

MENTAL HEALTH ACT COMMISSION

Room 22 Hepburn House
 Marsham Street
 London SW1P 4HW

Tel: 01 – 211 4946/01 – 211 4337 (Direct)

From the Chairman

To: District Health Authorities)		
Special Health Authorities for the London)		
Postgraduate Teaching Hospitals)	for action	
Boards of Governors)		
Special Hospitals)		
Regional Health Authorities)	for information	
Community Health Councils)		

September 1984

MENTAL HEALTH ACT 1983 – REVIEW OF TREATMENT, SECTION 61

(1) Section 57 of the Mental Health Act 1983 is concerned with certain forms of medical treatment for mental disorder which require the consent of the patient and a second opinion. Section 58 relates to treatment requiring consent or a second opinion. Section 61 provides for reports to be given in relation to treatments given under Section 57 or 58.

(2) This circular is issued by the Mental Health Act Commission acting for the Secretary of State and notifies health authorities of:-

- a. the arrangements for reports to be given by responsible medical officers under Section 61 of the Mental Health Act 1983; and
- b. the new forms to be used for this purpose.

(3) Section 61 provides that where a patient is given treatment in accordance with Section 57(2) or Section 58(3)(b) – ie where a treatment plan has been authorised by a doctor appointed by the Mental Health Act Commission, a report on the treatment and the patient's condition shall be given by the responsible medical officer to the Mental Health Act Commission, acting for the Secretary of State:

- a. on the next and subsequent occasions that the authority for the patient's detention is renewed under Section 20(3);
- b. at any other time if so required by the Commission; and
- c. in the case of patients subject to a restriction order, at the end of the first six months, if treatment began during this period, and subsequently on each occasion that the rmo is statutorily required to report to the Secretary of State.

(4) A report is not required when the treatment has been given after the responsible medical officer has certified on form 38 that the patient is capable of understanding the nature purpose and likely effects of the treatment, and has consented to it.

(5) When a report has been given to the Commission, as required by Section 61, consent to continue treatment as authorised may be assumed to be given unless the Commission gives notice of the withdrawal of consent. If such notice is given a further certificate will be required before treatment may be continued, except for urgent treatment given under the provisions of Section 62.

(6) Reports to the Commission should be Form MHAC/1 (see ANNEX A) and an initial supply is attached. Further copies can be obtained from Commission Regional Offices.

(7) Completed forms should be returned to the appropriate regional office of the Commission. Addresses and telephone numbers are at ANNEX B. Any queries on the provisions of Part IV of the Act should also be referred to the same address.

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From the Chairman

ACTION

(8) District Health Authorities are asked:-

- a. to draw this circular to the attention of all hospitals in their districts which may contain patients detained under the provisions of the Mental Health Act (including private mental nursing homes registered with their authority under the Nursing Homes Act 1975) and to provide supplies of the forms to such hospitals or advise them as to the availability of the forms.
- b. to draw this circular to the attention of all staff who need to know about the provisions of the Mental Health Act 1983.
- c. To introduce monitoring arrangements to ensure that reports are in future submitted to the MHAC as required in para (3) above.



Viscount Colville of CULROSS
CHAIRMAN

**MENTAL HEALTH ACT, 1983
REVIEW OF TREATMENT (SECTION 61)**

This form is to be completed by the responsible medical officer and forwarded to the appropriate regional office of the Mental Health Act Commission.

(name of hospital or mental nursing home in which patient is liable to be detained)

I examined

(name of patient)

*(date of examination)
(date of admittance)*

on

who was admitted to hospital on

(date of certificate)

and on whom a certificate was given on

by a registered medical practitioner

appointed for the purpose by the Secretary of State, authorising:-

(describe treatment or plan of treatment authorised)

(describe, stating, eg. number of ECT given and present treatment, including dosage of drugs etc)

The following treatment has been given:-

Progress made:-

(Delete what does not apply)

It is/is not intended to continue treatment as authorised.

The following changes are proposed in the plan of treatment:-

Signed Date

ADDRESS OF MENTAL HEALTH ACT COMMISSION OFFICES

(E. Anglia, N. W. Thames, N. E. Thames, S. E. Thames, S. W. Thames, Wessex, Oxford, S. Western RHAs and S. Wales including E. Dwyfed.)

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* Ansaphone facilities are available on these numbers