

Dementia patients ‘needlessly sectioned’

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Older people are being inappropriately detained in hospital under the Mental Health Act, doctors say ALAMY

Thousands of people with dementia are needlessly sectioned because of bureaucratic delays and legal confusion, doctors and regulators say.

Older people are confined to locked wards where they cannot even go for a cup of tea with relatives and face a struggle to get a care home place because they have been detained under the Mental Health Act.

Doctors say that a review of the act, due this week, must address the confusion or the problem could worsen.

Inspectors, doctors and human rights chiefs warn that the NHS is struggling to get to grips with a 2014 Supreme Court ruling that legal permission was required to care for patients who were not allowed to walk out of the door. This covered many patients with dementia who lacked the ability to consent to their care, and led to a twenty-fold increase in the use of Deprivation of Liberty Safeguards (DOLS), a council-run process that was used 227,400 times last year.

However, it takes almost five months to gain approval for the safeguards amid confusion about when they should be used. As a result many hospitals resort to the Mental Health Act which is quicker and better understood. Hospital inspectors found wards in which every older person had been sectioned.

Caroline Hacker, head of mental health policy at the Care Quality Commission, said that sectioning “should not be used in place of DOLS” for staff convenience. She said that the health service must “move away from the situation where there can be confusion about when to use DOLS or the Mental Health Act”.

Sectioning is up by a quarter since 2013, with 49,551 detained in 2017-18. The rate has risen among over-65s, against a general trend for detainments to fall with age. One in 1,000 over-65s were sectioned last year, a rate 13 per cent higher than that for the 50-64 age group.

James Warner, a specialist psychiatrist at Imperial College London, said that NHS bureaucracy was forcing doctors to section people. “I had an old soldier who had broken his arm and he happened to have dementia. He wanted to leave the ward and was stopped,” he said. “We couldn’t get a DOLS because he had dementia and we ended up having to detain him under the Mental Health Act as the only lawful way to keep him. It was a wholly inappropriate use of the act.”

Care homes “run for the hills” when they hear that a patient has been sectioned, he added.

Caroline Abrahams of Age UK said that the rise in sectioning could result in families refused permission to visit vulnerable relatives. She said that being confined to locked mental health wards was “a potential disaster” for people with dementia.

A spokeswoman for the Department of Health and Social Care said: “We are urgently reforming the Deprivation of Liberty Safeguards system to reduce the number of people waiting for access to these essential legal protections. All sections under the Mental Health Act are made only after clinical advice is given by two qualified doctors. However, the independent review of the act will explore how to resolve uncertainties about when to use the mental capacity or mental health legal framework to ensure people get the best care.”