

Mental Health Act 1983 ‘holding powers’ and Advanced Critical Care Practitioners (ACCPs)

The Faculty wish to draw the attention of Fellows, Members and Associates to the following.

Critical care patients in England and Wales may on occasion need to be prevented from leaving hospital pending admission for assessment/treatment under the Mental Health Act 1983. The Act contains ‘holding powers’ which can be used in two ways:

1. The registered medical practitioner or ‘approved clinician’* can make a report in writing to the hospital managers; providing such a report allows for the detention of the patient for up to 72 hours, the expectation being that the patient will then be the subject of a full assessment for admission under the MHA 1983.
2. Where it is sufficiently urgent that it is not practicable for the practitioner/clinician to attend to make the report, a nurse of a prescribed class** can record that fact in writing, which allows for detention for up to 6 hours pending the arrival of the practitioner/clinician.

*An ‘approved clinician’ is defined as a member of the following professional groups:

- registered medical practitioners
- registered practitioner psychologists
- registered first level nurses, whose field of practice is mental health nursing or learning disabilities nursing
- registered occupational therapists, and
- registered social workers

**A ‘nurse of a prescribed class’ is a nurse whose field of practice is mental health nursing or learning disabilities nursing.

It is important to note that qualified and trainee ACCP staff will not usually fall under either of these definitions, and ACCPS should NOT be making use of the ‘holding powers’ in the Mental Health Act 1983.