

## Unlawful Detentions Flowchart

### **Guidance for shift coordinator regarding unlawful detention flowchart:**

The key priority for any potential unlawful detention is to ensure that the service user is detained unlawfully for no longer than is practicable. Therefore, it is essential that as the shift coordinator if you are made aware of a potential unlawful detention that a decision is made as soon as possible regarding this.

If as the shift coordinator you cannot access Invicta Law advise, as out of hours, and you decide the detention is unlawful then this process is followed as soon as possible after the decision.

As soon as you have decided that a detention is unlawful you need to advise the detaining authority of this to ensure the service user has a new framework in place to protect any deprivations of liberty.

All this information must be recorded on Mosaic.

As the shift coordinator you can utilise the support of other staff on the rota to guide your decision. Investigation as to whether a detention is unlawful can be delegated to an AMHP on the rota but as the shift coordinator you must ensure that this process is followed.

Other practicalities such as sending the letter of apology or being advised of rights and ensuring they have capacity to understand can wait until the next working day.



Unlawful detention  
letter.docx

If you do not have capacity to do this within your shift, this outstanding work needs to be carried over to your next shift, if this is in a reasonable timeframe. If this is not practicable as you are about to start leave for instance, then the shift report needs to detail the outstanding work and an email needs to be sent to [AMHPManager@kent.gov.uk](mailto:AMHPManager@kent.gov.uk) outlining the concern, the decision and outstanding work. This follow on work will then be allocated to an AMHP to complete.

This flowchart and only needs to be followed if the reason for the potential unlawful detention is an error or omission by the AMHP. Errors from other departments, such as incorrect completion of the H4 needs to be explored by the detaining hospital.

Guidance of referral to an IMHA is on the AMHP service shared drive. [Click Here](#)

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