at the time and the Chief Executive or Deputy Chief Executive advised.

The nurse should immediately contact the doctor or approved clinician in charge of the patient's care (or nominated deputy) to inform them of the use of S5(4)

Reasons for using the power should be recorded in the patient's medical notes and details of any patients who remain subject to the power at the time of a shift change should be given to staff coming on duty.

If the doctor or approved clinician arrives before the end of the six hours the holding power lapses on their arrival.

If no doctor or approved clinician able to make a report under a Section 5(2) has attended within the six hours, the patient is no longer detained and may leave if not prepared to stay voluntary. If this should happen it should be reported to the Chief Executive or Deputy Chief Executive immediately the time limit expires.

The time at which the patient ceases to be detained under this power should be recorded on the patient's notes together with the reason why the patient is no longer detained and what has happened to the patient.

Information

Patients detained under S5(4) must be provided with information about their position and their rights, as required by Section 132 of the Act.

Treatment

Detaining patients under S5(4) does not confer any power under the Act to treat them without their consent.

Transfer to other hospitals.

It is not possible for a patient under S5(4) to be transferred to another hospital under Section 19 (because they are not detained by virtue of an application made under Part 2 of the Act)

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