



**Mail from Service Users
Detained under the
Mental Health Act 1983 Policy**

Inmind Reference:	OPS33
Category:	Operational Policies
Version Number:	V1.2
Reviewed on:	March 2019
Next review date:	March 2020
Lead Officer:	Operations Director
Equality Impact Assessment completed:	Yes

Applicable Legislation/Regulations:
Essential Standards of Quality and Safety: Outcome 1 – Respecting and Involving people who use the services Outcome 4 – Care and welfare of people who use services
Codes of Practice:
Health & Social Care Act 2008: Regulation 17 – Respecting and Involving Service Users Regulation 9 – care and welfare of service user Mental health Act 1983 Human Rights Act 1998
Purpose:
When required, correspondence will be appropriately managed from, service users detained under the Mental Health Act 1983 and stored in an appropriate place of safety.

Version Control Table		
Date Ratified	Version Number	Status
October 2016	V1.1	Closed
March 2019	V1.2	Pending

Date	Key Revision
March 2019	New policy template – Under review

Please check to ensure this is the most current electronic copy of this document as it is updated and published in electronic format only (hard copies may become out of date).

Equality Impact Assessment for this policy

Protected Characteristic (domain)	Area of conflict	Resolution
Age	Nil	N/A
Disability	Nil	N/A
Gender Reassignment	Nil	N/A
Pregnancy & Maternity	Nil	N/A
Race	Nil	N/A
Religion or Belief	Nil	N/A
Sex	Nil	N/A
Sexual Orientation	Nil	N/A
Marriage and Civil Partnership	Nil	N/A

All relevant persons are required to comply with this policy and must demonstrate sensitivity and competence in relation to diversity in race, faith, age, gender, disability and sexual orientation. If you feel you are disadvantaged by this policy, please contact the Registered Manager and the service will actively respond to the enquiry.

1.0 POLICY STATEMENT

1.1 When required, correspondence will be appropriately managed from, service users detained under the Mental Health Act 1983 and stored in an appropriate place of safety.

2.0 DEFINITION OF SECTION 134

2.1 Under section 134 [1] a postal packet addressed to any person by a service user detained in a hospital under this Act and delivered by the service user for dispatch may be withheld if that person has requested that communications addressed to him/her by the service user should be withheld. The request must be in writing to the Hospital Director [MHA Administrator]

3.0 DEFINITION OF A POSTAL PACKET

3.1 A postal packet includes a letter, postcard, printed packet or parcel.

4.0 CORRESPONDENCE WHERE THE POWERS OF SECTION 134 DO NOT APPLY

4.1 The powers of Section 134 do not apply to correspondence sent by the detained service users to the following persons: -

- 4.1.1 Any government minister or MP
- 4.1.2 Court of Protection
- 4.1.3 Health Service Commissioner
- 4.1.4 Mental Health Review Tribunal
- 4.1.5 Health Authority
- 4.1.6 Mental Health Act Commission (CQC)
- 4.1.7 Hospital Directors/Mangers
- 4.1.8 The service users' legal advisor
- 4.1.9 The European Commission on Human Rights

4.2 The withholding of postal packets from the Post Office addressed to a detained service user applies only to Special Hospitals [Section 134 [1][b]]

5.0 PROCEDURE FOR WITHHOLDING SERVICE USERS' MAIL

- 5.1 If a request has been received in writing it must be sent to the MHA Administrator.
- 5.2 The Responsible Clinician and Clinical Team must be informed.
- 5.3 An entry must be made to this effect in the Clinical notes.
- 5.4 The service user must be informed of the decision.
- 5.5 Any mail sent for dispatch by the service user must be given to the MHA Administrator on behalf of the Hospital Director and will be placed in an appropriate place of safety.
- 5.6 A register will be kept by the Mental Health Act Administrator giving details of;
 - 5.6.1 The fact that the package or item has been withheld.
 - 5.6.2 The date and the grounds on which it was withheld.
 - 5.6.3 The name of the appointed person who withheld it.
 - 5.6.4 The description of the item withheld.
- 5.7 The nominated person to withhold service user mail will be the Mental Health Act Administrator.
- 5.8 The nominated persons appointed to inspect mail will be the Mental Health Act Administrator and Hospital Director.
- 5.9 If a packet has been opened and inspected a notice must be inserted stating;
 - 5.9.1 That the packet has been opened and inspected.
 - 5.9.2 That nothing has been withheld.
 - 5.9.3 The name of the person who opened the packet, the name of the witness and the name of the Hospital.

6.0 Mental Health Act Commission Powers

- 6.1 Under Section 121[7] of the Mental Health Act 1983 the Mental Health act Commission has the power to review any decision to withhold a packet under Section 134 of the Act.

7.0 Mail received by Service users

- 7.1 It is expected that whilst service users remain resident within Waterloo Manor all mail except if it from one of the lists below will be opened in the presence of staff.

- 7.1.1 Any government minister or MP
- 7.1.2 Court of Protection
- 7.1.3 Health Service Commissioner
- 7.1.4 Mental Health Review Tribunal
- 7.1.5 Health Authority
- 7.1.6 Mental Health Act Commission (CQC)
- 7.1.7 Hospital Director/ Managers
- 7.1.8 The service users' legal advisor
- 7.1.9 The European Commission on Human Rights