

# GP RESPONSIBILITIES UNDER THE MENTAL HEALTH ACT 1983

## INTRODUCTION

The GPC has issued guidance for GPs on their responsibilities under the Mental Health Act 1983. This makes clear the responsibilities of a GP under their Terms of Service and legally under the Act. This paper should be read alongside the GPC guidance.

## REQUIREMENTS FOR COMPULSORY ADMISSION AND DETENTION

### **Section 2**

Patient must be suspected of having a mental disorder of a nature or degree warranting detention. Admission / detention must be:

in the interests of their own health

OR

in the interests of their own safety

OR

for the protection of others

Can be used for assessing whether the conditions of Section 3 are met.

### **Section 3**

Patient must be suffering from

mental illness

or mental impairment

or severe mental impairment

or psychopathic disorder

Must be of a nature or degree which makes medical treatment in hospital appropriate Treatment must be necessary:

for the health of the patient

OR

for the safety of the patient

OR

for the protection of others

### **Section 4**

As for section 2 or 3 but where the procedure would involve undesirable delay

## PROCEDURE

Application by nearest relative or Approved Social Worker

Written recommendation by **two doctors**

One recommendation by a doctor approved under section 12 of the Act One by a doctor who knows the patient personally (if possible)

-if not it is desirable for the second doctor to be section 12 approved

Examinations can be separate but not more than 5 days apart. Normally two doctors should not work in the same Trust

-but in certain circumstances this can be done

In emergency - **one doctor** can make the recommendation; this enables detention under section 4 of the Act; a section 2 recommendation must be made within 72 hours.

## **RESPONSIBILITIES OF GPs**

### **Terms of service**

Must assess the patient to decide whether needs referral to other NHS facilities.

Must refer if it is appropriate:           \*to psychiatrist for mental health assessment  
  \*to Approved Social Worker (if compulsory admission likely to be needed)

It is good practice for the patient's own GP, if requested, to provide a recommendation within the next 72 hours

### **Mental Health Act**

No responsibilities on GP to carry out assessment

## **GUIDANCE FOR OUT OF HOURS ORGANISATIONS**

1. All requests for medical attention should be assessed in the usual way. This may be carried out by telephone. The Terms of Service requirement for the doctor to put himself in a position to decide on treatment must be fulfilled.
2. Patients should be referred by the assessing doctor to the psychiatrist if specialist assessment is indicated.
3. A referral should also be made to the Approved Social Worker (ASW) if in the opinion of the assessing doctor admission is likely to be necessary and the patient is likely to require compulsory admission and detention.
4. The psychiatrist and ASW should be informed that the assessing doctor does not know the patient personally and will be unable to provide the second recommendation. The ASW should request a recommendation from a section 12 approved doctor. Alternatively they may wish to proceed with a section 4 admission on the basis of one recommendation.
5. The patient's own GP should be informed as soon as is practical; usually the next working day of the practice.

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