Rethink Mental Illness.

FACTSHEET

Section 135

Being taken to a place of safety from a private place

This factsheet looks at section 135 of the Mental Health Act. It looks at the professionals you might come across in hospital, when and how they use this section. It explains what your rights are during this section and what could happen afterwards.

KEY POINTS

- The Mental Health Act is the law which professionals use. They can use section 135 to take you to a place of safety for a mental health assessment. This is known as being 'sectioned'.
- Mental health professionals can ask for a judge to let them come in your home. Once in they can bring you to a place of safety. They can only do this if they think you have a mental illness and need care.
- Section 135 lets the police come into your home.
- The police can come in to your home even if you don't want them to.
- A place of safety can be a hospital or a police station. The police can move you from one place to another.
- Doctors can keep you on this section for up to 72 hours.
- During this time, mental health professionals may do a Mental Health Act assessment with you. This will see if you need to be in hospital because of your mental health.
- After your assessment you may leave hospital or you may stay under a section of the Mental Health Act.
- You have rights under this section. You can get legal advice, ask the police or hospital to tell someone where you are and get mental health treatment.

This factsheet covers:

1. What professionals might I come across?
2. When do professionals use this section?
3. How do professionals use this section?
4. How long will I be on this section?
5. What are my rights?
6. Can doctors treat me if I don't want it?
7. What might happen after this section?

1. What professionals might I come across?

There are different professionals that might be involved in your care while you are in hospital under the Mental Health Act. We talk about some of these professionals in this factsheet.

Approved Clinician (AC): an AC is a mental health professional who is allowed to use the Mental Health Act. A doctor, psychologist, nurse, occupational therapist and social worker can be ACs. They are trained to assess you for mental illness.

Approved Mental Health Professional (AMHP): an AMHP is a mental health professional who is trained to use the Mental Health Act. This can be a psychologist, nurse, social worker or occupational therapist. They be involved in bringing you to hospital under a section of the Mental Health Act.

Police: The police should come to your house with an AMHP if they have a S135(1). They can get into your property even if you don't want them to. They can come alone if a judge says they can use a S135(2). If they are using a S135(2) they should bring someone from the hospital or mental health team if they can. They should take you to a place of safety. They should try and do this in an ambulance but it can be in a police vehicle.

Custody Sergeant: you might come across this person if the police bring you to a police station as a place of safety. They are responsible for the safety of everyone at the police station. They will make sure you understand why you are there and what your rights are.

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2. When do professionals use this section?

The AMHP can use section 135(1) when:

- you are in a private place (such as your home),
- you are not able to care for yourself, or
- if you are living with someone and it is thought you are not being taken care of properly.

They can use section 135(2) when:

- you are in a private place, and
- you were in hospital but have left without permission.

When they use S135(2) they may bring you back to hospital.

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3. How do professionals use this section?

Someone needs to feel that you need a mental health professional to assess you. A friend or relative may tell an Approved Mental Health Professional (AMHP) they are concerned about you. The AMHP can go to the magistrates' court and get a warrant. This gives the police permission to come into your property if they need to.

Under section 135(1) the police come with professionals who take you somewhere for an assessment or to hospital. The AMHP should be in charge of the assessment. They will tell the police what they need them to do, such as force your door open. A doctor should come with them.

Under section 135(2) the police can come to your property on their own. They should try and bring someone from the local hospital or social services.[1]

The police should try to bring you to hospital or healthcare service. Unfortunately, sometimes there isn't space in a healthcare service. The police may also take you to a police station if you may be a high risk to people in a healthcare setting.[2] If you are taken to the police station, it doesn't mean that you have done anything wrong. The police can arrange for you to be seen by a healthcare professional there.

The police station doesn't have to be the automatic second choice if a healthcare setting isn't available. Other options could be a residential care home or a home of a friend or relative.[3]

The police can move you from one place to another, for example, from the police station to a hospital or from a hospital to a police station.

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4. How long will I be on this section?

You can be on this section for up to 72 hours until an Approved Mental Health Professional (AMHP) and/or doctor sees you. If an AMHP thinks you should be sectioned using the Mental Health Act, two doctors need to assess you.

You can find more information about **'Mental Health Act'** at www.rethink.org. Or call 0121 522 7007 and ask for the information to be sent to you.

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5. What are my rights?

If you taken to a hospital, the hospital managers have to make sure you understand what this section means and how the Mental Health Act applies to you. [4]

If the police take you to a police station, your rights are the same as if you were arrested.[5] Remember that you have not done anything wrong and no criminal charges are being brought against you. You can:

- get the police to tell someone where you are and what's happened,
- get free legal advice from a solicitor,
- get medical treatment from an appropriate healthcare professional.

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6. Can doctors treat me if I don't want it?

You cannot be forced to take medication or have any other treatment while under section 135.

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7. What might happen after this section?

After being on section 135, three things could happen. These are:

- The Approved Mental Health Professional (AMHP) and doctors might decide that you need to be in hospital and section you using the Mental Health Act.
- The AMHP might decide that you do not need to be in hospital but that local healthcare services could give you more help. For example, they could refer you to your local Community Mental Health Team (CMHT) or contact your GP.
- The AMHP might decide that you do not have a mental illness or need any treatment. You are free to leave.

You can find more information at www.rethink.org about:

- **Community Mental Health Teams**
- **Mental Health Act**
- **What to expect from your GP**

Or call 0121 522 7007 and ask for the information to be sent to you.

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FURTHER READING

You can find more information at www.rethink.org about:

- Community Mental Health Teams
- Complaints
- Complaints About the Police
- Legal Advice
- Mental Health Act

Or call 0121 522 7007 and ask for the information to be sent to you.

REFERENCES

[1] paragraph 10.6, page 73, Mental Health Act Code of Practice, 2008. TSO.
[2] Paragraphs 10.20 to 10.25, page 77. Mental Health Act Code of Practice. 2008. TSO
[3] point 10.22, page 77. Mental Health Act Code of Practice. 2008. TSO
[4] Paragraph 10.46, page 82. Mental Health Act Code of Practice. 2008. TSO
[5] paragraph 10.47, page 82. Mental Health Act Code of Practice, 2008. TSO

The Mental Health Act 1983. *Section 135.* Available from http://www.legislation.gov.uk/ukpga/1983/20/section/135 (accessed August 2015)

© Rethink Mental Illness 2014
Last updated August 2015
Next update August 2018
Version number 3

This factsheet is available in large print.

Rethink Mental Illness Advice Service

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