



National Health Service in Scotland
Management Executive

St. Andrew's House
Edinburgh EH1 3DG

Dear Colleague

**MENTAL HEALTH (SCOTLAND) ACT 1984 (AS
AMENDED BY THE MENTAL HEALTH (PATIENTS IN
THE COMMUNITY) ACT 1995) - FORMS**

Summary

1. This letter encloses copies of mental health forms. (For action addressees only)
 - Existing forms, for use in connection with the compulsory admission of patients to hospital; their reception into guardianship; the renewal of authority for detention or guardianship; and the certification of consent to treatment, which have been revised in the light of user comment; and
 - new forms required in connection with Community Care Orders introduced by amendments made to the Mental Health (Scotland) Act 1984 by the Mental Health (Patients in the Community) Act 1995 (the enclosures to the Department's letter of 18 March provide guidance on the 1995 Act's new provisions).

Action

2. The Mental Health (Prescribed Forms) (Scotland) Regulations 1996 will prescribe the new and revised forms and they should be used wherever possible from 1 April 1996. Health Boards, NHS Trusts, Social Work Departments and General Practitioners may obtain supplies of any form from -

HMSO
South Gyle Crescent
EDINBURGH
EH12 9EB
Fax: 0131-479 3149

Appendix 1 is the recommended order form, which may be copied for use as required.

Telephone 031-244
Fax 031-244 2683

18 March 1996

Addressees

For action:

General Managers, Health Boards
General Manager, State Hospital
Board for Scotland
Chief Executives, NHS Trusts
Chief Executives, Unitary Councils

For information:

General Manager, Common Services
Agency
Directors of Social Work
Sheriff Principal
Regional Sheriff Clerks
Secretary, Mental Welfare
Commission
Director, Scottish Health Advisory
Service
Director, SCPMDE
Appropriate Professional and
Voluntary Bodies

Enquiries to:

Mrs Rosemary Toal
Department of Health
Public Health Policy Unit
Room 29E
St Andrew's House
EDINBURGH EH1 3DG

Tel: 0131-244 2546
Fax: 0131-244 2846

**MENTAL HEALTH (SCOTLAND) ACT 1984
REQUEST TO HMSO FOR FORMS USED UNDER THE ACT**

To

Address to which forms should be sent

HMSO South Gyle Crescent EDINBURGH EH12 9EB Fax Number: 0131-479 3149	Telephone:
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FORM	NUMBER REQUIRED	FORM	NUMBER REQUIRED
1	<u>355-2130</u>	A1	<u>355-2147</u>
		A2	<u>355-2170</u>
2	<u>355-2131</u>	B1	<u>355-2148</u>
3	<u>355-2132</u>	B2	<u>355-2171</u>
4	<u>355-2133</u>	C	<u>355-2149</u>
5	<u>355-2134</u>	D	<u>355-2166</u>
6	<u>355-2135</u>	E	<u>355-2150</u>
7	<u>355-2136</u>	F1	<u>355-2151</u>
8	<u>355-2137</u>	F2	<u>355-2152</u>
9	<u>355-2138</u>	G	<u>355-2153</u>
10	<u>355-2139</u>	H	<u>355-2154</u>
11	<u>355-2140</u>	J	<u>355-2155</u>
12	<u>355-2141</u>	K	<u>355-2156</u>
13	<u>355-2142</u>	L	<u>355-2157</u>
14	<u>355-2143</u>	M	<u>355-2158</u>
15	<u>355-2144</u>	N	<u>355-2159</u>
16	<u>355-2145</u>	O	<u>355-2160</u>
17	<u>355-2146</u>	P	<u>355-2161</u>
CC01	<u>355-2167</u>	R	<u>355-2162</u>
CC02	<u>355-2214</u>	S	<u>355-2163</u>
CC03	<u>355-2215</u>	T	<u>355-2164</u>
CC04	<u>355-2216</u>	U	<u>355-2165</u>
CC05	<u>355-2217</u>	V	<u>355-2172</u>
CC06	<u>355-2218</u>	W	<u>355-2173</u>
CC07	<u>355-2219</u>		
CC08	<u>355-2220</u>		
CC09	<u>355-2221</u>		
CC010	<u>355-2222</u>		

SIGNED

DATE

**MENTAL HEALTH (SCOTLAND) ACT 1984
LIST OF PRESCRIBED AND NON-PRESCRIBED FORMS**

Background

1. This appendix lists all current mental health forms; provides a brief description of the circumstances in which each is to be used; and a reference either to the relevant paragraphs of the Notes on the Act or to the draft Community Care Order guidance contained in the Department's letter of 18 March 1996 in which the procedures are described in more detail.

2. It should be noted that **all** existing mental health forms have been revised to take account of users' comments. In particular, where the name of the patient is required on a form, it is also now necessary to give his or her date of birth. If possible, the new forms should always be used on or after 1 April 1996, and existing forms destroyed.

3. The 1984 Act authorises certain forms to be prescribed in regulations, and, accordingly, the Mental Health (Prescribed Forms) (Scotland) Regulations 1996 will come into operation on 1 April 1996 and prescribe forms 1-27. For convenience, some of those forms have been printed with additional sections for recording admission or reception and the various notifications which must be given to the patient's nearest relative and to any informal carer (if different), the Mental Welfare Commission and others. The additional sections are not part of the prescribed forms, but we strongly recommend their completion in order to ensure that all the requirements of the Act are met.

4. Forms A to W are not prescribed in the Regulations, but the reports, notifications, etc, to which they relate require to be made in accordance with the provisions of the Act, and the use of these forms on the appropriate occasions is also strongly recommended.

5. Supplies of any form may be obtained from -

HMSO
South Gyle Crescent
EDINBURGH
EH12 0PE
Fax: 0131 - 479 3149

Appendix 1 is the recommended order form which may be copied for use as required.

6. Health Boards, NHS Trusts and Social Work Departments are requested to continue the arrangements whereby supplies of forms are ordered and held centrally for distribution to general practitioners, hospital and social work staff.

The Scottish Office Department of Health
Public Health Policy Unit
March 1996

date, the RMO is required, in accordance with the provisions of section 74(9) (as inserted by the 1993 Act), to obtain from another medical practitioner a report (on Form 6) on the patient's condition. The RMO must then furnish to the managers of the hospital and to the Mental Welfare Commission his own report (on Form 5) together with the report first mentioned. (See paragraphs 324 and 325)

Form 7 Report by RMO following admission to hospital of a patient removed to Scotland.

Section 80 of the Mental Health Act 1983 provides for the removal of patients liable to detention or subject to guardianship from England and Wales to Scotland, and section 81 of the 1984 Act makes similar provision for the removal of patients from Northern Ireland to Scotland. Section 88 requires the RMO, within 28 days of the admission or reception of a patient so removed, to furnish to the managers of the hospital or, as the case may be, the local authority concerned, a report in the prescribed form stating the form of mental disorder from which the patient is suffering. (Paragraphs 434 to 436)

Form 8 Certificate of consent and second opinion.

If a patient to whom Part X of the Act applies is to be given a form of treatment specified for the purpose of section 97 of the Act, certificates must first be given in accordance with the provisions of that section by a medical practitioner and two other persons appointed by the Mental Welfare Commission. (Paragraphs 385 to 388)

Form 9 Certificate of consent to treatment.

Form 10 Certificate of second opinion.

If a patient to whom Part X of the Act applies is to be given a form of treatment specified for the purposes of section 98, either his consent must be certified on Form 9 by the RMO or a doctor appointed by the Mental Welfare Commission, or a doctor appointed by the Commission must certify on Form 10 that the treatment should be given without consent. (Paragraphs 389 to 390)

There is a new part in each of these forms. In addition, if the treatment is the administration of medicine which has first been administered more than 3 months previously, the date of that first administration of the medicine is to be given.

GUARDIANSHIP

Form 11 Guardianship application by nearest relative.

Form 12 Guardianship application by MHO.

Either Form 11 or Form 12 must be completed, in accordance with the provisions of sections 37 and 38 of the Act, as the prescribed form of application to a local authority for the reception of a patient into guardianship. (Paragraphs 197 to 210).

medical recommendations must come from a medical practitioner approved by a Health Board under section 20 of the Act. (Paragraphs 31, 32, 34 and 35 of the draft CCO Guidance refer)

**Form 20
(CCO 3)**

After-Care report for a Community Care Order

As required by section 35B(7)(b) of the Act, every application form for a CCO (form CCO 1) must be accompanied by a report from the person who is to be the patient's After-Care Officer. The report (on form CCO 3) must comply with the provisions of section 35B(9). (Paragraphs 33 to 35 of draft CCO Guidance refer)

**Form 21
(CCO 4)**

Renewal of a Community Care Order: Report by Special Medical Officer

If after complying with the requirements of section 35C of the Act, a Special Medical Officer sends a report to the Mental Welfare Commission, the CCO will be renewed for a period not exceeding 6 or 12 months (see section 35C(2)). The report (on form CCO 4) must comply with the requirements of section 35C(5). (Paragraphs 76 to 79 of the draft CCO Guidance refer)

**Form 22
(CCO 5)**

Variation of conditions of a Community Care Order

If after complying with the requirements of section 35D of the Act, the Special Medical Officer wishes to vary the conditions specified in a CCO, a note (on form 22) of the proposed variation must be sent to the people specified in section 35D(3). (Paragraphs 55 to 61 of the draft CCO Guidance refer)

**Form 23
(CCO 6)**

Notification of change of Special Medical Officer

**Form 24
(CCO 7)**

Notification of change of After-Care Officer

Where after complying with the requirements of section 35E a change of Special Medical Officer or After-Care Officer is to take place, the new Officer shall within 7 days of the agreed date intimate the change (using form CCO 6 or CCO 7 as appropriate) to those specified in section 35E(6). (Paragraphs 53 and 54 of draft CCO Guidance refer)

**Form 25
(CCO 8)**

Direction for Community Care Order patient to be detained in hospital for assessment

Where the Special Medical Officer has complied with the requirements of section 35G, he or she can use form CCO 8 to direct a patient to attend a specified hospital and to be admitted and detained there for a period of up to 7 days for assessment or assessment followed by treatment. (Paragraphs 33 to 35 of draft CCO refer)

NON-PRESCRIBED FORMS

Form A1} Emergency recommendation for admission to hospital.
Form A2}

In accordance with section 24 of the Act, if the procedures relating to an application for admission would involve undesirable delay, a patient may be admitted on the strength of an emergency recommendation. It is important that an emergency recommendation should be in the correct terms, and also that the several requirements of the Act in connection with emergency admission should be observed, and it is therefore strongly recommended that Form A1 should be used wherever possible. It follows that doctors who are likely to make emergency recommendations, especially general practitioners, should keep blank forms available for use when necessary.

An emergency recommendation, under section 24 of the Act, may be made in the circumstances permitted by section 25(1), that is for a patient who is already in hospital. It is strongly recommended that Form A2 should be used in these cases.

(See paragraphs 82 to 90 of the Notes on the Act).

Form B1} Short-term detention: Report by approved medical practitioner.
B2}

Section 26 of the Act provides for the continued detention of a patient admitted in pursuance of an emergency recommendation after the expiry of the period of 72 hours for which a patient so admitted may be detained. The authority for such continued detention is a report by an approved medical practitioner. Copies of form B should therefore be available in any hospital to which a patient is likely to be admitted on an emergency recommendation. (See paragraphs 97 to 105).

Section 26A of the Act (as inserted by the Mental Health (Detention)(Scotland) Act 1991) provides for the detention of a patient admitted in pursuance of an emergency recommendation and immediately continued for a period of 28 days under section 26 to be further continued for a period of 3 days (excluding Saturdays, Sundays and Court holidays) from the expiry of the period of 28 days referred to in section 26. (See SOHHD Gen 1992/6)

Forms B1 and B2 should therefore be available in any hospital to which a patient is likely to be admitted on an emergency recommendation.

Form C Record of restraint of informal patient by nurse.

Section 25(2) of the Act empowers a nurse of the prescribed class (ie a nurse registered in Part 3, Part 5, Part 13 or Part 14 of the Professional Register(see SI 1994/1675)) to restrain an informal patient from leaving a hospital in certain circumstances. A nurse who exercises this power is required in accordance with section 25(3) and (4) to make a written record. Form C is designed for this purpose, and copies should accordingly be available at ward level. (Paragraphs 94 to 96 of the Notes on the Act).

notifications to the nearest relative and the Mental Welfare Commission. (Paragraphs 143 to 155).

Form J Notification of termination of detention in hospital.

The Mental Welfare Commission have a number of responsibilities in relation to detained patients, both individually and collectively, including visiting in particular. It is therefore essential that the Commission should be informed when patients cease to be detained, and Form J is designed to convey the requisite information.

Form K Notification of admission to hospital of Part VI patient.

Section 22(2) of the Act, as applied by paragraph 2 of Parts I and II of Schedule 2, requires the managers of a hospital to notify the Mental Welfare Commission and the local authority of the admission of a patient in respect of whom a hospital order has been made, or in respect of whom an order or direction having a like effect has been made. Form K has been designed for the purpose of such notifications. (Paragraph 330)

Form L Notification of reception into guardianship of Part VI patient.

Section 41(1) of the Act, as applied by Paragraph 2 of Part III of Schedule 2, requires the local authority concerned to notify the Mental Welfare Commission of the reception into guardianship of a patient who has been the subject of a guardianship order. Form L has been designed for the purpose of such notifications. (Paragraph 361)

Form M Notification of absence without leave or return of patients subject to guardianship.

Regulations relating to guardianship require the local authority concerned to notify the Mental Welfare Commission of the absence without leave of a patient subject to guardianship from the place where he or she is required to reside, or of his return to that place after such absence. (Paragraph 232).

Form N Transfer of patients between guardians.

Section 45 of the Act provides for the transfer of the guardianship of a patient from one guardian to another. Form N provides for the recording of the required consents and notifications in accordance with the provisions of section 45. (See paragraphs 233 to 241)

Form O Report barring discharge from guardianship by nearest relative.

Section 50(6) of the Act provides that the nearest relative of a patient may order his discharge from guardianship, but section 51 requires the nearest relative to give not less than 14 days' notice of his intention to do so, and provides that the local authority and the RMO may bar the discharge. Form O provides for the