



# INforMHAA: Interpreter-mediated Mental Health Act Assessments

Best practices for Approved Mental Health Professionals and Interpreters working together

## Part 3. Legal decision making in practice

### Introduction

In any Mental Health Act assessment (MHAA) it is the Approved Mental Health Professional (AMHP) who is ultimately responsible for making the decision about its outcome. That said, where there is a need for interpreter mediation, interpreters contribute to the making of the most appropriate decision as it is their role to mediate communication. To navigate this process successfully, both parties should be aware of their respective roles and responsibilities and in this process, there are practice matters that need to be considered. For example, interpreters may feel, erroneously, that:

- their role is to advocate on behalf of the person;
- their input is to enable the person to consent to what is happening.

In addition, AMHPs may:

- be unaware that many interpreters have received little or no training in understanding key legal or mental health concepts;
- be reluctant to rely on another person to help them communicate in a decision for which they are ultimately responsible.



## What is good practice in these circumstances?

**Be clear about the responsible decision maker.** AMHPs need to consider that the interpreter may not be aware of the AMHP's decision-making responsibility and check this with them at the outset.

**Be clear about the process of decision making.** It is recognised that AMHPs will make their decision based partly on what is said at interview. It is therefore helpful for the interpreter to understand that they should convey what is being asked by the AMHP and in turn convey to the AMHP what the person is saying, however unusual the utterances may seem. The AMHP and interpreter will each need to discuss and agree how this interaction should take place and what to do if the interview needs to stop (see Part 5 Briefing and Part 8 Stopping an assessment).

**Be clear that interpreters may have contributions to support decision making.** AMHPs should clarify that although the ultimate decision-making lies with them, they can also welcome the interpreter's input in relevant areas such as:

- Interpreters may have suggestions about how to better convey key terms or concepts to ensure cultural equivalence. (See Part 6 Key concepts and terms)
- Interpreters might notice nuances in language (e.g. unusual word choice, sentence construction), tone, or nonverbal cues that could provide further insights into the individual's mental state. (See Part 7 Different types of interpreting)
- Interpreters may have cultural knowledge of meanings behind or specific associations with what the assessed person has said that may be missed without additional comment. (See Part 9 Cultural sensitivities and cultural brokering)

### **Be clear about possible seriousness of the outcome.**

It is possible that an interpreter may not understand the consequences of the outcome of a MHAA. It is therefore helpful if the AMHP makes this clear at the outset and agrees with the interpreter that they understand concepts such as consent and objection, alongside the legal nature of them. Part 6 Key concepts and terms indicates key ones to discuss.

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## Document Description

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