



DOCTOR'S HOLDING POWER

Why can't I leave this hospital?

You can be kept in this hospital under section 5(2) of the Mental Health Act 1983 because the person in charge of your treatment, or their deputy, thinks that you have a mental disorder and need to stay in hospital.

"Deputy" means someone who can take decisions when the person in charge of your treatment is somewhere else.

How long will I be here?

You can be kept in hospital for up to 72 hours so that you can be seen by two doctors to decide if you need to be kept in hospital for longer.

You will probably also be seen by an approved mental health professional. An approved mental health professional is someone who has been specially trained to help decide whether people need to be kept in hospital.

You must not leave the hospital during this time unless the person in charge of your treatment, or their deputy, tells you that you may. If you try to go, the staff can stop you, and if you leave, you can be brought back.

If you were already being kept in hospital by a nurse under section 5(4) of Mental Health Act, then the time you have already been kept in hospital under that section counts as part of the 72 hours.

What happens next?

Once the doctors have seen you, they decide that you need to stay in hospital for longer. A doctor or an approved mental health professional will tell you why and for how long this is likely to be. You should be given leaflet to tell you what will happen. If it is decided that you do not need to stay, they (or another member of staff) will talk to you about what other help you should have.

What happens next? (continued)

If you have not been told you have to stay in hospital by the end of the 72 hours, you should be free to leave. But you may decide you wish to stay in hospital as a voluntary patient. If you do want to leave at the end of the 72 hours, you should talk to a member of staff first.

Can I appeal?

No. Even if you do not agree that you need to stay in hospital now, you cannot appeal against a decision to keep you here under section 5(2).

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.

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 anything 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 information about 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**.