



DETENTION IN EMERGENCY

Why am I in hospital?

You can be kept in hospital under section 4 of the Mental Health Act 1983 because a doctor thinks you have a mental disorder and that you must stay in hospital.

How long will I be here?

You may have to stay in this hospital for up to 72 hours so that you can be seen by a second doctor to confirm if the decision to keep you in hospital is correct.

During this time you must not leave unless the person in charge of your care (your responsible clinician) says that you may. If you try to go, the staff can stop you, and if you leave, you can be brought back.

If, after 72 hours, another doctor has not seen you, you will be free to leave. But if you decide to leave then, you may wish to talk to your responsible clinician or another member of staff first.

What happens next?

When the second doctor sees you, they may say that you need to stay in hospital for longer. That doctor, or your responsible clinician, will tell you why and for how long this is likely to be. If they decide that you do not need to stay, either they or another member of staff will talk to you about what other help you should have.

Will I be given treatment?

The hospital staff will tell you about any treatment they think you need. You have the right to refuse any treatment you do not want. Only in special circumstances, which would be explained to you, can you be given treatment you do not agree to.

Can I appeal?

No, not against the section 4, if however this is converted and you are detained under s2 or s3 Mental Health Act then you can appeal to the Mental Health Tribunal or the hospital Managers

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.

How do I complain?

If you want to complain about a decision to keep you here under section 4, or about anything else to do with your care and treatment in hospital, please speak to a member of staff. They may be able to sort the matter out. They can also give you details of the hospital's complaints procedure, which you can use to try to sort out your complaint locally. They can also tell you about any other people who can help you make a complaint.

If you do not feel that the hospital complaints procedure can help you, you can complain to an independent Commission. This is called the Care Quality Commission and it monitors how the Mental Health Act is used, to make sure it is used correctly and that patients are cared for properly while they are in hospital. The hospital staff can give you a leaflet explaining how to contact the Commission.

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.