Detention under the Mental Health Act 1983 (Amended 2007)

What you need to know, what you can expect and what you can do

This information sheet tells you your rights under the Mental Health Act (1983.) You can also ask to see a copy of the Code of Practice that goes with the Mental Health Act.

This tells you how patients should be treated according to the act.

Information about ‘sectioning’

The Mental Health Act (1983) says what legal powers doctors and Approved Mental Health Professionals (AMHPs) have to detain people in psychiatric hospital against their will. It lays down what doctors and AMHPs can and can’t do, and what rights patients and their relatives have.

People can be admitted to hospital against their will if doctors and an AMHP believe they need to be in hospital because of the state of their own health, or for the protection of themselves or other people.

They can be detained under different ‘sections’ of the act, which give different powers. People who are detained in this way are often referred to as having been ‘sectioned.’ A person cannot be detained unless two doctors (one of whom must be trained in psychiatry) agree that it is necessary.

Admission under Section 2

This means that someone is admitted for assessment, which may be followed by treatment, for up to 28 days.

Admission under Section 3

This means that someone is admitted for treatment for up to six months. This period can be renewed for a further six months, then yearly after that.

Admission under Section 4

This is used when there is an emergency and only one doctor available. A person can be detained for 72 hours while an assessment is carried out.

This can be converted to a Section 2 admission when the patient has been seen by a second doctor.

Approved Mental Health Professionals (AMHP)

The person who makes an application is an ‘Approved Mental Health Professional.’ He or she has specialist training in working with people with mental health problems and is ‘approved’ for this kind of work by social care. He or she is qualified to decide on the basis of medical recommendations, whether or not someone should be admitted to a psychiatric hospital against their will.

The professional looking after you is an Approved Mental Health Professional.
While you are in hospital, you have the right:

- To be treated with respect and courtesy at all times
- To be treated and cared for by people who are trained, competent and supervised
- To a good standard of medical care, including treatment from, for example, a dentist or optician when you need it
- To as much privacy as possible
- To be physically safe
- Not to be discriminated against on any ground

What can I do if I want to leave hospital?

You can ask to be discharged by writing to the hospital managers of the hospital you are in. If you want to, you can ask your nurse or AMHP to help you do this. Letters to the hospital managers should be sent to the hospital address given in this information sheet. The hospital managers will review your case and consider your request to leave hospital.

Your Nearest Relative has the right to ask for your discharge. They can ask for help from the ward staff to do this.

You can ask to be heard by a Mental Health Tribunal (see the useful address section for contact details). Mental Health Tribunals are independent panels that hear appeals against someone being kept in a psychiatric hospital against their will.

You are entitled to be represented by a solicitor at a tribunal hearing. You can contact a solicitor yourself to help you make an appeal, or you can ask your key worker or ward staff to contact one for you. Legal aid is available if you are eligible for it.

Will people listen to my point of view?

Yes – you will be fully involved in deciding what care you need and in planning how it will happen.

Help with putting forward your point of view

When you have any meeting with professional staff (for example doctors, other medical staff or social care staff) you can ask for someone to come with you to help you put your point of view forward. The person who comes with you might be a friend, a relative, or someone who is trained to help in these situations such as an Independent Mental Health Advocate.

If you want to find an Independent Mental Health Advocate, ask your nurse, AMHP or key worker for help and advice.

About your treatment

Normally you must agree before you can be given any treatment. You can change your mind about agreeing to treatment at any time, and treatment cannot be re-started unless you agree to it.

Under the Mental Health Act, your doctor:

- Can give you medication for up to three months even if you do not agree to it.
- Can continue to give you medication or other treatment for longer than three months without your permission if he or she has got the agreement of another doctor appointed by the Mental Health Act Commission.

Nearest Relative

‘Nearest relative’ is the legal term used in the Mental Health Act for the relative closest to the person who has been admitted to hospital. This person is defined in law and sometimes may not be the person you would normally think of as your next of kin. If you would like more information, please ask your nurse or AMHP.

Your ‘nearest relative’ must be consulted about whether or not you should be detained in hospital and has the right to ask for you to be discharged from hospital. You can say whether or not you want your ‘nearest relative’ to be given any further details about your stay in hospital.

Your key worker (the person looking after you on a day-to-day basis)

If you would prefer your key worker to be the same sex as you this will be arranged, wherever possible. If you do not get on with your key worker you can ask your nurse, AMHP or doctor to request that someone else is asked to become your key worker.
**Information about your treatment**

- You have a right to be told exactly what treatment you are being given and why.
- If you don’t understand any of the terms used, ask for an explanation.
- You can ask for information in writing so that you have a chance to read it through.
- You must be told what the likely effects of any treatment are, including possible harmful effects.
- You must be told of any alternatives to medical treatment and of services that you could use, including services in the community.

**Can I make a complaint?**

If you are unhappy about what has happened to you, or about the treatment you have received, you have a right to make a complaint. You also have a right to have any complaint you make thoroughly, quickly and impartially investigated, and to be told what is happening about it.

If you want to complain about any aspect of the service you have received from social care, ask a AMHP for a copy of the booklet ‘How to make a comment, compliment or complaint’ which gives details of the department’s complaints procedure.

If you want to complain about health services ask a member of the hospital staff for the ‘Patients’ Charter’ which tells you how you can make a complaint.

If you want help and support to make a complaint you can contact:

**Southern England Advocacy Projects (SEAP)**
Oasis Centre, Arundel Street, Portsmouth PO1 1NP
Tel: 023 9283 7777

**Useful addresses**

**Hospital Managers**
Write to them via:
The Mental Health Act Administrator
The Orchards, St James Hospital, Locksway Road
Portsmouth PO4 8FE
Tel: 023 9268 2520
Fax: 023 9268 2646

**Community Mental Health Teams**
St Mary’s Hospital, Milton Road
Portsmouth
Tel: 023 9268 0200

**Mental Health Tribunal**
Wellington House, 133 – 155 Waterloo Road
London SE1 8UG
Tel: 020 7972 4118

**MIND (National Association for Mental Health)**
Granta House, 15 – 19 Broadway, Stratford
London E15 4BQ

**Independent Mental Health Advocate (IMHA)**
You can access independent support whilst in hospital from an Independent Mental Health Advocate who can help you in considering any advanced directive (see below) you may wish to make, and support you in discussion with the professionals you are working with.

**Advanced Directive**
This is an agreement that you make with those supporting you about what you would like to happen if you become unwell and how that should be managed.

**Information on records**
You are allowed by law to see records the hospital has about you. If you disagree with what has been written about you, or you think it is untrue, you can say so in writing and this can be added to your records.

If you want to read your records, ask your doctor, AMHP or key worker how you can apply to see them.

**Who will have information about me?**
The staff looking after you will only be given the information they need to help you properly. If you are worried about the information people will be told, you should speak to your doctor.

If you do not want your ‘nearest relative’ to have details about you, or about your treatment, you can ask for the information to be withheld.
Your details

<table>
<thead>
<tr>
<th>Details</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>You have been admitted under section ____ of the Mental Health Act (1983) and you may be kept in hospital for a maximum of</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
</tr>
<tr>
<td>Ward</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td></td>
</tr>
<tr>
<td>Responsible clinician in charge of your medical treatment</td>
<td></td>
</tr>
<tr>
<td>Name of care co-ordinator</td>
<td></td>
</tr>
<tr>
<td>Name of key worker in charge of day-to-day care</td>
<td></td>
</tr>
<tr>
<td>Your ‘nearest relative’ under the Mental Health Act</td>
<td></td>
</tr>
</tbody>
</table>

For a directory of local health and social care services, please visit [www.healthwatchportsmouth.co.uk](http://www.healthwatchportsmouth.co.uk)