

Your nearest relative.

There is a list of people in section 26 Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. The hospital staff can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

If you do not want this person to receive a copy of the leaflet, tell your nurse or another member of staff.

Changing your nearest relative.

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead.

The hospital staff can give you information that explains this.

Code of Practice.

There is a Code of Practice that gives advice to the staff in the hospital about the Mental Health Act and treating people for mental disorder. The staff have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.

Contact Peter Edwards Law - Your Local Solicitors

Of course you can contact the team at Peter Edwards Law who specialise in protecting the rights of vulnerable people. We know vulnerable people can suffer because they do not understand their legal rights. This can add to the stress, confusion and frustration felt.

Fighting to protect people's rights is our sole purpose. Whether you are suffering from a mental health issue or have a family member who is incapacitated you are entitled to be treated fairly, with dignity and respect like anybody else.

You can talk to us by calling **0151 632 6699** or email us at **law@peteredwardslaw.com**.

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S. 2 MENTAL HEALTH ACT - ASSESSMENT

Why am I in hospital?

You are being kept in this hospital under section 2 of the Mental Health Act 1983.

You should have been examined by two doctors and they think that you have a mental disorder. You must stay in hospital so the person in charge of your care (your responsible clinician) can find out what is wrong and how to help you.

How long will I be here?

You can be kept here for up to 28 days.

Can I leave?

During this time you must not leave unless your responsible clinician tells you that you may. If you try to leave the staff can stop you, and if you do leave you can be brought back.

If you were already being kept in hospital under section 4 of the Mental Health Act, then the time you have already been in hospital counts as part of the 28 days.

In your case the 28 days end on:

What happens next?

Your responsible clinician will tell you if they think you are well enough to leave hospital. This could be at any time during the 28 days.

Your responsible clinician may decide that you need to be in hospital for longer than 28 days, in which case you may be kept in hospital under section 3 of the Mental Health Act instead. They must make this decision before the 28 days are up. If this happens, you will be given another leaflet that explains what it means.

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What treatment can I be given?

Your responsible clinician and other members of staff will talk to you about any treatment they think you need. In most cases you will have to accept their advice.

There are different rules for some special treatments, like electro-convulsive therapy (ECT). If the staff think you need one of these special treatments, the rules will be explained to you and you will be provided with more information.

Can I appeal?

Yes, you can appeal against the decision to keep you in hospital under section 2.

You can also ask a Mental Health Tribunal to say you should no longer be kept in hospital. You can only do this during the first 14 days of the 28 days you can be kept in hospital.

Also you can ask the Hospital Managers to let you leave. You can do this at any time. The Hospital Managers are a special committee of people set up within the hospital to decide whether people should be kept in hospital. They may want to talk to you before deciding whether to let you leave.

You can write to the Hospital Managers at the hospital you are detained in or you can ask a member of staff to help you contact the Hospital Managers.

Your nearest relative can also write to the Hospital Managers to say that they want you to be allowed to leave hospital. This leaflet explains who your nearest relative is. If your nearest relative asks the hospital to allow you to leave, the hospital managers must let you leave within 72 hours. This is unless your responsible clinician tells them you might be a danger to yourself or other people if you are allowed to leave. It will be another six months before your nearest relative will be able to tell the Hospital Managers again they want you to leave, if you are still in hospital then.

What is a Tribunal and what happens?

The Tribunal is an independent panel which can decide whether you should be allowed to leave the hospital. It will hold a meeting with you and with staff from the hospital. This meeting is called a hearing. You can ask someone else to come to the hearing to help you, if you want. Before the hearing, the members of the Tribunal will read reports from the hospital about you and your care. One of the members of the Tribunal will also come to talk to you.

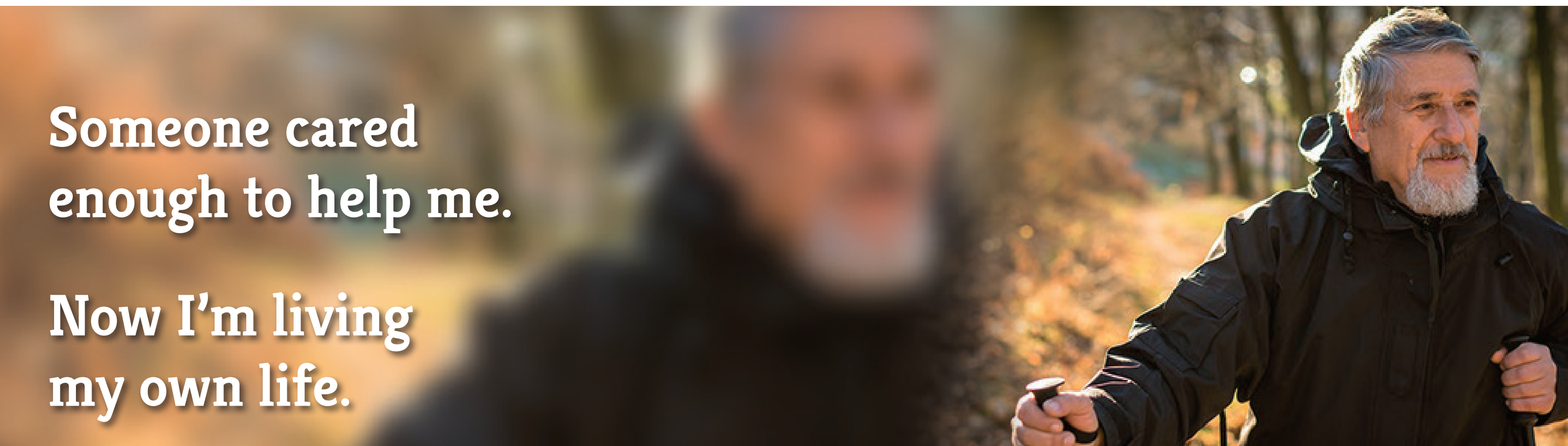
It is free of charge under the Legal Aid scheme.

Help from an independent mental health advocate.

You are entitled to help from an independent mental health advocate (IMHA) if you want. These advocates are independent and can help you get information about your care and treatment. They will explain why you are being kept in hospital, what it means and what your rights are. They can come to see you and help you understand what you are told by people involved in your care and treatment. If you want, they can help you talk to these people or they can talk to them on your behalf. They can also support you at the Tribunal.

You can contact the Independent Mental Health Advocacy Service yourself. There should be a telephone in the hospital so you can contact the advocacy service and talk to them in private. Ask a member of staff where this telephone is.

If you do not want to contact the advocacy service yourself, you can ask a member of staff to contact the advocacy service for you. You can also ask your nearest relative to contact the advocacy service for you.



Someone cared
enough to help me.

Now I'm living
my own life.