

COVID-19 Mental Health Position Statement



Civil liberties detention under mental health legislation

Changes were made to mental health legislation in the UK, early in the presentation of the Covid19 epidemic, this was in part because of a recognition that nurses and psychiatrists particularly would be removed from mental health services to meet demand elsewhere. The RCN wishes to highlight the fact that in a significant number of areas across the UK there have been substantial human resources removed from mental health services, and that in these circumstances this will lead to significant disruption of care.

In order to give health and care workers the flexibility needed to continue treating patients,

In England and Wales; the [Coronavirus Act 2020](#)

- Requires fewer health care professionals to undertake certain functions and extends or removes time limits relating to the detention and transfer of patients. Including:
- Period for which a patient can be detained following report by a medical practitioner increased from 72 to 120 hours
- Period for which a patient can be detained pending report by a registered clinician or practitioner increased from 6 to 12 hours
- Removal of 12-week maximum period of remand to hospital for report on mental condition.
- Period for which a patient can be detained in a place of safety increased from 24 hours to 36 hours.
- Modification in time limits and reduction in number of doctor's opinions relating to the movements of defendants and prisoners between court, prison and hospitals (from 2 to 1)

In Scotland [the Coronavirus Act \(Scotland\)](#) ;

- The maximum period of an emergency detention order has been increased from 72 to 120 hours.
- A second 28 day short term detention certificate can be granted on expiry of the first.
- The nurses' power of detention has been increased from 3 hours to 6 hours.
- Emergency legislation passed by the Scottish Parliament also removes the

