

Mental Health Act (1983) (MHA)

This is the main piece of legislation that covers the assessment, treatment and rights of people with a mental health disorder.

You can read the Mental Health Act [here](#)

Section 13 (4) of the MHA

A patient's nearest relative can make a request that the Local Authority arrange for a Mental Health Act Assessment with the view to making an application for a patient's admission to hospital.

The Approved Mental Health Professional (AMHP) Service must consider a relative's request and provide a response.

However...

This doesn't mean that they will undertake the assessment or make an application for the person to go into hospital. It means they have to "consider the person's case".

If after consideration they decide not to conduct an assessment then they must inform the nearest relative in writing of their reasons not to proceed.

Local support

You can find information about local support and services on following websites:

[Mental health | Shropshire Council](#)

[Home :: Midlands Partnership University NHS Foundation Trust](#)



Who is a Nearest Relative?

Identifying someone's Nearest Relative follows a legal hierarchy established within the [Act](#). In most circumstances identifying the Nearest Relative is simple, but if in doubt contact the Approved Mental Health Professional team for advice.

The Nearest Relative is different from Next of Kin.'

If someone isn't admitted to hospital

Consider calling a multi-disciplinary meeting to assess the risks and make plans to mitigate these for all involved.

A carers assessment for the family member supporting the individual will be necessary to reduce the risk of carer strain.

If someone is detained in hospital

If a family member is detained in hospital then their Nearest Relative will continue to have a role to play. This should be explained to them and they should be supporting in knowing what this role is. A useful Factsheet can be found [here](#).

Ensuring that a carers assessment is conducted in time for discharge will be necessary.

What might they say

Family members may request that their family member be "sectioned".

If this happens the professional can ask if the family want them to make a request for a s13(4) on their behalf (informing the AMHP that that's what they are doing) or they can be advised of how to make a formal request themselves.

Mental Health Act 1983

Section 13 (4)

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