



Sheffield Health
and Social Care
NHS Foundation Trust

Policy:

NPCS 013 The Role of the Second Professional Mental Health Act 1983

Executive Director Lead	Executive Director: Nursing, Professions & Care Standards
Guidance Owner	Director of Quality
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Summary of Policy

Guidance in respect of the role of the Second Professional in the renewal of detention under the Mental Health Act 1983

Target audience	Staff involved in the administration of the Mental Health Act and in providing care and treatment under the Mental Health Act 1983
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Keywords	Second Professional; Mental Health Act
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Storage

Version 4 of this policy is stored and available through Corporate Governance. This version supersedes the previous version (V3 March 2016). Any copies of the previous guidance held separately should be destroyed and replaced with this version.

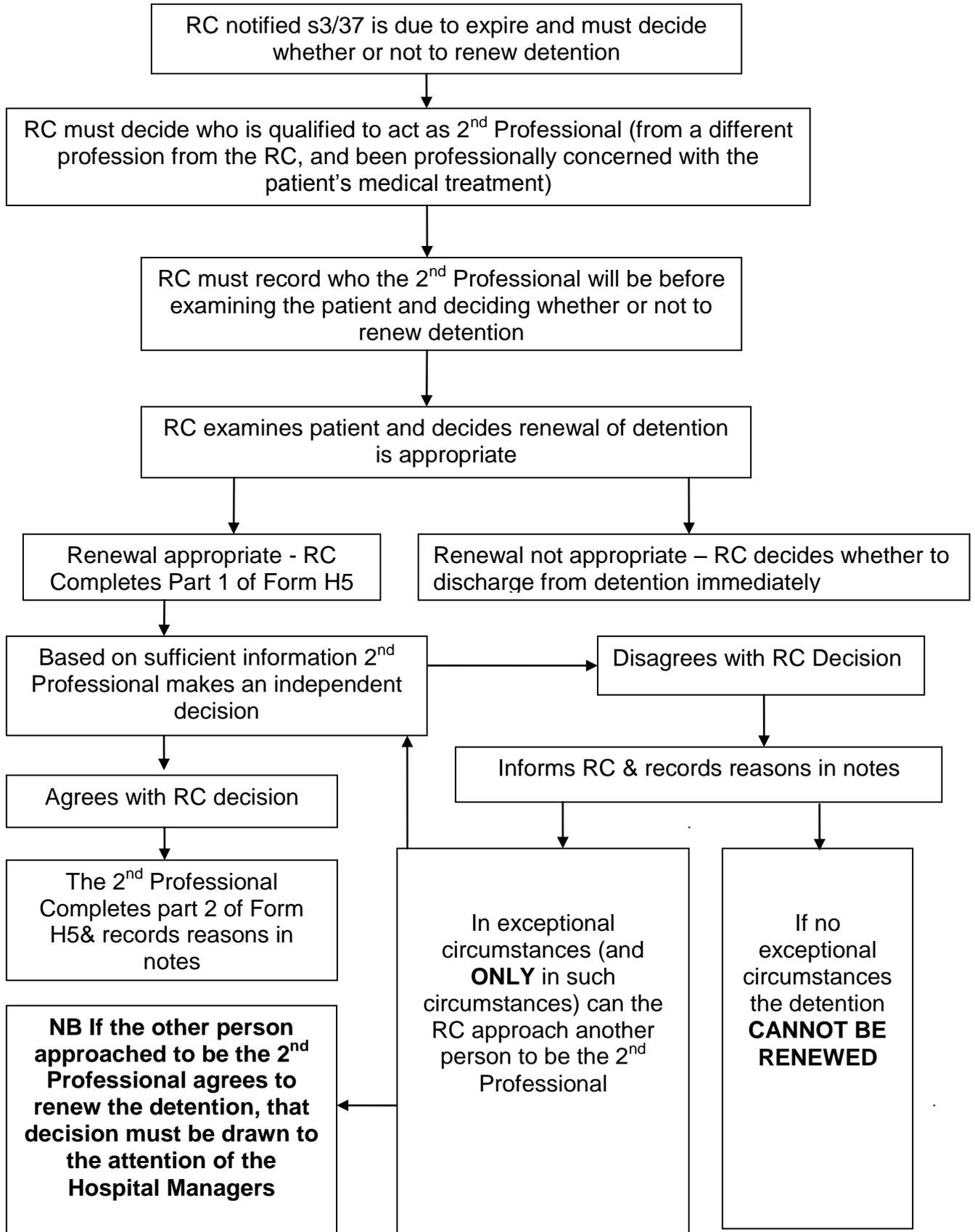
Contents

Section		Page
	Version Control and Amendment Log	3
	Flow Chart	4
1	Introduction	5
2	Scope	5
3	Definitions	5
4	Purpose	5
5	Details of the guidance	5
6	Duties	5
7	Procedure	6
8	Development, consultation and approval	7
9	Audit, monitoring and review	8
10	Implementation plan	8
11	Dissemination, storage and archiving (control)	8
12	Training and other resource implications	9
13	Links to other policies, standards, references, legislation and national guidance	10
14	Contact details	10

Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
1	Draft policy creation	July 2011	Previous guidance in operation updated to policy status.
1.1	Review/Ratification	Aug 2011	Amendments made during consultation, prior to ratification.
2	Review	Jan 2013	Full review following new NHSLA standards being published.
2.1	Review on expiry of policy	Mar 2013	Committee structure updated
3	Updated	March 2016	Changes to references to Revised Code of Practice
4	Scheduled Review	March 2019	No significant changes – job titles updated and flow-chart clarified

Flowchart –



1 Introduction

The Mental Health Act 2007 amended the Mental Health Act 1983 and introduced the new role of the second professional in relation to the renewal of a patient's detention under section 3 or section 37.

2 Scope

This policy applies to all who are involved in the care and treatment of those detained under the Mental Health Act.

3 Purpose

The purpose of this policy is to ensure the Trust is compliant with the MHA by ensuring that the role of second professional is clearly understood by staff and is undertaken by only those staff who are appropriately qualified to do so.

4 Definitions

Mental Health Act

References to the Mental Health Act are to the Mental Health Act 1983 as amended by the Mental Health Act 2007.

Responsible Clinician (RC)

The Clinician with overall responsibility for the care and treatment of a patient detained under the Mental Health Act.

Second Professional

An individual nominated by the RC who is from a different profession from the RC and has been professionally concerned with the patient's treatment.

5 Detail of the Policy

This policy is concerned with statutory duties under the Mental Health Act

6 Duties

The Executive Director for Nursing, Professions and Care Standards has delegated responsibility for ensuring that clinical practice is carried out in accordance with Mental Health Act legislation.

Directors are responsible for ensuring that practices within their service areas are carried out in accordance with MHA legislation.

Ward/Team Managers are responsible for ensuring that staff are aware of the policies that apply to their areas of practice and for monitoring such practices.

Responsible Clinicians are responsible for nominating second professionals who are appropriately qualified and ensuring their practice is in line with MHA legislation.

Second Professionals are responsible for ensuring that they satisfy themselves of their requirements under the MHA.

The Mental Health Act Administration Manager is responsible for monitoring MHA compliance.

All staff implementing the provisions of the Mental Health Act must be aware of their duties and responsibilities under the Act. This guidance seeks to ensure staff are aware of their duties under this new role.

7 Procedure

7.1 Mental Health Act

Where a Responsible Clinician after considering all alternatives is satisfied that the criteria for renewing a patient's detention are met, they must submit a report to the Hospital Managers.

In compliance with Section 20(5) Mental Health Act 1983, before submitting that report, the Responsible Clinician must first consult with one or more other people who have been professionally concerned with the patient's treatment. Although the Responsible Clinician must consider the opinions of this person/s the renewal of detention is not dependent upon their agreement. The name & profession of the person/s consulted must be recorded on the statutory document (form H5).

The amendments to the Mental Health Act 1983 in 2007 introduced the role of the **second professional**.

The involvement of the second professional is intended to act as an additional safeguard and ensure that the renewal is formally agreed by two suitably qualified and competent professionals who are familiar with the patient's case.

These two professionals being from different disciplines will bring a different perspective and each must be able to reach their own decisions independently. When considering renewing a patient's detention the Responsible Clinician must obtain the agreement of the second professional that after having considered all alternatives the criteria for continuing detention are met.

This agreement must be recorded by the second professional on the same statutory document (form H5).

7.2 Second Professional

The Second Professional:

- a) Must not belong to the same profession as the Responsible Clinician.
- b) Could be a nurse, care co-ordinator, social worker or any other member of the multi-disciplinary team.
- c) Must be
 - Appropriately qualified
 - Have at least 18 months post qualifying experience

- Have sufficient knowledge and expertise to decide whether the patient's detention is necessary and lawful.

d) Must be professionally concerned with the patient's treatment and have been actively involved in the planning, management or delivery of that treatment under the current period of detention

e) Should have had sufficient recent contact with the patient to be able to make an informed judgement about the patient's case

7.3 Decision of the Second Professional

Second professionals should satisfy themselves that they have sufficient information upon which to make the decision and the Responsible Clinician should ensure that the second professional is given enough notice to be able to interview or examine the patient if appropriate.

The Responsible Clinician should identify and record who the second professional will be before examining the patient and deciding whether to make a renewal report.

Unless there are exceptional circumstances, the decision of the identified second professional should be accepted, even if the responsible clinician does not agree with it.

If it is decided that the agreement of a different second professional should be sought, that decision should be drawn to the attention of the hospital managers if, as a result, a renewal report is made.

A decision by a second professional not to agree to the renewal does not bring the current period of detention to an end before it would otherwise have expired, however the responsible clinician should consider whether they should immediately discharge the patient from detention.

All discussions and decisions should be recorded in the patients care records.

8 Development, consultation and approval

This guidance was developed by the Mental Health Legislation Committee (MHLC) in line with the requirements of the Mental Health Act 1983 and its Code of Practice (2015). This review has updated job titles and Executive responsibility. It has been reviewed by the MHLC for submission to the Executive Directors' Group for approval.

9 Audit, monitoring and review

Audit & monitoring of this guidance will be through the Mental Health Legislation Committee.

This guidance will be reviewed in February 2022.

10 Implementation plan – none necessary, no significant change

11 Dissemination, storage and archiving (Control)

This guidance replaces the previous version (v3) on SHSC Intranet and Intranet.

The previous policy will be removed from the Trust website by the Policy Governance Team/Communications team.

12 Training and other resource implications

The Trust delivers training on the Mental Health Act on a mandatory basis

13 Links to other policies, standards (associated documents)

Mental Health Act 1983
Mental Health Act Code of Practice
All Mental Health Act policies.

14 Contact details

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