



Kent and Medway
NHS and Social Care Partnership Trust



**Kent
Police**



Serving You

***Multi Agency Policy & Practice Guidance
Appendices***

**Warrant to
Search for and Remove a Person
Section 135
Mental Health Act 1983
(Amended 2007)**



Serving Kent, serving you

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Appendix: 1



**INFORMATION IN SUPPORT OF AN
APPLICATION FOR
WARRANT TO ENTER PREMISES AND
REMOVE PERSON**

Mental Health Act 1983. Section 135(1)

Court code: *[insert]*

Court office address: *[insert]*

Telephone number: *[insert]*

Any queries regarding this document should be directed to the Legal Support Team, Essex Magistrates' Court, PO Box 10754, Chelmsford, CM1 9PZ

Date:

Specify name of applicant	THE INFORMATION of
Applicants telephone number	Please call on this number at the time of the hearing
Applicants secure email address	Please email the warrant to the following secure email address
Booking code	Team Up booking reference
Address of applicant	
Specify name of Local Authority/agency	an officer of appointed to as an Approved Mental Health Professional for the purposes of the Mental Health Act 1983 who states that there is reasonable cause to believe that
Specify name of subject	a person believed to be suffering from a mental disorder
Insert grounds for application	a) Has been, or is being, ill treated, neglected or kept otherwise than under proper control, or b) Being unable to care for himself/ herself, is living alone. <i>(please delete as appropriate)</i>
Insert address of premises	
	APPLICATION IS HEREBY MADE for a warrant under Section 135(1) of the Mental Health Act 1983 authorising any constable entry to the said premises, if need be by force and, if thought fit, to remove the person named above to a place of safety as defined by Section 135(6) of the said Act with a view to the making of an application in respect of that person under Part II of the Acts or making other arrangements for his care
State relevant information in support of the application	

Time estimate	I estimate the court should allow _____ minutes to read this application and _____ minutes for the hearing.
Planned date to be executed	I expect any warrant to be executed on _____ (give planned date)
Fee	I have paid the relevant fee of £75 and my payment reference is _____. Or I have been unable to pay because _____ and I have attached a signed undertaking form.
Declaration and signature by informant	I am authorised to make this application and confirm that to the best of my knowledge and belief the application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application. Signed: _____ Approved Mental Health Professional
	The applicant satisfied me about his or her entitlement to make the application. The applicant confirmed on oath or affirmation the declaration. The applicant gave me additional information, the essence of which was: I [issued] [refused to issue] a warrant because: Dated the _____ Signed : _____ Justice of the Peace

Appendix: 2

Magistrates' Courts in South East England

WARRANT TO SEARCH FOR AND REMOVE PERSON

Mental Health Act 1983. Section 135(1)

Court code: *[insert]*

Court office address: *[insert]*

Telephone number: *[insert]*

Any queries regarding this document should be directed to the Legal Support Team, Essex Magistrates' Court, PO Box 10754, Chelmsford, CM1 9PZ

Date:

Specify name of applicant	On this day information was laid before me the undersigned by
Specify name of Local Authority	an officer of appointed to as an Approved Mental Health Professional for the purposes of the Mental Health Act 1983.
Specify name of subject	And it appears that a person believed to be suffering from a mental disorder
Insert address of premises	is to be found on premises at
Insert grounds for application	b) Has been, or is being, ill treated, neglected or kept otherwise than under proper control, or b) Being unable to care for himself/ herself, is living alone. <i>(please delete as appropriate)</i>
	AUTHORITY IS HEREBY GIVEN under the provisions of section 135(1) of the Mental Health Act 1983 for any constable accompanied by an Approved Mental Health Professional and by a registered medical practitioner TO ENTER THE SAID PREMISES on one occasion only, within three calendar months from the date of the issue of this warrant, if need be by force and, if thought fit, to remove the person named above to a place of safety as defined by Section 135(6) of the said Act with a view to the making of an application in respect of that person under Part II of the Acts or making other arrangements for his care
	Signed : Justice of the Peace

A copy of this warrant must be left with the occupier of the premises or, in his/her absence, with a person who appears to be in charge of the premises or, if no such person is present, in a prominent place on the premises

ENDORSEMENT – to be made by the constable executing the warrant

(please delete as appropriate)

1. This warrant was executed on
2. The person sought was found and removed to a place of safety namely:
3. No person was found
4. No articles were seized
5. The name(s) of the officer(s) executing this warrant is/are
6. A copy of this warrant [was handed to the occupier/person in charge] [was left on the premises (specify where)]

Dated:

Signature of officer executing the warrant:

Appendix: 3

SECTION 135 WARRANT TO SEARCH FOR AND REMOVE PATIENTS MENTAL HEALTH ACT 1983-MHA18

APPENDIX 1 (September 2015)

COURT FEE UNDERTAKING TO PAY FORM – NEP/SEPT

Warrants of Entry under S.135 Mental Health Act 1983

Part 1 (For completion by Applicant)
I/We agree that an application as stated, and incurring the fee shown, has been made and undertake to pay the fee due, in full, to HMCTS within 28 days of the hearing.
Date of Hearing:
Court Venue:
Service Provided:
An application for a Warrant of Entry under S.135 of the Mental Health Act.
IFAS Code: C09.1
Fee Due: £75.00

Part 2 (For completion by Applicant)	
Signature of Applicant:	Date of Application:
Print Name:	Telephone Number:
Invoice Address:	Position – AMHP: Rota Area or EDS:
Respondent's Name:	Respondent's Address:

Part 3 (For Court Administration Use)	
Send to Finance Unit-	
Date input to IFAS:	IFAS Reference:
Date Invoice Sent:	Invoice Ref:
Date paid in Full:	Date IFAS updated:

Appendix: 4

Mental Health Warrants – During Court Hours Applications in the South East Region of HMCTS

(This protocol covers applications made by agencies covering the counties of Surrey, Sussex, Kent, Thames Valley, Kent, Essex, Cambridgeshire, Bedfordshire, Hertfordshire, Norfolk and Suffolk).

Guidance Mental Health

Introduction

This guidance is produced to assist Mental Health agencies, in conjunction with HMCTS, to effectively manage the efficient and effective administration of warrant applications made by Mental Health across the South East Region. This guidance should be read and followed in conjunction with the following documents:-

- [The step-by-step guide for using the scheme is at page 3](#)
- [Team Up Guidance for booking slot for application is at page 8](#)
- “out of Hours” warrant scheme
- [Police Guidance when applying for a Court issued Search Warrant page 6](#)

Background to the scheme.

A HMCTS project team was established to investigate whether a Monday to Friday daytime regional search warrants scheme, complementing the out-of-hours scheme, could have positive benefits to both applicants and HMCTS. At present, in many locations across the South East Region, police officers and other agencies contact local court houses when they wish to make an application for a warrant. Sometimes courts are able to accommodate warrant applications immediately but at other times applicants are kept waiting until there is an appropriate break in the court list or proceedings, and on occasions, they are asked to attend the following day or make their application to the “out of hours” scheme. Sometimes, particularly if late in the day, access to a Justice of the Peace (JP) can be difficult and delay is again caused to the applicant whilst arrangements are made for the application to be heard. Diverting such applications into court lists disrupts the efficient processing of court business and even where the applicant does not experience a delay, other court users are often kept waiting, whilst the legal adviser and a JP consider the warrant application.

Scheme overview

The scheme will operate across the South East Region rotating across courthouses with police officers and other agencies making their applications by telephone and paperwork being received and dispatched by secure email.

The scheme will use a web based booking system. Police officers and other agencies will be using a web-based calendar to book in their applications on a date and time convenient to them. Officers can access the calendar 24 hours a day. Applications will be considered between 10.00am and 4.30pm.

Applications, warrants granted, and reasons for grant/refusal will be stored securely in an electronic pdf format or password protected within a designated folder. Hard copies of the paperwork will therefore be easily accessible to HMCTS should there be a requirement to produce it at a future date. The electronic storage system will ensure that storage of the relevant information complies with data security and retention timescales. Only authorised personnel will have access to the secure email box and storage facility.

Legal advisers will be responsible for ensuring the relevant paperwork is both received and dispatched in good order in accordance with the guidance and that all information is correctly stored and filed.

Applications will be initially scrutinised by a legal adviser who will then provide advice on matters of law, practice and procedure to the relevant Justice of the Peace, who will be rostered to consider such applications on any particular day.

This scheme envisages that all warrants will be considered under this scheme unless the scheme is unable to respond quickly enough to an urgent application or the volume of warrants is such that diversion to a location court site is preferable. This scheme will operate in conjunction with and to complement the "out of hours" search warrant scheme (which will apply after 6pm).

Benefits of the scheme

It is envisaged that the scheme will:-

- Ensure that warrant applications, including urgent applications, are considered in a timely manner in accordance with the law and best practice;
- Enable the very vast majority of applications to be considered without disruption to the efficient processing of other court business;
- Provide an enhanced customer service to police forces and other agencies within working hours and reduce both the uncertainty and delay that can be experienced when arranging to make a warrant application;
- Make best use of police, other agency's, legal adviser and judicial time;
- Make best use of HMCTS estate by removing such applications from courtrooms; and
- Reduce the administrative tasks surrounding the processing, filing and storage of such applications by making best use of electronic and digital solutions.

Procedure and guidance for the police officers and other authorised applicants wishing to apply for a warrant.

Applications for warrants where the application is to be made during the working hours of 10.00 am to 4.30pm

1. **Making a booking:** Book in your application using the web-based Team Up calendar. Bookings can be made at anytime as the calendar is available 24 hours a day, 7 days a week.
2. The Team up Calendar can be accessed by pasting the following link into your internet browser.

<https://teamup.com/ks6690746618bf280f>

- [See Team up Guidance for assistance](#)

3. **When you can book a hearing:** Officers and other authorised applicants can choose the date and time of their application hearing from the available time slots on the calendar. There is additional guidance for multiple applications. Bookings can be made on the day you wish the application to be heard if there is space available and the time slot has not passed. It is feasible therefore that applications can be made on the same day as the application is to be heard if there is hearing time available in the calendar. Officers and agency staff are encouraged however (where practicable) to book in advance thus helping the court to effectively manage applications and incorporate urgent applications at short notice. Ensure that the correct slot duration is booked. When booking applicants will need to amend the booking time so only 15 mins is booked. If this is not amended a one hour slot will automatically be booked which blocks the slots for other prospective applicants.
4. Using the guidance obtain your booking code and ensure this is recorded on the calendar at the time your booking is made, the date within the booking code is the date the application is to be heard; for example **MH01.12.151Blue**. It is imperative that you do not include any personal details about the warrant on the Team Up calendar as the calendar is not on a secure website. It is also best practice not to include any information which could identify that this is a police and agency calendar i.e. station or police name/ collar number or that it is a warrant application.
5. **Submitting applications:** All relevant paperwork must be submitted at the time the booking is made to the secure email box. The correct applications and warrants are attached to the last page of this guidance. Please name your documents to include the booking reference and not the address of the premises.

SouthEastSearchWar@hmcts.gsi.gov.uk

An automated response will be sent from the above email address when an email has successfully been received. If you do not receive this automated response, your email has not been received therefore please check the address for errors.

Bookings for which no relevant paperwork is submitted will not be accommodated by the court.

6. **Multiple Warrants:** Applicants should specifically note the guidance on booking multiple warrants as contained in the Team Up Guidance.
7. Submit the application and draft warrant to the secure HMCTS email box (below). For Mental Health/Civil applications you must also provide proof of payment of the fee, (current fee is £75), and a scan of your authorisation badge/lanyard. It is anticipated that most agencies will be set up to pay by account, to arrange this please contact EAU It Support on 0203 334 6248. Card payments for Cambs, Essex, Norfolk, Suffolk, Kent, Surrey and Sussex can be made by phoning Lowestoft on 01502 528211. For card payments for Beds, Herts and Thames Valley please phone Stevenage on 01438 344498. Please obtain the reference number as you will need to enter your payment reference on the warrant information. Where payment in advance has not been possible you will need to provide reasons as to why and complete an Undertaking to Pay form (attached on p16). Only in unusual circumstances will an undertaking to pay the fee be considered acceptable; payment in advance is expected. The application and warrant **must** be sent in Word format as the warrant will be endorsed electronically by the Magistrate/ legal adviser. Please remember all documents submitted need to have the booking reference in the name.
 - a. Check that the correct booking code has been used on all paperwork and that you have supplied your contact phone number details. This is the telephone number on which the court will contact you at the application hearing time.
 - b. Check that the paperwork has been submitted from a secure email address. This is the email address that the court will return your electronically signed warrant if granted and/or reasons for the grant/refusal of the application.
 - c. If the applicant is submitting the application on behalf of another person, their email address must be included on the application and cc'd in when the application is sent to the inbox. Both email addresses must be secure email addresses.
 - d. Check that only the booking code appears in the subject heading of the email for example **MH01.12.151Blue**. **Please do not include any other information in the subject header other than the booking code.**

- **The secure email box can be accessed at SouthEastSearchWar@hmcts.gsi.gov.uk**

Only legal advisers approved to support the regional duty search warrant scheme by their Justices' Clerks will have access to the secure email box.

Where paperwork or information is missing, including the booking code, the duty legal adviser will contact you, at the earliest opportunity, and no later than the application hearing time, by phone or email. You will be advised to re book your application and re-submit your paperwork.

Whilst every effort will be made to give the applicant as much notice as possible that their application will not be considered due to paperwork error, it is the responsibility of police officers and other authorised applicants to

ensure that their paperwork complies with the requirements of the scheme by submitting the correctly headed documents and in Word format.

8. **Making the application:** At the designated application hearing time you will be contacted by the court and asked to verify your identity. You should be able to provide:-
 - a. Booking code;
 - b. Force/Agency applying;
 - c. Details of the authorising inspector (if police application)
 - d. Details of your authorisation badge/lanyard (if Mental Health/Civil application)
9. If the court is satisfied that they are speaking to the applicant, you will be asked to take the oath/affirm and make your application. You will need to provide your own holy book should you wish to use one. You must be ready with the oath/ affirmation at the time of your booking.

[The oath / affirmation is found at page 6.](#)
10. It is important that applicants are at an appropriate secure location to receive the court's call as it will not be possible to delay the application in order to facilitate the applicant moving to another location, to ensure that the information they will provide cannot be overheard.
11. Applications should then be considered in the normal way as if you, the applicant, were present in the room.
12. Please note the time limit on Mental Health warrants is 3 months, these warrants can only be used for a single occasion.
13. **Receiving the authorised warrant:** Once considered the warrant will be electronically signed by the JP where granted. Supporting reasons for grant/refusal will be endorsed on the relevant paperwork and returned to the applicant electronically as a locked document or pdf, to prevent any subsequent amendments. Paperwork will only be dispatched to the email address from which the paperwork was received or if the paperwork was sent on behalf of another person, the email address must have been cc'd in the original email. This email address must match the email address identified in the application supplied. Only one copy of the warrant will be supplied. This can be printed as many times as is necessary by the applicant.
14. **Return of executed / non-executed warrants:** Once executed or where the warrant time limit has expired without execution, the applicant **MUST** return by email the warrant with any relevant information relating to its execution to the following secure email address.

Returned.warrants@hmcts.gsi.gov.uk

Please ensure the document is named with the booking reference and not the premises address. The subject field on this email must contain only the original booking code. i.e. **MH01.12.151Blue**

Returned warrants will be electronically filed with the original application. It is therefore imperative that the subject field contains only the original booking code.

Any hard copy warrants should be stored/destroyed in line with any relevant agencies guidance/policy on retention and destruction of confidential documents.

- 15. Out of Hours Applications:** If your application is urgent and you need to make your application outside of working hours please refer to the out of hours procedure (copy attached).
Guidance on what constitutes an urgent application is set out in the out of hours warrant scheme.
- 16.** For urgent applications within working hours please follow the normal Team Up booking procedure or contact the emergency administrator number (01245 313594) if there are no available time slots available to meet the time requirements of your application.

Wording for affirmation/ oath

OATH

I (name) swear by almighty god that the evidence I shall give shall be the truth, the whole truth and nothing but the truth. To the best of my knowledge and belief, this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application.

AFFIRMATION

I (name) do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth. To the best of my knowledge and belief, this application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application.

Police Guidance when applying for a Court issued Search Warrant (mainly applicable to police applicants but included in this guidance for general information purposes)

When obtaining a Warrant, the onus is upon the applicant to ensure they are conversant with current Case Law.

'Generations of justices have, or I would hope have, been brought up to recognize that the issue of a search warrant is a very serious interference with the liberty of the subject, and a step which would only be taken after the most mature careful consideration of all the facts of the case.

Lord Widgery CJ in Williams v. Summerfield [1972] 2 QB 512.

The courts recognise that the issue and execution of a search warrant is a substantial invasion of the fundamental right of privacy. Where safeguards designed to mitigate such an invasion are ignored, and or police exceed legal limits and

unlawfully interfere with individual rights, courts have been prepared to quash search warrants and order the return of property seized with subsequent impact upon cases.

Recent cases have also indicated the following considerations (not exhaustive) should be undertaken;

- Reasonable steps must be taken to check information is accurate, recent and not provided maliciously or irresponsibly.
- An application cannot be made on the basis of information from an anonymous source where corroboration has not been sought
- The correct types of warrant, or series of warrants, are obtained to achieve set objectives. For example, a Section 8 PACE Warrant, as opposed to a number of individual warrants pursuant to other legislation such as the Misuse of Drugs Act.
- Intelligence checks to ensure multiple officers/departments are not seeking to obtain Warrants for the same location
- Correct authorisations have been sought prior to sending applications to Court

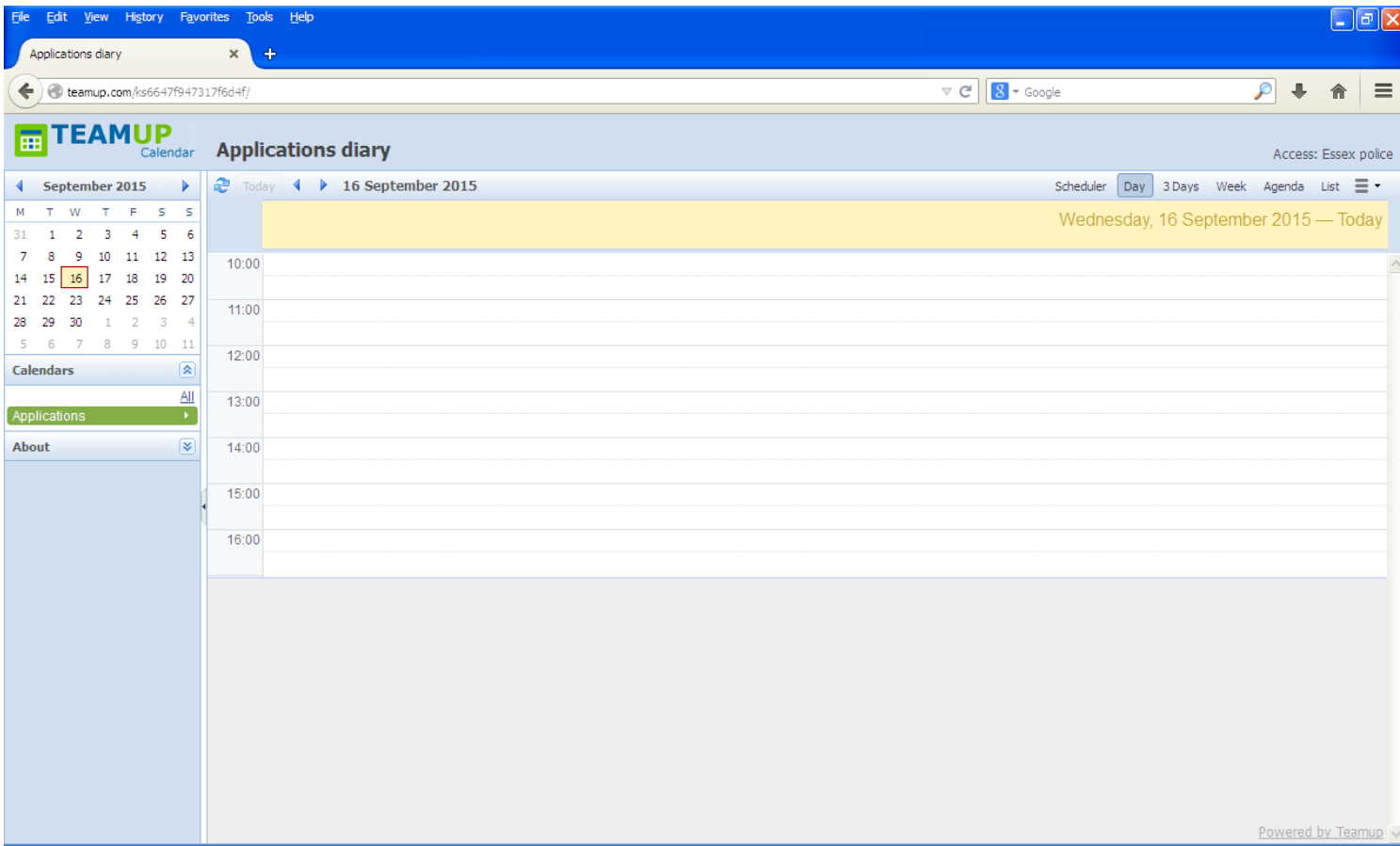
How to book a search warrant slot using the new calendar

- ❖ Each police authority/ agency will be provided with their own private link to the Team Up website which is hosting the calendar. This link should not be shared with outside agencies or other police authorities.
- ❖ Each police link has permissions which enable the adding of new events to the calendar and modifications to existing events but only if created using the same link. For example, if a slot has been booked by Essex police, then only someone logging in using the Essex police link (or the administrator) can amend or delete the booking, all other police users will be able to view the booking as 'read only'.
- ❖ The police authorities/ agencies have been grouped as per the following:

Mental Health agencies
MOD police
Essex police
Kent police
Cambridgeshire police
Thames Valley police
Bedfordshire and Hertfordshire police
Norfolk and Suffolk police
Surrey and Sussex police
Beds and Herts Immigration
Felixstowe Immigration
Essex Immigration
Norfolk Immigration
Cambridgeshire Immigration

- ❖ Copies of the applications and warrants can be found on page 15

Copy and paste your link into the web browser and the calendar will appear in the below format.



You can change your view of the calendar by clicking on '3 days' or 'week'.

The calendar will default to todays date.

- ❖ There are 17 search warrants slots available for booking each day, each slot to be booked for 15mins. Due to the size of the text when two slots are booked in one hour it may appear full however there are 3 slots available each hour, the below image shows how a completely fully booked calendar appears

This shows you are logged in under your police authority.

10 May 2016		Tuesday, 10 May 2016	
10:00	10:00 TEST 1	10:15	TEST 2
	10:30 ⚡ BLOCKED	10:45	TEST 4
11:00	11:00 TEST 5	11:15	⚡ BLOCKED
	11:30 TEST 7	11:45	TEST 8
12:00	12:00 ⚡ BLOCKED	12:15	TEST 10
	12:30 TEST 11	12:45	TEST 12
13:00	13:00 ⚡ BLOCKED		
14:00	14:00 TEST 13	14:15	TEST 14
	14:30 TEST 15	14:45	⚡ BLOCKED
15:00	15:00 TEST 17	15:15	TEST 18
	15:30 ⚡ BLOCKED	15:45	TEST 20
16:00	16:00 TEST 21	16:15	TEST 22
	16:30 ⚡ BLOCKED		

- ❖ The first slot each day is 10:00.
- ❖ The last slot each day is 16:15.
- ❖ There will be no bookings allowed between 13:00 and 14:00.
- ❖ There are 5 additional blocked slots throughout the day, these are to allow the legal adviser to keep to time, they can be unblocked by HMCTS if required.
- ❖ [For assistance with selecting which application number relates to which time please see page 14](#)
- ❖ On Thursdays there are two legal teams hearing applications. Therefore bookings can be made on two calendars on Thursdays only. Do not book on the extra slots calendar on any other day as your application will not be heard.

- ❖ When booking on a Thursday the Team Up calendar will look like this:

Do not use the 'Extra slots' calendar on any day other than a Thursday.

- ❖ To book, select the time as usual however you have the option to book on the green or red calendar.

Add Event [Close]

Print Share Delete

Title: []

When: 30/6/2016 [Calendar] 12:30 [Dropdown] to 13:30 [Dropdown] 30/6/2016 [Calendar] All day

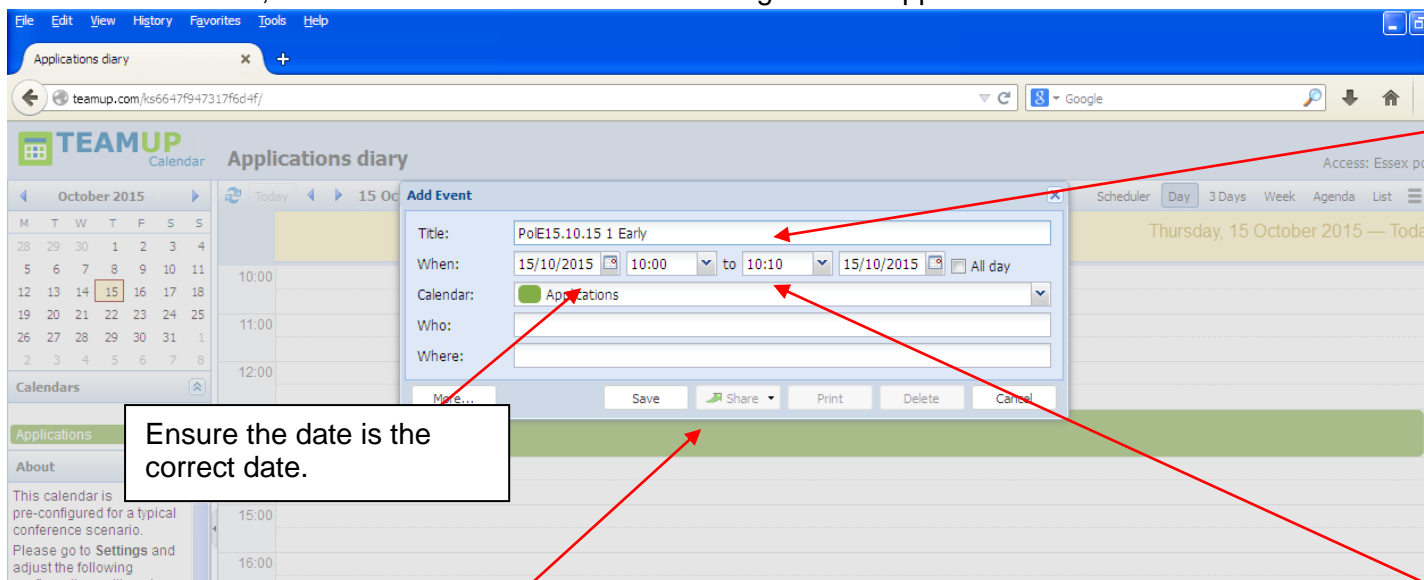
Calendar: [Applications X] [Dropdown]

Who: [Extra slots- Thursdays only] [Dropdown]

Where: [Location] [Location Icon]

[More...] [Save] [Cancel]

To book a slot, click on the calendar and the following box will appear:

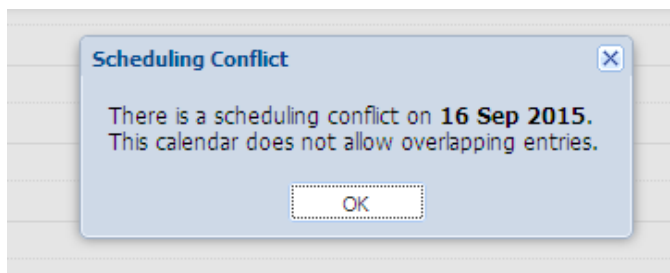


To save the booking click save.

Use the following code in the naming convention.

Mental Health agencies : MH

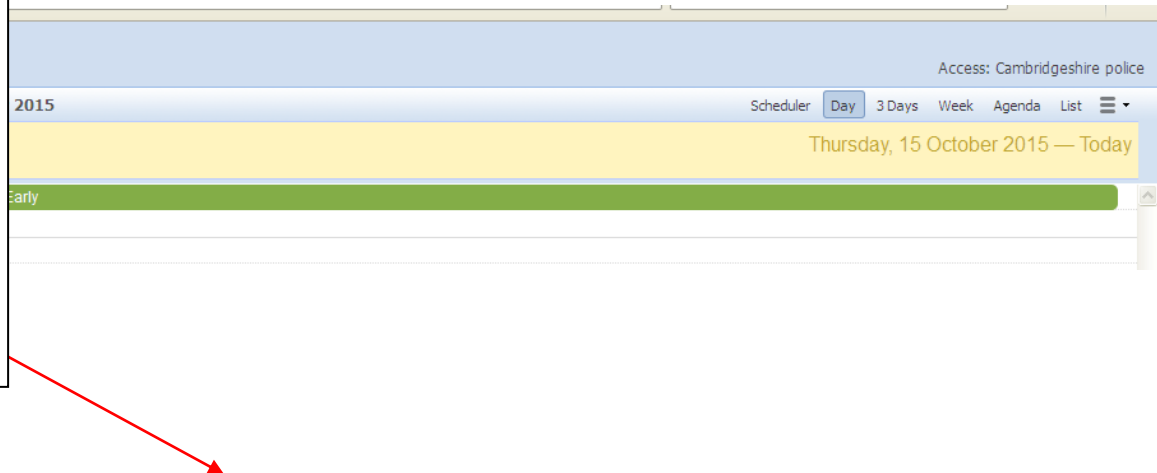
- ❖ It is imperative to put the dots in the date i.e. 16.10.15 – this is the date the application is to be heard.
- ❖ The calendar does not allow for overlapped bookings, therefore if you try to book a slot that has already been booked you will see the following error message:



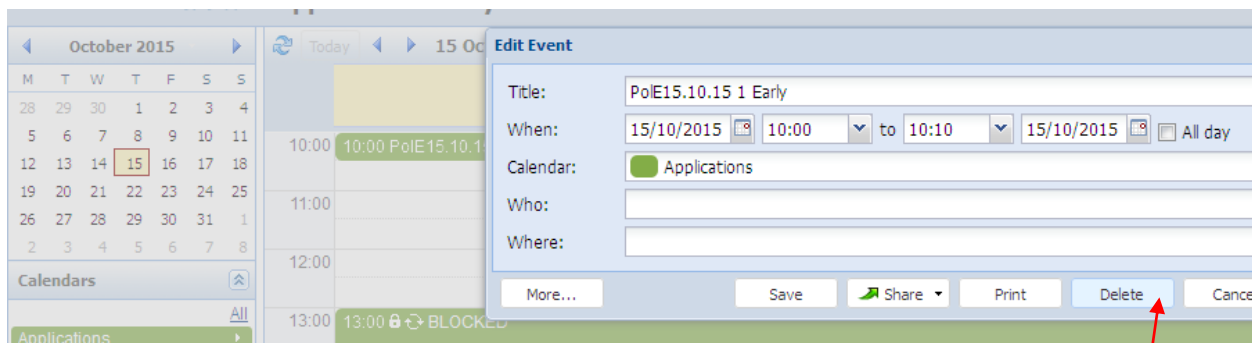
- ❖ Click ok to remove the message and then reselect another time slot.

- ❖ The calendar will allow for multiple users to be logged in at the same time using the same link, therefore it is possible that 2 officers may be trying to book the same slot- if this occurs you will receive the same error message as above.
- ❖ Each warrant must have a separate booking with a separate name following the naming convention.
- ❖ Each application must have the same name as the warrant paperwork.
- ❖ Where an application is for specified multiple premises warrants, time slots should be booked for each premises, for example 1 application for 3 premises could be booked in at 14:00, 14:15 and 14:30.
- ❖ For 'All premises' warrants only 1 slot needs to be booked.
- ❖ If more than 6 are warrants are being applied for at the same time, supported by one application you should ring the emergency administrator number before booking in. The administrator will then liaise with the legal adviser to best advise how the applications can be heard.
- ❖ To delete a booking, click on the booking you wish to cancel.

A locked symbol means it has been booked by another police authority and you are unable to amend the booking.



- ❖ Clicking on booking that you are able to amend will bring up the following box:



- ❖ If you click on a booking that has been made by another police authority you will see a box displaying the booking information.

The screenshot shows a 'View Event' window with a title bar containing 'Print...', 'Share', and 'Close' options. The main content area displays the following information:

When:	Thu 15 Oct 2015 10:00 - 10:10
Who:	
Where:	
Calendar:	Applications

Below the table is a section titled 'Description' with an empty text box. At the bottom of the window, it says 'Created on 15 Oct 2015 16:35 by Essex police'.

- ❖ A copy of the application and the warrant will need to be emailed through to SouthEastSearchWar@hmcts.gsi.gov.uk at the time of booking, using the same naming convention used when booking the application i.e. MH16.09.15 1 EARLY. This application code is to be added to the top of the application and warrant documents as shown in red on the below example.

APPLICATION FOR SEARCH WARRANT

(Criminal Procedure Rules, rule 6.30; section 8, Police and Criminal Evidence Act 1984)

Use this form ONLY for an application for a search warrant under section 8 of the Police and Criminal Evidence Act 1984 (PACE). There is a different form of application for the court to issue a search warrant under another power to which sections 15 & 16 of PACE apply. A magistrates' court cannot authorise a search for excluded or special procedure material. See also the notes for guidance at the end of this form.

Application to Magistrates' Courts in South East England

This is an application by (name of applicant)

of (name of police force or investigating agency)

Applicant's address:¹

Email address:

Phone: Mobile:

Booking application code:|




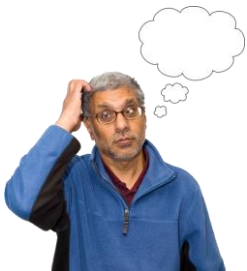


I am a constable

or

Application number according to time

10:00	1	12.45	12
10:15	2	14:00	13
10:30	3	14:15	14
10:45	4	14:30	15
11:00	5	14:45	16
11:15	6	15:00	17
11:30	7	15:15	18
11:45	8	15:30	19
12:00	9	15:45	20
12:15	10	16:00	21
12:30	11	16:15	22

Appendix: 5

 <p>Kent and Medway NHS NHS and Social Care Partnership Trust</p> <p>Warrant to Search for and Remove to a Place of Safety</p>	 <p>Medway COUNCIL</p> <p><i>Serving You</i></p>  <p>Kent County Council kent.gov.uk</p>
	<p>Why am I here?</p> <p>Some mental health professionals think:</p> <ul style="list-style-type: none">• You might be mentally unwell• And you need urgent help
	<p>This may be because:</p> <ul style="list-style-type: none">• You are unable to care for yourself <p>Or</p> <ul style="list-style-type: none">• You are being badly treated <p>Or</p> <ul style="list-style-type: none">• You are not being looked after
	<p>The police have brought you here because this is a Place of Safety</p> <p>It is somewhere you can be kept safe until you get the help you need.</p>



How long must I stay here?

You can be kept here for **24 hours (1 day)**



If you try to leave before the doctor says you may, you will be brought back

If a doctor has not seen you and 24 hours is up, you may leave.

Please tell a member of staff before you go.

What happens next?



You will be seen by:

- A doctor

And



- An **Approved Mental Health Professional**



An **Approved Mental Health Professional** is a person with special training in mental health

They may decide:

- You need to stay in hospital for longer

	<ul style="list-style-type: none"> • This might be even if you want to go home • Or you can go home
	<p style="text-align: center;">Who else will be told I am here?</p> <p>The Approved Mental Health Professional will also talk to your Nearest Relative</p> <p>A Nearest Relative is usually someone in your family</p> <p>You cannot choose who this is</p> <p>The law says who your Nearest Relative is</p> <p>The Approved Mental Health Professional will tell you who it is</p>
	<p>It is the job of your Nearest Relative to:</p> <ul style="list-style-type: none"> • Look out for you <p>And</p> <ul style="list-style-type: none"> • Make sure your wishes and choices are heard and understood <p>If you do not want them to be involved then please tell the Approved Mental Health Professional</p>



Can I Appeal?

No, you must stay even if you don't want to

What if I am not happy about my stay in this Place of Safety?

You can complain about anything to do with your care and treatment

You can talk to:

- A member of staff
- A member of the complaints team at



KMPT Patient Experience Team:
(West Kent): **0800 587 6757**
or **01622 723207**

(East Kent): **0800 783 9972**
or **01227 812020**

Kent County Council: **0300 333 5903**

Medway Council: **01634 333 036**

Care Quality Commission: **0345 015 4033**

Appendix: 6



Kent and Medway **NHS**
NHS and Social Care Partnership Trust



Admission of Patients Removed by Police Under a Court Warrant Information Leaflet

(Section 135 of the Mental Health Act 1983)

Patient's name	
Name of hospital and ward	

Why am I in hospital?

You have been brought to this hospital under section 135 of the Mental Health Act because an approved mental health professional thinks that you have a mental disorder and you may need treatment or care.

An approved mental health professional is someone who has been specially trained to help decide whether people need to be in hospital.

A magistrate has issued a warrant saying that you can be brought here and kept here even if you do not want to come.

How long will I be here?

You can be kept here (or in another in a place where you will be safe) for 24 hours so that you can be seen by a doctor and an approved mental health professional. If these people agree that you need to remain in hospital a second doctor may be asked to see you, to confirm their decision.



During this time you must not leave unless you are told that you may. If you try to go, the staff can stop you, and if you leave you can be brought back.

If the doctors and the approved mental health professional have not seen you by the end of the 24 hours, you will be free to leave. You may decide to stay on as a voluntary patient. But if you do want to leave, please talk to a member of staff first.

In your case the 24 hours end at:

Date	Time
------	------

What happens next?

When the doctors and an approved mental health professional have seen you, they may say that you need to stay in hospital for longer. They will tell you why and for how long this is likely to be. You will be given another leaflet that explains what will happen.

If they decide that you do not have to stay, someone will talk to you about what other help you should have.

Can I appeal?

No. Even if you do not agree that you need to stay in hospital now, you cannot appeal against a decision to keep you here under Section 135.

Will I be given treatment?

The hospital staff will tell you about any treatment they think you need. You have the right to refuse any treatment you do not want. Only in special circumstances, which would be explained to you, can you be given treatment you do not agree to.

Letting your Nearest Relative Know

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative.

There is a list of people in the Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. The hospital staff can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

In your case, we have been told that your nearest relative is:

--

If you do not want this person to receive a copy of the leaflet, please tell your nurse or another member of staff.

Changing your nearest relative?

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead. The hospital staff can give you a leaflet that explains this.

Your letters

All letters sent to you while you are in hospital will be given to you. You can send letters to anyone except someone who has said they do not want to get letters from you. Letters to these people can be stopped by the hospital staff.

Code of Practice

There is a Code of Practice that gives advice to the staff in the hospital about the Mental Health Act and treating people for mental disorder. The staff have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.

How do I complain?

If you want to complain about anything to do with your care and treatment in hospital, please speak to a member of staff or speak to someone from:

KMPT Patient Experience Team:

(West Kent): **0800 587 6757**
0800 783 9972
or **01622 723207**
01227 812020

(East Kent):
or

Kent County Council: 0300 333 5903
01634 333 036

or **Medway Council:**

If you do not feel that your complaint can be dealt with locally you can complain to an independent Commission. This is called the Care Quality Commission and it monitors how the Mental Health Act is used, to make sure it is used correctly and that patients are cared for properly while they are in hospital.

You can contact the **Care Quality Commission** on: **0345 015 4033**

Further help and information

If there is anything you do not understand about your care and treatment, a member of staff will try to help you. Please ask a member of staff to explain if there is anything in this leaflet you do not understand or if you have other questions.

Appendix: 7



STRICTLY PRIVATE & CONFIDENTIAL

**Approved Mental Health
Professional Service**
Priority House, Hermitage Lane
MAIDSTONE
ME16 9QQ
Phone: **01622 729000**
Ask for: AMHP Service

<< Date >>

Dear **<< Name of Service User >>**

You were detained today under S.135 of the Mental Health Act 1983 (MHA), as it was thought you might be mentally unwell and in need of urgent help.

An assessment was carried out at **<< your home/ Name of hospital >>** and the outcome of this was:

- You are now receiving further treatment at **<< Name of hospital >>** voluntarily
- or**
- You are now receiving further treatment at **<< Name of hospital >>** under **<< Section 2/ 3 >>** of MHA
- or**
- You have returned home but are willing to receive a further assessment from **<< your local mental health team/ the Crisis Resolution and Home Treatment Team >>**
- or**
- You have returned home and declined any further follow up from mental health services.

<< I enclose a copy of the full report as agreed >>.

Should you have any questions please don't hesitate to contact me on the number above or a member of **<< Name of CMHT >>** on:

Yours sincerely,

<< Name of AMHP >>
Approved Mental Health Professional

Enclosed: MH1 Report

Appendix: 8



STRICTLY PRIVATE & CONFIDENTIAL

**Approved Mental Health
Professional Service**
Priority House, Hermitage Lane
MAIDSTONE
ME16 9QQ
Phone: **01622 729000**
Ask for: AMHP Service

<< Date >>

Dear **<< Name of Nearest Relative >>**

I understand you are currently the Nearest Relative for **<< Name of Service User >>** as defined by the Mental Health Act 1983 (MHA).

<< S/he >> has given me permission to inform you that **<< s/he >>** was detained today under S.135 MHA, as it was thought they might be mentally unwell and in need of urgent help.

An assessment was carried out at **<< their home/Name of hospital >>** and the outcome of this was:

- They are now receiving further treatment at **<< Name of hospital >>** voluntarily

or

- They are now receiving further treatment at **<< Name of hospital >>** under **<< Section 2/ 3 >>** of MHA

or

- They have returned home but are willing to receive a further assessment from **<< your local mental health team/ the Crisis Resolution and Home Treatment Team >>**

or

- They have returned home and declined any further follow up from mental health services.

<< I enclose an information leaflet to help you better understand the role of the Nearest Relative >>

You are not obliged to carry out these functions. **<< Should you wish to delegate them I have also enclosed a copy of an example letter, which you will need to complete and return >>.**

Should you have any questions please don't hesitate to contact me on the number above or a member of **<< Name of CMHT >>** on:

Yours sincerely,

<< Name of AMHP >>

Approved Mental Health Professional

**Enclosed: Nearest Relative Information Leaflet
Nearest Relative Delegation Form**

Appendix: 9



STRICTLY PRIVATE & CONFIDENTIAL

**Approved Mental Health
Professional Service**
Priority House, Hermitage Lane
MAIDSTONE
ME16 9QQ
Phone: **01622 729000**
Ask for: AMHP Service

<< Date >>

Dear Dr **<< Name of GP >>**

Your patient **<< Name of Service User >>** was today detained under S.135 of the Mental Health Act 1983 (MHA), as it was thought they might be mentally unwell and in need of urgent help.

An assessment was carried out under the MHA at **<< their home/Name of hospital >>** and the outcome of this was:

- They are now receiving further treatment at **<< Name of hospital >>** voluntarily

or

- They are now receiving further treatment at **<< Name of hospital >>** under **<< Section 2/ 3 >>** of MHA

or

- They have returned home but will be receiving a further assessment from their **<< local mental health team >>** or **<< the Crisis Resolution and Home Treatment Team >>**

or

- They have returned home and declined any further follow up from mental health services.

<< I enclose a copy of the full report >> but should you have any questions please don't hesitate to contact me on the number above

Yours sincerely,

<< Name of AMHP >>
Approved Mental Health Professional
Enclosed: MH1 Report

Appendix: 10

Magistrates' Courts in South East England



INFORMATION IN SUPPORT OF AN APPLICATION FOR WARRANT TO ENTER PREMISES AND REMOVE PATIENT

Mental Health Act 1983. Section 135(2)

Court code: *[insert]*

Court office address: *[insert]*

Telephone number: *[insert]*

Any queries regarding this document should be directed to the Legal Support Team, Essex Magistrates' Court, PO Box 10754, Chelmsford, CM1 9PZ

Date:

Specify name of applicant	THE INFORMATION of
Applicants telephone number	Please call on this number at the time of the hearing
Applicants secure email address	Please email the warrant to the following secure email address
Booking code	Team Up booking reference
Address of applicant	
Specify name of Local Authority/agency	an officer of appointed to as an Approved Mental Health Professional for the purposes of the Mental Health Act 1983 to take a patient to any place or to take into custody or retake a patient who is liable under the said Act to be taken or retaken who states that there is reasonable cause to believe that a patient
Specify name of patient	is to be found on premises at
Insert address of premises	
Insert grounds for application	And that a) there is reasonable cause to believe that the patient is to be found on premises within the jurisdiction of the Justice; and b) admission to the premises has been refused or c) refusal of such admission to the premises is apprehended (delete b) or c) as appropriate)
	APPLICATION IS HEREBY MADE for a warrant under Section 135(2) of the Mental Health Act 1983 authorising any constable entry to the said premises, if need be by force and to remove the said patient
State relevant information in support of the application	

Time estimate	I estimate the court should allow _____ minutes to read this application and _____ minutes for the hearing.
Planned date to be executed	I expect any warrant to be executed on _____ (give planned date)
Fee	I have paid the relevant fee of £75 and my payment reference is _____. Or I have been unable to pay because _____ and I have attached a signed undertaking form.
Declaration and signature by informant	I am authorised to make this application and confirm that to the best of my knowledge and belief the application discloses all the information that is material to what the court must decide, including anything that might reasonably be considered capable of undermining any of the grounds of the application. Signed: _____ Approved Mental Health Professional
	The applicant satisfied me about his or her entitlement to make the application. The applicant confirmed on oath or affirmation the declaration. The applicant gave me additional information, the essence of which was: I [issued] [refused to issue] a warrant because: Dated the _____ Signed : _____ Justice of the Peace

Appendix: 11

Magistrates' Courts in South East England



WARRANT TO SEARCH FOR AND REMOVE PATIENT

Mental Health Act 1983. Section 135(2)

Court code: *[insert]*

Court office address: *[insert]*

Telephone number: *[insert]*

Any queries regarding this document should be directed to the Legal Support Team, Essex Magistrates' Court, PO Box 10754, Chelmsford, CM1 9PZ

Date:

Specify name of applicant	On this day information was laid before me the undersigned by
Specify name of Local Authority/agency	an officer of appointed to as an Approved Mental Health Professional for the purposes of the Mental Health Act 1983 to take a patient to any place or to take into custody or retake a patient who is liable under the said Act to be taken or retaken who states that there is reasonable cause to believe that a patient
Specify name of patient	is to be found on premises at
Insert grounds for application	And that a) there is reasonable cause to believe that the patient is to be found on premises within the jurisdiction of the Justice; and d) admission to the premises has been refused or e) refusal of such admission to the premises is apprehended (delete b) or c) as appropriate) <i>(please delete b) or c) as appropriate)</i>
Insert address of premises	
	AUTHORITY IS HEREBY GIVEN under the provisions of section 135(2) of the Mental Health Act 1983 for any constable TO ENTER THE SAID PREMISES on one occasion only, within three calendar months from the date of the issue of this warrant, if need be by force, and remove the said patient.
	Signed : Justice of the Peace

A copy of this warrant must be left with the occupier of the premises or, in his/her absence, with a person who appears to be in charge of the premises or, if no such person is present, in a prominent place on the premises

ENDORSEMENT – to be made by the constable executing the warrant

(please delete as appropriate)

7. This warrant was executed on
8. The person sought was found and removed to a place of safety namely:
9. No person was found
10. No articles were seized
11. The name(s) of the officer(s) executing this warrant is/are
12. A copy of this warrant [was handed to the occupier/person in charge] [was left on the premises (specify where)]

Dated:

Signature of constable

