

# Assessment or medical treatment for people detained under the Mental Health Act 1983

## Description

This regulated activity relates to the treatment of people who are detained in, or recalled to, hospital for assessment and/or medical treatment under [the Mental Health Act 1983](#). This includes people whose initial detention was under another enactment, but which has taken effect as a Mental Health Act detention.

The activity only applies to the use of the Mental Health Act in **hospitals**, rather than in any other setting.

It includes the use of short-term, emergency holding powers under Section 5 of the Mental Health Act.



Importantly, this means it also applies to hospital services that are not specialist mental health inpatient services, such as acute hospitals, where the Mental Health Act could be used to detain patients for short periods under temporary arrangements.

The regulated activity does **not** apply to:

- locations that are not a hospital (including prison, community or residential treatment settings for substance misuse or community-based mental health services)
- detention under sections 135 or 136 of the Mental Health Act where people are removed to a designated place of safety (usually a hospital but which, under exceptional circumstances, can be a police cell)
- care homes, even if these have residents who are subject to a community treatment order or guardianship under the Mental Health Act or are on leave from detention in hospital under the Act.
- assessment or treatment by a medical practitioner appointed to provide a second opinion. This means that treatment for the purposes of Part 4 of the 1983 Act in giving a certificate under section 57, 58 or 58A of the Act is exempt from registration (we refer to this as treatment or assessment by a Second Opinion Appointed Doctor or SOAD).

## Applying for other regulated activities

If you apply for this regulated activity and you also provide treatment for people who are not detained or not liable to be detained under the Mental Health Act, or informal hospital patients, you may also need to apply for the activity of Treatment of disease, disorder or injury.

You do not need to additionally apply to register for the activities of Personal care or Nursing care if you provide these activities in the delivery of this regulated activity. However, you may need to apply for other regulated activities if you are providing them in separate services.

## Medical treatment in relation to mental health and this regulated activity

Medical treatment, only for this regulated activity, is defined in the Mental Health Act 1983 as including:

- Nursing, psychological intervention and specialist mental health habilitation, rehabilitation and care offered to alleviate, or prevent a worsening of, a mental disorder or one or more of its symptoms or manifestations.

Check if you need to register for Assessment of medical treatment for people detained under the Mental Health Act 1983

## Do you need to register for Assessment or medical treatment for people detained under the Mental Health Act 1983?

