



Kent and Medway
NHS and Social Care Partnership Trust



**Kent
Police**



Multi Agency Policy & Practice Guidance

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



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Glossary

AMHP	Approved Mental Health Professional
AWOL	Absent Without Leave
CRHT	Crisis Resolution and Home Treatment Team
CoP	Mental Health Act 1983 Code of Practice
CPA	Care Programme Approach
CTO	Community Treatment Order
DoH	Department of Health
FCR	Force Control Room
KCC	Kent County Council
KMPT	Kent & Medway NHS & Social Care Partnership Trust
LDPT	Local District Policing Team
LSSA	Local Social Services Authority
MCA	Mental Capacity Act 2005
MHA	Mental Health Act 1983
Reference Guide	Reference Guide to the Mental Health Act 1983

1. Policy

1. Purpose of the policy and practice guidance

1.1. This policy and practice guidance is in accordance with the Mental Health Act 1983 Code of Practice (CoP, 2015) namely:

- *“Local Authorities should ensure that guidance to AMHPs on how and when to apply for a warrant is also available to the relevant partner agencies (including the relevant local authority and police force).” (S.16.9, CoP).*
- *“Local Authorities and hospital managers should ensure that there are procedures in place for obtaining warrants, both during and outside court hours. These procedures should describe the necessary processes, the evidence which individuals may be reasonably expected to produce, and the documents that should be prepared to help the process run smoothly and quickly” (S.16.10, CoP).*
- *“Local authorities, NHS commissioners, hospitals, police force and ambulance services should have local partnership arrangements in place to deal with people experiencing mental health crises...(and) a jointly agreed local policy for use of the powers under S.135” (S.16.30 & 16.31, CoP).*

1.2. The circumstances of when an AMHP should apply for a warrant are where:

- There is reasonable cause to suspect that a person is suffering from a mental disorder

AND

- S/he has been, or is being, ill-treated, neglected or kept otherwise than under proper control

OR

- Is living alone and is unable to care for themselves (S.135 (1)(a)(b), MHA).

1.3. The Magistrate may issue a warrant authorising any police officer to:

- Enter, if need be by force, any premises specified in the warrant in which that person is believed to be,

AND

- If thought fit, to remove her/him to a place of safety with a view to the making of an application in respect of her/him under Part 2 of the MHA, or of other arrangements for her/his treatment or care (S.135 (1), MHA).

1.4. There are two parts to S.135, MHA:

- S.135 (1) is a warrant to search for and remove a person who is **not liable to be detained** under the MHA and not receiving proper care or control

- S.135 (2) is a warrant to search for and remove a person who **is liable to be detained** under the MHA to be taken or returned
- 1.5. The use of S.135, MHA involves an interference with “*the right to respect for private and family life*” (Article 8 (1), European Convention on Human Rights (ECHR) 1998) therefore, can only be justifiable when it is deemed “**necessary and proportionate**” (Article 8 (2), ECHR).

In view of this, a proper risk analysis by all professionals (including with the police) proportionate to the time allowed and the seriousness of the situation **must** be carefully undertaken first.

- 1.6. A warrant is **not limited** to the purpose of gaining entry to premises when access has been denied but also, where consent has been given (i.e. by a relative or friend).

Given this, an AMHP **should** still apply for a warrant in those circumstances where:

- They know in advance that access will be given but once the application is completed and the individual is liable to be detained s/he will refuse to leave the property without some form of restraint but **will not** necessarily be violent (KCC’s position after taking legal advice).

Likewise, the practitioner should still apply for a warrant in those circumstances where:

- The individual is subject to a Community Treatment Order (CTO) but is refusing to comply with their recall to hospital process (and therefore, deemed to be Absent Without Leave (AWOL)) but again, access to the property can be obtained.

2. Scope

- 2.1. This policy applies to all professionals within Kent & Medway NHS & Partnership Trust (KMPT), NEL NHS Foundation Trust (NELFT), Kent County Council (KCC) and Medway Council who have been authorised by either:

- A Service Manager
- OR**
- By someone authorised on behalf of the Hospital Managers of a NHS Trust.

- 2.2. This policy and practice guidance also applies to all Kent Police Officers.

- 2.3. In respect of **S.135 (1), MHA** it is important that the **Multi-agency protocol on “Welfare Checks”** is adhered to.

For more information please see:
i-connect

- 2.4. In respect of **S.135 (2), MHA** it is important that **KMPT's "Absent Without Leave (AWOL) Policy"** is applied in the first instance

*For more information please see:
i-connect*

- 2.5. In respect of **S.135 (2), MHA** and where the person is already subject to Guardianship it is important that **KCC's "Guardianship Policy and Practice Guidance"** is applied in the first instance in particular, the section on **"AWOL"**.

*For more information please see:
Knet*

- 2.6. In respect of **S.135 (2), MHA** and where the person is already subject to a CTO it is important that the **Multi-agency "CTO Policy and Practice Guidance"** is followed

*For more information please see:
i-connect and Knet*

- 2.7. In respect of **both S.135 (1), MHA & S.135 (2), MHA** it is important that the **Multi-agency "S.136 Policy"** is also applied in particular, the section on **"Place of Safety"**.

*For more information please see:
i-connect and Knet*

- 2.8. This policy and practice guidance should also be read in conjunction with:

- The Mental Health 1983 Code of Practice (CoP).
- The Reference Guide to the Mental Health Act 1983 (Reference Guide).
- The Policing and Crime Act 2017
- The Mental Capacity Act 2005 (MCA).
- KCC's *"Approved Mental Health Professional (AMHP) Operational Policy and Guidance"*
- KCC's *"AMHP Quality Practice Guide"*

*For a copy of KCC policies please see:
Knet*

3. The Guiding Principles of MHA

3.1. People taking decisions and actions under the MHA **must**:

1.2. Purpose:

Minimise the undesirable effects of mental disorder by maximizing the safety and wellbeing (mental and physical) of individuals, promoting their recovery and protecting other people from harm

1.3. Least restrictive:

Keep to the minimum the restrictions they impose on the individual's liberty, having regard to the purpose for which the restrictions are imposed.

1.4. Respect:

Recognise and respect the diverse needs, values and circumstances of each individual including, race, religion, culture, gender, age, sexual disability and any disability.

Consider the individual's views, wishes and feelings (whether expressed at the time or in advance), so far as they are reasonably ascertainable, and follow those wishes wherever practicable and consistent with the purpose of the decision.

There **must** be no lawful discrimination.

1.5. Participation:

Give the individual the opportunity to be involved as far as practicable in the circumstances, in the planning, developing and reviewing their own treatment and care to help ensure that it is delivered in such a way that is as appropriate and effective for them as possible.

1.6. Effectiveness, efficiency and equity:

Seek to use the resources available to them and to the individual in the most effective, efficient and equitable way to meet the needs of the individual and achieve the purpose for which the decision was taken

Please note:

*These principles are statutory guidance therefore, **must** be followed at all times.*

*Any deviation could give rise to legal challenge and reasons for any departure **must** be clearly documented*

2. Practice Guidance

1. Actions to be taken before applying for a S.135 (1), MHA Warrant

1.1. Given the interference S.135 (1), MHA has on a person's human rights it is imperative that **more than one** clear attempt is made to have face-to-face contact with the person by a member of the clinical team who knows them (if possible and if known to services) **before** applying for a warrant.

1.2. An AMHP may:

- At all reasonable times enter and inspect any premises, including care homes and private dwellings, in which a mentally disordered person is living, if the AMHP has reasonable cause to believe that the person is not “*under proper care*” (S.115, MHA; S.7.2, Reference Guide to the Mental Health Act 1983 (Reference Guide))

1.3. The Police may:

- In an emergency situation use their power of entry under the Police and Criminal Evidence Act 1984 (PACE) for the purpose of:

i. Saving life

OR

ii. Limb

OR

iii. Preventing serious damage to property (S.17 (1)(e), PACE)

Please note:

*This does **not** allow the police any power to remove the person to a place of safety or detain them*

1.4. The AMHP making the application (i.e. the Applicant) must:

- Where possible make **at least one** attempt to enter without a warrant.
- AND
- Provide **recent** evidence of the person's mental health and the risks associated

Please note:

*Kent Police will **not** entertain requests from the AMHP Service or any other agency to conduct a preliminary visit to a premises for the purpose of determining whether or not the occupant is willing to receive mental health professionals, as a precursor to an AMHP seeking a warrant on the grounds that entry is otherwise likely to be refused.*

*But they will attend for circumstances where there is a “**breach of the peace**”*

1.5. The Applicant must:

- Record in the person's notes on Rio (KMPT & NELFT's electronic care record system) all reasonable attempts to enter the premises without a warrant.

Please note:
*A Magistrate is likely to ask the Applicant for this evidence
(S.16.11, CoP)*

1.6. Given that the legal powers of the police are limited without a warrant (i.e. "breach of the peace") an AMHP should:

- Make an application for a warrant where consent is probably going to be given but where the individual is thought likely to be either violent or immediately abscond once entry has been effected. This will enable the police to effectively manage the risks.

Please note:
*It is **not** a precondition that admission to the premises
has been refused*

1.7. Where a referral must be transferred from an AMHP in Medway Council to an AMHP in KCC, the Medway Council AMHP must:

- Make a verbal handover to the AMHP Service
- Provide a copy of the Warrant Information sheet

1.8. The Applicant must:

- Contact the Local District Policing Team (LDPT) supervisor at the earliest opportunity to establish threat and risk
- Have direct open dialogue with the LDPT supervisor in order to negate any confusion, make best use of resources available and ensure any risk to the vulnerable individual is minimized.
- Complete the electronic form to request police involvement,

Please note:
*The form **must** contain a bullet point brief risk assessment
including recent and historic risk information*

*The form can be found at:
http://www.kent.police.uk/contact_us/pages/ext_force_forms.html*

*And **must** be emailed to:
tasking@kent.pnn.police.uk*

1.9. The Applicant must:

- Contact **Kent Tasking** on: **01622 798510 – Option 1** for a **non-urgent** warrant (i.e. not to be executed on the same day as it is obtained from the Magistrates)

AND

- Advise that a warrant is being sought on that day

AND

- Agree the provisional date and time for the execution of the warrant with both Kent Police and the AMHP Service Shift Coordinator

Please note:

*This phone line is open from 9.00am – 5.00pm
7 days a week*

1.10. The Applicant must:

- Contact **Force Control Room (FCR)** on: **01622 690690** for an **urgent** warrant (i.e. to be executed on the same day as it is obtained from the Magistrates)

Please note:

*The Applicant **must** clearly justify the rationale for this request*

1.11. The On Duty LDPT Sergeant must:

- Take command of the incident and manage the attendance of resources at the appropriate time.

Please note:

*This information **must** then be passed between shifts
and direct liaison had with the AMHP*

2. Completing the S.135 (1), MHA Warrant

2.1. The Applicant must:

- Complete for a **S.135 (1), MHA** both:
 - i. The S.135 (1), MHA **Information Sheet****AND**
 - ii. The S.135 (1), MHA **Warrant**

*For blank copies of the “S.135, MHA Information sheet”
and the “S.135 (1), MHA Warrant” please see:
Knet*

2.2. The Applicant can:

- Obtain guidance on **how to write the evidence** from **KCC’s “Court Report Guidance”**

Please note:
*A warrant can be issued even if the person’s name is **not** known
(S.135 (5), MHA)*

*For a copy of KCC’s “Court Report Guidance” please see:
Knet*

2.3. The Applicant can:

- Reference any supporting documentation but copies must be submitted along with the Warrant.

2.4. The Applicant must:

- Request authorisation for payment from the Team Leader in the AMHP service in advance of applying to the Court.

2.5. The Applicant must:

- Complete the **South East Region of Her Majesty’s Courts and Tribunals Services (HMCTS) “Court fee undertaking to pay form”**

*For a blank copy of the HMCTS
“Court fee undertaking to pay form” please see:
Knet*

3. Applying for a S.135 (1), MHA Warrant

3.1. The Applicant must:

- Follow the HMCTS “*Guidance for Mental Health Warrants*”

*For a copy of the HMCTS
“Guidance for Mental Health Warrants” please see:
Knet*

3.2. The Applicant must:

- Contact the emergency administrator on: **01245 313594** for **urgent** applications within working hours (10.00 am - 4.30pm)

AND

- Where there are no time slots available.

3.3. The Applicant must:

- Contact the **Out of hours** administrator on: **0203 334332** for applications outside of normal working hours (10.00 am - 4.30pm)

3.4. The Applicant must:

- Print off **3** copies of the warrant

AND

- Scan and upload a copy of the warrant signed by the Magistrate

AND

- Record the outcome on Rio

4. Actions by Kent Police prior to executing the S.135 (1), MHA Warrant

4.1. Kent Police will:

- Contact the Applicant in order to establish the following:¹
 - i. The identity of any participating professionals
 - ii. Their expectations of the police
 - iii. Anticipated outcomes for the person and alternative contingencies
 - iv. Any risk factors associated with the person and the premises
 - v. The identity and contact telephone numbers of carers or relatives of the person who may be able to secure the person's cooperation and provide insight into the person
 - vi. The identity of who owns the premises
 - vii. That the Applicant has secured transport arrangements

Please note:

*The police will **not** transport a person detained via the warrant unless they are so violent that health professionals and ambulance personnel alone **cannot** safely manage them*

- viii. That the Applicant has made arrangements to care for any dependant relatives and or pets

*For further information please see KCC's "Protection of Property Policy" on **Knet***

- ix. Negotiate a realistic time window.
- x. Confirm that the "**Place of Safety**" or the hospital bed has been confirmed by the Applicant (S.16.5, CoP)

Please note:

*For a definition of a 'place of safety' and identified local resources please see the Multi-agency "S.136 Policy" on **i-connect** and **Knet***

*A hospital bed is **only** used for the purposes of a S.135 (2) warrant*

4.2. Kent Police will:

- Nominate specific officers to execute the warrant

¹ Kent Police Standard Operating Procedure (SIP) 018b Execution of Warrants under S.135, MHA

4.3. Kent Police will:

- Conduct searches on:
 - i. PNC
 - ii. PND
 - iii. Genesis

AND

- Identify any risks posed by the person

4.4. Kent Police will:

- Compile a briefing document to accompany the warrant including the information and intelligence obtained.

4.5. The Lead Police Officer will:

- Brief the nominated officers

AND

- Command execution of the warrant.

Please note:

The tactics to be employed will be dependent on the character and level of the risk posed by the person

4.6. The Lead Police Officer should:

- Conduct additional checks

AND

- Revise risk information if there is any indication that circumstances have changed.

4.7. The Police Officers should:

- Consider using unmarked cars to travel, as this will reduce the impact of executing such a warrant on the person.

5. Executing the S.135 (1), MHA Warrant

5.1. An AMHP can:

- Execute the warrant at any time within a **three-month period** from the date of issue and it does **not** need to be the Applicant who obtained it.

Please note:
*It is imperative that it is executed **as soon as** the appropriate support can be obtained but does **not** need to be the same AMHP whom made the application*

5.2. The AMHP can:

- Only execute the warrant **once**

Please note:
*If the warrant is executed while the person is **not** present at the premises then another application to the court **must** be made*

5.3. The Police Officer must:

- Always be accompanied for **S.135 (1), MHA** by:
 - i. An AMHP
- AND**
- ii. A doctor (S.135 (4), MHA).

Please note:
*It is best practice that the doctor is "**approved** for the purposes of S.12 (2), MHA" (S.16.4, CoP)*

5.4. The Police Officer must:

- Be the person who executes the warrant, as the warrant directs the "**Constables of Kent**" to do so.

5.5. The Police Officer's role is:

- To secure entry to the premises
- AND**
- Fulfil the directions of the warrant.

5.6. The AMHP's role is:

- The coordination of the personnel involved with the warrant

Please note:

When the person is subject to a CTO or Guardianship it is best practice that a member of the locality team responsible for their care is also involved

5.7. All the professionals involved should:

- Convene outside at the person's address or agreed rendezvous place.

5.8. The Lead Police Officer will:

- Identify themselves to the other parties

AND

- Confirm their respective roles and responsibilities.

5.9. All the professionals involved must:

- Share any information they have about risk with each other

5.10. The Lead Police Officer will:

- Decide on the approach to be used to enter the premises

AND

- In particular, if physical force is necessary to enter and secure the premises.

Please note:

It is important that a balance is maintained at all times between the 'least restrictive' principle and the safest intervention

5.11. The Lead Police Officer will:

- Confirm when it is safe for the other parties to enter

AND

- Whether they can remain on the premises.

5.12. The Lead Police Officer will:

- Confirm if the person will be kept at the property for the purpose of the assessment under the MHA instead of removing them to another place of safety (S.135 (1A), MHA).

5.13. The Lead Police Officer may:

- Search the person if they have reasonable grounds for believing the person:
 - i. May present a danger to her/himself or to others

AND

- ii. Is concealing on her/his person an item that could be used to cause physical injury to her/himself or to others.

5.14. The AMHP must:

- Inform the person of the reasons for the warrant **before** the assessment under the MHA begins

OR

- **Before** her/his removal from the premises depending on whichever happens first.

5.15. The Lead Police Officer must:

- Sign the warrant

5.16. The AMHP must:

- Give a copy of the warrant to the person
- Give a copy of the “*Information Rights Leaflet*” to the person

Please note:

*For a copy of KCC’s Standard and Easy Read “Information Rights Leaflet” please see
Knet*

5.17. The AMHP must:

- Return the warrant to the court as soon as possible if the assessment has taken place without it being executed

Please note:

*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 e.g. MH01.12.151Blue and sent via:
Returned.warrants@hmcts.gsi.gov.uk*

6. Transport to a *'Place of Safety'*

6.1. The AMHP must:

- Always arrange for the person to be transported by an ambulance unless the person is so violent that they cannot be safely managed by health and ambulance professionals alone

Please note:
For further information please see KCC's "Transport Policy" on Knet

6.2. The Police Officer and the AMHP must:

- Jointly and robustly assess the risks associated with transporting the person

Please note:
In most cases the Police Officers will follow the ambulance or a Police Officer will escort the person in the ambulance

7. Actions to be taken after executing the S.135 (1), MHA Warrant

7.1. The AMHP must:

- Ensure that the property is made secure before leaving with the person

For further information please see KCC's "Protection of Property Policy" on Knet

7.2. The AMHP must:

- Ensure a signed copy of the warrant is left at the premises if the person is found **not** to be there

7.3. The AMHP must:

- Send back a signed copy of the warrant to the Court via email

AND

- Any relevant information relating to its execution

Please note:
*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 e.g. MH01.12.151Blue and sent via:*
Returned.warrants@hmcts.gsi.gov.uk

7.4. The AMHP must:

- Give a copy of the signed warrant to the ‘*accepting*’ nursing staff at the Place of Safety (where this is a hospital)

7.5. The AMHP must:

- Provide a letter of explanation to:
 - i. The person
 - ii. The person’s Nearest Relative
 - iii. The person’s General Practitioner

*For copies of KCC’s template letters please see
Knet*

7.6. The AMHP must:

- Ensure a copy of these letters are:
 - i. Sent to the Police Officer(s) who executed the warrant
 - ii. Sent to The MHA Administrator at KMPT/NELFT
 - iii. Scanned and uploaded on to Rio

8. Actions to be taken after the MHA assessment for S.135 (1), MHA

8.1. The AMHP should:

- Make arrangements for the person to be transported home where the decision has been made **not** to admit them to hospital

For further information please see KCC's "Transport Policy" on Knet

8.2. The Locality Team/Crisis Resolution and Home Treatment Team (CRHT) will:

- Carry out a further assessment of the person's health and social care needs within **24 hours** where the person is:

- i. **Already known** to mental health services

AND

- ii. The decision has been made **NOT** to admit them to hospital

AND

- iii. The person consents

8.3. The Locality Team will:

- Offer an **emergency** duty assessment of the person's health and social care needs where the person is:

- i. **Already known** to mental health services

AND

- ii. The decision has been made **NOT** to admit them to hospital

AND

- iii. The person does **NOT** consent to CRHT

8.4. The Locality Team will:

- Offer an **urgent** duty assessment of the person's health and social care needs where the person is:

- i. **NOT known** to mental health services

AND

- ii. The decision has been made **NOT** to admit them to hospital

AND

- iii. The person consents

9. Actions to be taken before applying for a S.135 (2), MHA Warrant

9.1. A Magistrate can:

- Issue a warrant to allow the Police to enter premises and remove a person who is liable to be taken or returned to hospital or any other place, or to be taken into **custody**, under the MHA because for example, they have gone AWOL.

Please note:

This is similar to a warrant under S.135 (1), MHA in that it allows the police to execute it with force if needed

9.2. The Applicant can be:

- A Police Officer

OR

- An AMHP

OR

- Any other person who is authorised

Please note:

The other person is usually a health professional who is authorised by hospital managers

9.3. It is essential that **KMPT's "Absent Without Leave"** and the **Multi-Agency "CTO Policy"** is followed in the first instance

*For further information please see
KMPT's "Absent Without Leave policy" and
the Multi-agency "CTO policy"
on **i-connect***

9.4. In the event that a S.135 (2), MHA Warrant is needed within usual working hours for:

- i. A person who has gone **AWOL** the Applicant will be the best professional i.e. the member of staff or clinical team that has most knowledge of the person

Please note:

*This can include a member of the CRHT or the ward and teams **must** work jointly to achieve this whilst also covering all services between them*

- ii.

A person who is subject to a **CTO** and needs to be re-called the Applicant will be a member of the locality team

9.5. In the event that a S.135 (2), MHA Warrant is needed out of hours:

- i. The Applicant will be the best professional i.e. the member of staff or clinical team that has most knowledge of the person

Please note:

*This can include a member of the CRHT or the ward and teams **must** work jointly to achieve this whilst also covering all services between them*

9.6. The Applicant must:

- Receive formal authorisation from KMPT management in the first instance and for:
 - i. A member of staff in the community this will be their Service Manager
 - ii. A member of staff in a hospital this will be someone authorized on behalf of the hospital managers, as per **KMPT's "Scheme of Delegation"**

9.7. The Applicant must:

- Request authorisation for payment from their manager in advance of applying to the Court

9.8. The Applicant must:

- Contact the LDPT supervisor at the earliest opportunity to establish threat and risk
- Have direct open dialogue with the Local District Policing Team (LDPT) supervisor in order to negate any confusion, make best use of resources available and ensure any risk to the vulnerable individual is minimized.
- Complete the electronic form to request police involvement,

Please note:

*The form **must** contain a bullet point brief risk assessment including recent and historic risk information*

The form can be found at:

http://www.kent.police.uk/contact_us/pages/ext_force_forms.html

*And **must** be emailed to:*

tasking@kent.pnn.police.uk

9.9. The Applicant must:

- Contact **Kent Tasking** on: **01622 798510 – Option 1** for a **non-urgent** warrant (i.e. not to be executed on the same day as it is obtained from the Magistrates)

AND

- Advise that a warrant is being sought on that day

AND

- Agree the provisional date and time for the execution of the warrant

Please note:

*This phone line is open from 9.00am – 5.00pm
7 days a week*

9.10. The Applicant must:

- Contact **Force Control Room (FCR)** on: **01622 690690** for an **urgent** warrant (i.e. to be executed on the same day as it is obtained from the Magistrates)

Please note:

*The Applicant **must** clearly justify the rationale for this request*

9.12. The On Duty LDPT Sergeant must:

- Take command of the incident and manage the attendance of resources at the appropriate time.

Please note:

*This information **must** then be passed between shifts
and direct liaison had with the AMHP*

10. Completing the S.135 (2), MHA Warrant

10.1. The Applicant must:

- Complete for a **S.135 (2), MHA** both:
 - i. The S.135 (2), MHA **Information Sheet**
- AND**
- ii. The S.135 (2) **Warrant**

*For blank copies of the “S.135, MHA Information sheet”
and the “S.135 (1), MHA Warrant” please see:
Knet*

10.2. The Applicant can:

- Obtain guidance on **how to write the evidence** from **KCC’s “Court Report Guidance”**

***Please note:**
A warrant can be issued even if the person’s name is **not** known
(S.135 (5), MHA)*

*For a copy of KCC’s “Court Report Guidance” please see:
Knet*

10.3. The Applicant can:

- Reference any supporting documentation but copies must be submitted along with the Warrant.

10.4. The Applicant must:

- Complete the **HMCTS’ “Court Fee Undertaking to Pay Form”**

*For a blank copy of the HMCTS
“Court fee undertaking to pay form” please see:
Knet*

11. Applying for a S.135 (2) Warrant

11.1. The Applicant must:

- Follow the HMCTS “*Guidance for Mental Health Warrants*”

*For a copy of the HMCTS
“Guidance for Mental Health Warrants” please see:
Knet*

11.2. The Applicant must:

- Contact the emergency administrator on: **01245 313594** for **urgent** applications within working hours (10.00 am - 4.30pm)

AND

- Where there are no time slots available

11.3. The Applicant must:

- Contact the **Out of hours** administrator on: **0203 3343323** for applications outside of normal working hours (10.00 am - 4.30pm)

11.4. The Applicant must:

- Print off 3 copies of the warrant

AND

- Scan and upload the signed copy of the warrant

AND

- Record the outcome on Rio

11.5. The Applicant must:

- Ensure arrangements have been made to secure a bed prior to the warrant being executed.

12. Actions by Kent Police prior to executing the S.135 (2), MHA Warrant

12.1. Kent Police will:

- Contact the Applicant in order to establish the following:²
 - i. The identity of any participating professionals
 - xi. Their expectations of the police
 - xii. Anticipated outcomes for the person and alternative contingencies
 - xiii. Any risk factors associated with the person and the premises
 - xiv. The identity and contact telephone numbers of carers or relatives of the person who may be able to secure the person's cooperation and provide insight into the person
 - xv. The identity of who owns the premises
 - xvi. That the Applicant has secured transport arrangements

Please note:

*The police will **not** transport a person detained via the warrant unless they are so violent that health professionals and ambulance personnel alone **cannot** safely manage them*

- xvii. Negotiate a realistic time window.
- xviii. Confirm that the hospital bed has been confirmed by the Applicant

12.2. Kent Police will:

- Nominate specific officers to execute the warrant

12.3. Kent Police will:

- Conduct searches on:
 - i. PNC
 - ii. PND
 - iii. Genesis

AND

- Identify any risks posed by the person

12.4. Kent Police will:

- Compile a briefing document to accompany the warrant including the information and intelligence obtained.

² Kent Police Standard Operating Procedure (SIP) 018b Execution of Warrants under S.135, MHA

12.5. The Lead Police Officer will:

- Brief the nominated officers

AND

- Command execution of the warrant.

Please note:

The tactics to be employed will be dependent on the character and level of the risk posed by the person

12.6. The Lead Police Officer should:

- Conduct additional checks

AND

- Revise risk information if there is any indication that circumstances have changed.

12.7. The Police Officers should:

- Consider using unmarked cars to travel, as this will reduce the impact of executing such a warrant on the person.

13. Executing S.135 (2), MHA Warrant

13.1. The Applicant can:

- Execute the warrant at any time within a **three-month period** from the date of issue and it does **not** need to be the Applicant who obtained it.

Please note:

*It is imperative that it is executed **as soon as** the appropriate support can be obtained*

13.2. The Applicant can:

- Only execute the warrant **once**

Please note:

*If the warrant is executed while the person is **not** present at the premises then another application to the court **must** be made*

13.3. The Police Officer must:

- Always be accompanied for **S.135 (2), MHA** by another professional

13.4. In the event that a S.135 (2), MHA Warrant is executed within usual working hours for:

- i. A person who has gone **AWOL** the professional will be the best professional i.e. the member of staff or clinical team that has most knowledge of the person

Please note:

*This can include a member of the CRHT or the ward and teams **must** work jointly to achieve this whilst also covering all services between them*

- ii. A person who is subject to a **CTO** and needs to be re-called the professional will be a member of the locality team

13.5. In the event that a S.135 (2), MHA Warrant is executed out of hours for:

- i. The professional will be the best professional i.e. the member of staff or clinical team that has most knowledge of the person

Please note:

*This can include a member of the CRHT or the ward and teams **must** work jointly to achieve this whilst also covering all services between them*

13.6. The Police Officer must:

- Be the person who executes the warrant, as the warrant directs the **“Constables of Kent”** to do so.

13.7. The Police Officer’s role is:

- To secure entry to the premises

AND

- Fulfil the directions of the warrant.

13.8. All the professionals involved should:

- Convene outside at the person’s address.

13.9. The Lead Police Officer will:

- Identify themselves to the other parties

AND

- Confirm their respective roles and responsibilities.

13.10. All the professionals involved should:

- Share any information they have about risk with each other

13.11. The Lead Police Officer will:

- Decide on the approach to be used to enter the premises

AND

- In particular, if physical force is necessary to enter and secure the premises.

Please note:

*It is important that a balance is maintained at all times
between the 'least restrictive' principle
and the safest intervention*

- Confirm when it is safe for the other parties to enter

AND

- Remain on the premises to prevent a breach of the peace.

13.12. The Mental Health Professional should:

- Inform the person of the reasons for the warrant **before** their removal from the premises

13.13. The Lead Police Officer must:

- Sign the warrant

13.14. The Mental Health Professional must:

- Give a copy of the warrant to the person

14. Transport to the hospital bed

14.1. The Mental Health Professional must:

- Always arrange for the person to be transported by an ambulance unless the person is so violent that they cannot be safely managed by health and ambulance professionals alone

Please note:
For further information please see KMPT's "Transport Policy" on i-connect

14.2. The Police Officer and the Mental Health Professional must:

- Jointly and robustly assess the risks associated with transporting the person

14.3. The Police Officers must:

- Remove the person from the premises to the hospital as set out in the warrant.

Please note:
In most cases the Police Officers will follow the ambulance or a Police Officer will escort the person in the ambulance

15. Actions to be taken after the person is re-admitted

15.1. The Mental Health Professional must:

- Ensure a copy of the warrant accompanies the person to the ward

