

Mental Health Act- S135(1) and S135(2) Flowchart

S135(1) Warrant issued where there is concern about the well-being of a person who is not liable to be detained under the Act

Recalled CTO Patient at private address – no permission for entry, or unlikely entry Or AWOL Person liable for detention or person under in-patient detention known to be in private address – no permission for entry or unlikely entry

Clinical team to try to engage with person over the telephone/through the door, person not engaging and uncompliant – MDT decide S135 (1) or (2) is required.

During working hours

Out of Hours

135 (1) Option 1

AMHP Duty to Complete online request for S135 (1) dependent on service users legal status at (<https://teamup.com/ks6690746618bf280f>) and await phone call from court. Guidance on the process can be found in document which follows 'Mental Health guidance South East Region Search warrants Version 6 08.08.17.'

Staff to ensure they have all relevant documents about person and what reasonable attempts have been made to engage the service user prior to applying for warrant.

135 (1) Option 2

In urgent cases where a web based application is not suitable applications in person to the court can only be made via prior phone call: 01582 524241 AMHP to request for s135(1) by attending nearest court in person. (Luton and South Bedfordshire Magistrates' Court, Hearing Centre, Stuart Street, Luton, LU1 5BL) Court counter open: 10am to 2pm Court building open: Monday to Thursday 9am to 5pm, Friday 9am to 4:30pm

Ensure you take with you: Letter relating to proof of payment/ undertaking to pay form of warrant, Section 135(1) Warrant to obtain warrant, Professional attending must have photographic ID.

Appropriate Person to attend Magistrates Court, swear on oath/affirm and give verbal evidence of why S135 (1) warrant is required, what has been attempted and service users' eligibility.

S.135(1) arrangements

EDT have one process to obtain warrants out of hours. EDT officers will liaise with the on-call manager to notify them of a need to obtain a warrant.

The EDT Officer will contact the out of hours number for the Magistrates Clerk on 020 3334333. The application will be discussed a time for a hearing scheduled.

The EDT Officer will prepare the application, supporting evidence document and undertakings form. All documentation will be e-mailed to the clerk with the e-mail address they provide.

At the time of the scheduled hearing the EDT Officer will use the conference number provided by the Clerk. The hearing will proceed with the EDT Officer being informed of the outcome during the conference hearing.

Should the warrant be granted the Clerk will e-mail a copy to the EDT Officer to progress with execution arrangements.

Should specialist legal advice be required the EDT Officer will liaise with the EDT on-call manager.

135 (2) Option 1

Ward Staff or Community Staff to Complete online request for S135(2) dependent on service users legal status at (<https://teamup.com/ks6690746618bf280f>) and await phone call from court. Guidance on the process can be found in document which follows 'Mental Health guidance South East Region Search warrants Version 6 08.08.17.'

Staff to ensure they have all relevant documents about persons detention status and what reasonable attempts have been made to return the patient from AWOL.

135 (2) Option 2

In urgent cases where a web based application is not suitable applications in person to the court can only be made via prior phone call: 01582 524241 AMHP to request for s135(1) by attending nearest court in person. (Luton and South Bedfordshire Magistrates' Court, Hearing Centre, Stuart Street, Luton, LU1 5BL) Court counter open: 10am to 2pm Court building open: Monday to Thursday 9am to 5pm, Friday 9am to 4:30pm

Ensure you take with you: Evidence of eligibility to detain (Good copy of CTO recall /Section Papers) Letter relating to payment of warrant Section 135(2) Warrant change here as above re: Payment along with monies to obtain warrant, Professional attending must have photographic ID.

Appropriate Person to attend Magistrates Court, swear on oath/affirm and give verbal evidence of why S135(2) warrant is required, what has been attempted and service users' eligibility.

S.135(2) arrangements

EDT have one process to obtain warrants out of hours. EDT officers will liaise with the on-call manager to notify them of a need to obtain a warrant.

The EDT Officer will contact the out of hours number for the Magistrates Clerk on 020 3334333. The application will be discussed a time for a hearing scheduled.

The EDT Officer will prepare the application, supporting evidence document and undertakings form. All documentation will be e-mailed to the clerk with the e-mail address they provide.

At the time of the scheduled hearing the EDT Officer will use the conference number provided by the Clerk. The hearing will proceed with the EDT Officer being informed of the outcome during the conference hearing.

Should the warrant be granted the Clerk will e-mail a copy to the EDT Officer to progress with execution arrangements.

Should specialist legal advice be required the EDT Officer will liaise with the EDT on-call manager.



Having followed the options above the AMHP or staff member need to arrange and co-ordinate the admission to the place of safety or return of the person currently AWOL or admission of the CTO recalled person via the Duty Senior Nurse on **07930 445215**.

The AMHP or staff member will need to email the Police using the requesting police assistance form (appendix a) on force.control@bedfordshire.pnn.police.uk and confirm receipt via 101. Ambulance can only be booked via 01234 716120 once police are on scene, level of response should be requested using agreed Traffic light categorisation (appendix b)



For more information, please refer to Code of Practice, Chapter 16 – Police Powers and places of safety.