

DOCUMENT APPROVAL FORM (DAF)

This form must be completed and approval attained BEFORE starting to develop, adopt or review your written control document
Forward completed forms to policies.hdd@wales.nhs.uk

Proposed or existing title of document: 596 Section 5(2) Doctors Holding Powers Policy	Type in title
Lead author: Name of lead author Job title of lead author. Email address Sarah Roberts, Mental Health Legislation Manager sarah.roberts@wales.nhs.uk	
'Owning Group' – which group/committee will own and take responsibility for the document to ensure that the development, review, consultation, dissemination, implementation and monitoring is in line with the Health Board's 190 – Written Control Documentation Policy Mental Health Legislation Committee Internal Health Board group	Judith Hardisty
'Approving Group' – which group will approve the document	Mental Health Legislation Committee
Who will be/is the Executive Lead for the document? Andrew Carruthers	Executive Lead

What type of document are you proposing/adopting or reviewing? Policy Reviewing existing document	Type of document definitions link
Which category will the document be? Clinical If this is a corporate document will/does it impact on patient care? No	
What is the reason for developing/adopting or reviewing this document? Replacing/updating existing written control documents	
Clinical only: Is this document about invasive procedures (NATSSIP flowchart)? No Is the document in support of avoiding a 'never event' as defined in WHC/2018/12 ? No Is the Nurse Staffing Levels (Wales) Act 2016 relevant to this document? No	
What will be/is the aim of the document? What risks are being mitigated? The aim of the document is to ensure staff are aware of their responsibilities when considering and assessing patients for detention under the Mental Health Act, namely Section 5(2). The policy provides guidance to staff in relation to legal responsibilities to ensure that statutory requirements under the Act. The risks being mitigated are non-compliance with the Mental Health Act which could ultimately lead to legal challenges and litigation against the health board for unlawful detentions.	
What will be/is the scope of the document? This policy applies to all doctors employed by the Health Board who may be required to perform the functions within the Mental Health Act, namely Section 5(2) to detain an inpatient for a period of up to 72 hours in order for a Mental Health Act assessment to be undertaken. The policy is applicable to all inpatient settings both within the mental health services and general ward settings where a person is receiving inpatient treatment for their physical or mental disorder.	
Which other UHB written control documents will be/are relevant to the document?	

741 – Patients rights procedure mental Health act 626 - Section 5(4) Nurses Holding Power Policy
363 – Hospital Managers Scheme of Delegation Policy 811 – Mental Capacity Act policy
008 – Consent to Examination of Treatment Policy

Patient Information – does this document require patient information? Yes

Is this available on the patient information library? No

If no – a patient information leaflet requires to be developed in line with the [307 Production of Patient and Carer Information Policy](#) (opens in new tab) Patient information is provided by Welsh Government as this is a statutory function under the MHA.

Collaboration with others:

Type 1 – compliance collaboration

Involvement is an essential component of developing, adopting or reviewing the document. Please indicate which of the following need to be considered when developing/reviewing this document

Compliance with legislation/regulation/alerts	Yes
Equality and diversity	MUST be undertaken
Consent	Yes
Deprivation of Liberty Safeguards DOLS	No
Mental Capacity Act MCA	Yes
Mental Health Act MHA	Yes
Safeguarding	No
Data Protection/records management/information governance	Yes
Welsh Language	Yes
Counter Fraud	No
National Safety Standards for Invasive Procedures	No
Alert/NCEPOD	No

Type 2 – interested parties collaboration

Interested parties	Mental Health Medical Staffing Medical Staff Committee MH Scrutiny Group MH Ward Managers Forum General Hospital Staff
NICE/National Guidance	Yes
Patient Information	No
Training/Learning & Development	No
Legal	No
Financial	No
Workforce	No
Medical Devices	No
Maternity	No
Infection Prevention	No
Business Continuity/Emergency Planning	No
Medicines Management	No
Others	1. Independent Mental Health Advocacy Provides 2. WWAMH Reading Group

Further information

Enter any relevant information

Name of person completing DAF: Sarah Roberts, Mental Health Legislation Manager

Date completed: 02/08/2023