

Research reveals problems in the law on enforced mental health detention

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The current law on involving and informing the relatives or carers of people who are detained against their will on mental health grounds is not working well, according to new research.

A team from the University of Exeter reviewed research about patient,

carer and professional experiences of the "Nearest Relative" provisions in the Mental Health Act. In England, the Nearest Relative is appointed to inform decisions about the detention and care of the person suffering from mental health issues. However, the current rules mean the relative chosen for this [role](#) may not be the most trusted or reliable person that the patient would have chosen.

The nearest relative receives sensitive information about the person being detained and has significant influence on decisions around their care. But in England, Wales and Northern Ireland the person being detained has little say on who is appointed as their Nearest Relative. It is determined by working through a fixed hierarchy, which can lead to relatives being appointed regardless of their aptitude for the role, and despite strained or even abusive relationships. The research has revealed that the law is complex and hard to understand for many people affected by it.

As part of the ongoing Independent Review of the Mental Health Act 1983, the National Institute for Health Research (NIHR) Health Services & Delivery Research programme commissioned the University of Exeter Medical School to conduct a systematic review of evidence about people's experiences of the Nearest Relative provisions, to be published by NIHR this morning (Monday August 20). They were able to build up an understanding of some of the main issues within the current laws applying in different parts of the UK.

Dr. Liz Shaw, lead author of the report and a researcher at the University of Exeter Medical School, said: "Clearly being detained under the Mental Health Act is a really sensitive time in a person's life. It is really important that they receive the best support from someone who they know and trust during this time. This person may or may not be a close relative."

"Our review highlights the importance of good, supportive relationships between the person being detained, the person appointed as their Nearest Relative and the professionals working with them are vital in enabling the Nearest Relative to fulfil their role. People detained in England, Wales and Northern Ireland are unable to choose the person who is appointed to the Nearest Relative role, which many people can find incredibly challenging during a period when they are vulnerable. In contrast, people in Scotland – where the law is different—appear to really value the opportunity to choose the person who represents them. This choice may provide a valuable opportunity to empower people and reduce the issues that inappropriate appointments can create."

The research revealed that the Nearest Relative role can have a significant impact on family and carer relationships. It calls for more current research to understand the situation more fully, and suggests that professionals involved in the care of people with mental illness may need more training to enable relatives or carers deal with the pressure and responsibilities they may face in these important roles.

The report, "Experiences of the 'Nearest Relative' provisions in the compulsory detention of people under the Mental Health Act: rapid systematic review," will be part of the NIHR Journals Library series Health Services and Delivery Research.

More information: www.journalslibrary.nihr.ac.uk/.../ammes/hsdr/164722/#/

Provided by University of Exeter

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