

Your nearest relative.

There is a list of people in s26 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, please 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 a leaflet 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. 3 MENTAL HEALTH ACT - TREATMENT

Why am I in hospital?

You are being kept in this hospital under section 3 of the Mental Health Act 1983. This means that two doctors think that you have a mental disorder and you need to be in hospital so that you can be given treatment and care.

How long will I be here?

You can be kept here for up to six months at first so that you can be given the treatment you need.

You must not leave during this time unless the person in charge of your care (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.

What happens next?

Your responsible clinician will tell you when they think you are well enough to leave hospital. If your responsible clinician thinks that you need to stay in hospital for longer than six months, they can renew how long you can be kept in hospital for up to another six months, and then for up to a year at a time. Your responsible clinician will talk to you about this towards the end of each period.

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What treatment will 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.

After three months, there are special rules about any medicine or drugs you are being given for your mental disorder. If you do not want the medicine or drugs, or are too ill to say whether you want them, a doctor who is not from this hospital will visit you. This independent doctor will talk to you and to staff at the hospital who know you. The independent doctor will decide what medicine and drugs you can be given. Unless it is an emergency, these are the only medicine and drugs you can be given without your agreement.

This independent doctor is called a SOAD (Second Opinion Appointed Doctor) and is appointed by an independent Commission which monitors how the Mental Health Act is used.

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 given another leaflet.

Can I appeal?

Yes, you can appeal against a decision to keep you in hospital under section 3.

You can make an application to ask a Mental Health Tribunal to say you should no longer be kept in hospital.

You can also 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 that you are detained 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 further down who your nearest relative is. If your nearest relative does this, the Hospital Managers must let you leave within 72 hours unless your responsible clinician tells them you might be a danger to yourself or other people if you are allowed to leave. If this happens, it will be another six months before your nearest relative will be able to tell the Hospital Managers again that they want you to leave, if you are still being kept 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 who know you. 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.

When can I apply to the Tribunal?

You can apply to the Tribunal once at any time in the first six months you are kept in hospital under section 3. You may then apply once at any time during the second six months, and then once during every year that you are kept in hospital after that.

If your nearest relative told the Hospital Managers that they wanted you to be allowed to leave hospital, but your responsible clinician said you were not allowed to leave, your nearest relative can also apply to the Tribunal. Your nearest relative must do this within 28 days of being told that your responsible clinician did not think you should be allowed to leave hospital. It is free of charge under Legal Aid scheme.

Help from an independent mental health advocate.

You are entitled to help from an independent mental health advocate if you want it. These advocates are independent of people involved in your care. They can help you get information about your care and treatment, 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 for you. They can also support you with the Tribunal.

You can contact the independent mental health advocacy service yourself. There should be a telephone where you can contact the advocacy service and talk to them in private. You can 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.