

WELSH INFORMATION GOVERNANCE & STANDARDS BOARD

DSC Notice:	DSCN 2011 / 01
Date of Issue:	24 th March 2011

Ministerial / Official Letter: n/a	Subject: Legal Status and Mental Category
Sponsor: Mental Health, Vulnerable Groups & Offenders Healthcare Policy Branch, Health and Social Services Directorate General, WAG	
Implementation Date: 1 st April 2011	

DATA SET CHANGE NOTICE

A Data Set Change Notice (DSCN) is an information mandate for a new or revised information standard.

This DSCN was approved by the Welsh Information Governance and Standards Board (WIGSB) at its meeting on the 17th March 2011

WIGSB Reference: IGRN 2010 / 013

Summary:

To update the data items Legal Status and Mental Category as a result of changes to the Mental Health Act 1983.

Data sets / returns affected:

Admitted Patient Care Data Set (APC ds)
Psychiatric Census

Please address enquiries about this Data Set Change Notice to the Data Standards Team in Health Solutions Wales E-mail: data.standards@wales.nhs.uk Tel: 02920502539

The Welsh Information Governance and Standards Board is responsible for appraising information standards. Submission documents and WIGSB Outcomes relating to the approval of this standard can be found at: <http://howis.wales.nhs.uk/sites3/page.cfm?orgid=742&pid=24632>

DATA SET CHANGE NOTICE

Introduction

The 1983 Mental Health Act covers the compulsory admission and detention in hospital of mentally disordered persons; it provides the legal framework for their care and treatment, and includes matters relating to care outside of hospital settings. The 1983 Act was amended by the Mental Health Act 2007.

Following amendment to the Mental Health Act 1983 (the 1983 Act) there have been changes to legal status and mental category. These need to be reflected in the Psychiatric Census and Admitted Patient Care data sets so that the data will provide a correct record for the mental health patients admitted to hospital. However, changes in the permissible values in relevant data items in data sets are only now being reflected. In the period between the legislative change and the implementation date of this DSCN, old and new values will be accepted in APC submissions. For the Psychiatric Census these changes will only be introduced from March 2011.

Description of Change

To update the data items 'Legal Status' and 'Mental Category' in Admitted Patient Care Data Set and Psychiatric Census Return.

Data Dictionary Version

This DSCN will be reflected in version 3.3 of the NHS Wales Data Dictionary.

Actions Required

Actions for Local Health Boards / Trust:

Admitted Patient Care Data Set

- Must ensure changes are implemented from the May 2011 submission (i.e. April 2011 data) of APC data.
- Health Boards may decide to resubmit historical data to reflect the legislative change date if they so wish.

Psychiatric Census

- Ensure changes are implemented from March 2011 Census.

Actions for NHS Wales Informatics Service Brunel House

Admitted Patient Care Data Set

- Update the Validation at Source Service (VASS) to reflect changes described in this DSCN by 30th April 2011.

Psychiatric Census

- Update the national Psychiatric Census database to allow for changes to Psychiatric Census to be submitted from 1st April 2011 onwards.

Appendix A: Table reflecting areas that are impacted as a result of this DSCN

The following table shows all Data Items, Terms and associated areas that are linked with the changes documented within this DSCN.

Data Definition Type	Name	New / Retired / Changed
Data Item	Legal Status	Changed
Data Item	Mental Category	Changed

Appendix B: Highlighted changes to be made to the NHS Wales Data Dictionary

Changes to the NHS Wales Data Dictionary are detailed below, with new text being highlighted in **blue** and deletions are shown with a ~~strike through~~. The text shaded in **grey** shows existing text copied from the NHS Wales Data Dictionary.

Legal Status

This is a classification of a patient's legal status which is either informal or as designated in the Mental Health Act 1983 or other acts. The classification "informal" is used for those patients who are not formally detained or not receiving supervised aftercare. The classification is required for all patients who have a hospital provider spell which includes the care of a Consultant in the psychiatric specialties or have been discharged from such a hospital provider spell and are required to receive supervised aftercare under the provision of the Mental Health (Patients in the Community) Act 1995.

For the APC ds99 this data item became effective from April 1999 and, with the data item Administrative Category, replaced the data item Category of Patient.

Format: 2 digit numeric

Value	Meaning	Valid From	Valid To
01	Informal (including voluntary patients under Section 131)	Pre 28 th December 1995	
02	Formally detained under Mental Health Act Section 2 (Admission for assessment of non-offender to hospital for assessment, with or without medical treatment)	Pre 28 th December 1995 Amended 1st February 2011	
03	Formally detained under Mental Health Act Section 3 (Admission for treatment of non-offender to hospital for assessment, for medical treatment)	Pre 28 th December 1995 Amended 1st February 2011	
04	Formally detained under Mental Health Act Section 4 (Admission of non-offender for assessment in cases of emergency)	Pre 28 th December 1995 Amended 1st February 2011	
05	Formally detained under Mental Health Act Section 5 (2) (Power to hold informal patient already in hospital, by doctor or approved clinician)	Pre 28 th December 1995 Amended 1st February 2011	
06	Formally detained under Mental Health Act Section 5 (4) (Power to hold informal patient already in hospital, by nurse)	Pre 28 th December 1995	
07	Formally detained under Mental Health Act Section 35 (Remand Accused remanded to hospital for report on accused's mental condition)	Pre 28 th December 1995 Amended 1st February 2011	
08	Formally detained under Mental Health Act Section 36 (Remand of Accused person remanded to hospital for treatment)	Pre 28 th December 1995 Amended 1st February 2011	

09	Formally detained under Mental Health Act Sections 37 and 41, excluding section 37(4) with section 41 restrictions on discharge (Hospital Order with restrictions) Convicted person sent to hospital for treatment, under 'restriction orders' on discharge)	Pre 28 th December 1995 Amended 1 st February 2011	
10	Formally detained under Mental Health Act Section 37 excluding section 37(4) without section 41 restrictions on discharge (Hospital Order) (Convicted person sent to hospital for treatment, without 'restriction orders' on discharge)	Pre 28 th December 1995 Amended 1 st February 2011	
11	Formally detained under Mental Health Act Section 37(4) (Convicted person detained in a place of safety pending admission to a hospital, under a hospital order): validation error. This section is not applicable to hospitals. This was legally valid to 5 th May 2010.	Pre 28 th December 1995	Valid to 31 st January 2011
12	Formally detained under Mental Health Act Section 38 (Interim hospital order)	Pre 28 th December 1995	
13	Formally detained under Mental Health Act Section 44 (Patient committed to hospital by Magistrates Court pending Crown Court disposal hearing for restriction order)	Pre 28 th December 1995 Amended 1 st February 2011	
14	Formally detained under Mental Health Act Section 46 (Detained during Her Majesty's pleasure) REPEALED BY ARMED FORCES ACT 1996	Pre 28 th December 1995	
15	Formally detained under Mental Health Act Sections 47 and with section 49 restrictions (Removal to hospital of person Prisoner, serving a sentence of imprisonment with restrictions, transferred with 'restriction directions' on discharge)	Pre 28 th December 1995 Amended 1 st February 2011	
16	Formally detained under Mental Health Act Section 47 without section 49 (Removal to hospital of person Prisoner, serving a sentence of imprisonment, transferred without 'restriction directions' on discharge)	Pre 28 th December 1995 Amended 1 st February 2011	
17	Formally detained under Mental Health Act Sections 48 and with section 49 restrictions (Removal to hospital of other person with restrictions, Other prisoner, not serving a sentence of imprisonment, transferred with 'restriction directions' on discharge)	Pre 28 th December 1995 Amended 1 st February 2011	
18	Formally detained under Mental Health Act Section 48 without section 49 (Removal to hospital of other person Other prisoner, not serving a sentence of imprisonment, transferred without 'restriction directions' on discharge)	Pre 28 th December 1995 Amended 1 st February 2011	
19	Formally detained under Mental Health Act Section 135 (Warrant to search for and remove to a place of safety)	Pre 28 th December 1995 Amended 1 st February 2011	

20	Formally detained under Mental Health Act Section 136 (Mentally disordered person found in Removal by Police from a public place to a place of safety)	Pre 28 th December 1995 Amended 1 st February 2011	
21	Formally detained – Other section	Pre 28 th December 1995	31 st March 1998
30	Formally detained under previous legislation (fifth schedule); this relates only to patients who, prior to the implementation of the Mental Health Act 1983, were detained under the Sixth Schedule of the Mental Health Act 1959	Pre 28 th December 1995	
31	Formally detained under Criminal Procedure (Insanity) Act 1964 as amended by the Criminal Procedures (Insanity and Unfitness to Plead) Act 1991	Pre 28 th December 1995	
32	Formally detained under other acts:	Pre 28 th December 1995	
	Section 47 of the National Assistance Act 1948	Pre 28 th December 1995	
	Section 1,2 or 12 of the Children's and Young Persons Act 1969	Pre 28 th December 1995	
	Section 3 of the Powers of Criminal Courts Act 1973	Pre 28 th December 1995	
33	Supervised Discharge [Mental Health (Patients in the Community) Act 1995] This was legally valid to 3rd May 2009	1 st May 1998	
34	Formally detained under Mental Health Act Section 45A (Hospital and Limitation Direction)	1 st May 1998	
35	Community treatment order (Mental Health Act Section 17a) This is legally valid from 3 rd November 2008	3 rd November 2008	
98	Non applicable (only used for NON psychiatric consultant specialties)	1 st April 2004	

Mental Category

A classification of a detained patient's mental category as designated in the Mental Health Act 1983. A patient should be included under only one mental category.

The primary reason for the detention of patients under the Mental Health Act 1983, as amended by the Mental Health Act 2007.

Format: 1 digit numeric

Value	Meaning	Valid From	Valid To
1	Mental illness This was legally valid to 3 rd November 2008	Pre 28 th December 1995	31 st January 2011
2	Mental impairment This was legally valid to 3 rd November 2008	Pre 28 th December 1995	31 st January 2011
3	Severe mental impairment This was legally valid to 3 rd November 2008	Pre 28 th December 1995	31 st January 2011
4	Psychopathic disorder This was legally valid to 3 rd November 2008	Pre 28 th December 1995	31 st January 2011
5	Other	Pre 28 th December 1995	31 st January 2011
6	Mental disorder (Learning Disability not present or not primary reason for using Act) This is legally valid from 3 rd November 2008	Valid from 3 rd November 2008	
7	Mental disorder (Learning Disability primary reason for using Act) This is legally valid from 3 rd November 2008	Valid from 3 rd November 2008	
8	Not Applicable (i.e. not detained)	Pre 28 th December 1995	
9	Not Known	Pre 28 th December 1995	

Note: Patients detained under Section 2, 4, 5, 135 and 136 of the Mental Health Act 1983 do not have a specified form of mental disorder and, therefore, the "9" classification should be used.