



**South London  
and Maudsley**  
NHS Foundation Trust

## **Mental Health Act (1983)**

### **In hospital under section**

### **Information for patients**

[www.slam.nhs.uk/mha](http://www.slam.nhs.uk/mha)

## **Introduction**

You are in a mental health hospital because health and social care professionals have decided this is the best way for you to get support and avoid harming yourself or others.

Different parts or “sections” of the law called the Mental Health Act allow you to be kept (“detained”) in hospital so long as certain conditions are met.

This leaflet includes information about independent mental health advocates, main sections, treatment and medication, time off the ward, leaving hospital and how to appeal.

It does not include information about forensic sections - those for people coming to hospital from court or prison.

## **Independent mental health advocates**

Anyone in hospital under section can get free, independent and confidential advice from an independent mental health advocate (IMHA).

IMHAs are specialist advocates who help you understand your rights under the Mental Health Act.

They make sure your voice is heard in decisions about your care and treatment.

There are different IMHAs for each council borough.

Ask a member of staff for details, check ward noticeboards, or search online for your borough name and IMHA - for example "Southwark IMHA".

## Main sections

If you are in hospital under section, a nurse should have given you a rights leaflet and explained what your section means.

Sometimes your section can be changed. You should always know which section you are on. Ask a nurse if you are not sure.

These are the main sections of the Mental Health Act that are used to keep people in hospital:

### **Emergency section – Section 4**

Section 4 is used when an approved mental health professional is very concerned about your mental health and needs to act quickly so they can keep you, or others, safe.

Only one doctor is needed for a section 4. It lasts up to 72 hours and it might be followed by a section 2 or section 3.

### **Assessment section – Section 2**

Section 2 is used to allow time to assess your mental health, and decide what treatment might help.

Two doctors and an approved mental health professional need to agree before someone is put on section 2. It lasts up to 28 days.

A senior doctor or consultant, also known as a “responsible clinician”, will be in charge of your care.

## **Treatment section – Section 3**

Section 3 allows time for treatment to improve your mental health. Two doctors and an approved mental health professional need to agree before anyone is treated under section 3.

To start with, a section 3 lasts up to six months. If it is extended, the first extension lasts up to another six months. Any further extensions last up to a year.

A senior doctor or consultant, also known as a “responsible clinician”, will be in charge of your care.

## **Holding sections – Sections 5(2) and 5(4)**

If you are a voluntary or informal patient and there are serious concerns about your safety a holding section might be used to keep you in hospital.

A doctor can use section 5(2) to detain you for up to 72 hours while you are assessed for a section 2 or 3.

If a doctor is not available, a nurse can use section 5(4) to detain you for up to six hours. It ends when a doctor sees you.

## **Section 136**

Some people are brought to hospital under a section 136. This is a power which a police officer can use if you were in a public place and they had concerns about your mental health.

## Treatment

If you are under section 2 or 3, the law allows you to be given treatment, including medication.

The team caring for you will discuss your treatment with you, explain why they think it could be helpful, and try to get your consent.

After three months under section, if you do not want to take medication (or you are too unwell to decide) a **second opinion appointed doctor (SOAD)** will visit you on the ward.

These are independent doctors who check your views and wishes have been taken into account, and make sure your treatment is appropriate.

SOADs are appointed by the Care Quality Commission

## Time off the ward

If you are in hospital under section, time off the ward needs to be agreed by your responsible clinician. This is called **section 17** leave.

If you are given leave, you will be told how much you have, and if you need a nurse or someone else to go with you when you leave the ward (escorted leave).

If you do not follow these conditions, for example you do not return by an agreed time, the police may be asked to bring you back to hospital.

## Nearest relative

The Mental Health Act gives rights to a patient's "nearest relative". This could be your partner (if you have one) or a family member. See page 9.

If you are unhappy with your nearest relative, or you do not want them to know about your care and treatment, please tell someone in the team looking after you.

## Leaving hospital

You can leave hospital, or be "discharged", in four ways:

1. Your section ends, usually because it is ended by your responsible clinician, and you are well enough to leave. If you were on section 3, you have the right to aftercare (known as section 117 aftercare) to help you meet your needs in the community.
2. You are on section 3 and your responsible clinician thinks you are well enough to leave hospital under a community treatment order (CTO).
3. You appeal against your section and either the Mental Health Tribunal or the Associate Hospital Managers agree that you are well enough to leave hospital (see next page).
4. Your nearest relative writes to the trust asking that you be discharged, and they agree that you are well enough to leave hospital.

Patients sometimes choose to stay after their section has ended as a voluntary or informal patient until they feel well enough to leave.

## How to appeal

If you disagree with your section, and you are on section 2 or 3 you can appeal to either of these groups:

### **Mental Health Tribunal**

The tribunal holds “hearings” to consider your appeal against your section. Hearings are formal meetings which include the tribunal panel, you, your responsible clinician, your nurse and your care coordinator.

Write to the MHA Office at your hospital to start an appeal to a tribunal.

### **Associate Hospital Managers (AHMs)**

The AHMs run similar, less formal, meetings to the tribunal. They can only end sections 2, 3 and 37.

The official name for them under the Mental Health Act is “hospital managers”. We call them Associate Hospital Managers or AHMs to avoid confusion.

Write to the AHMs to start an appeal:

Address:   Mental Health Act AHMs  
              Maudsley Hospital  
              111 Denmark Hill  
              London SE5 8AZ

Email:       **AHMs@slam.nhs.uk**

If you are on section 2 and want to appeal to the tribunal, you must do this during the first 14 days of your section. You can appeal to the AHMs at any time.

## Getting help with an appeal

Your care coordinator can help you appeal - or your solicitor, if you have one.

If you go to a tribunal and a solicitor puts your case you can usually get free **legal help** (Legal Aid). There is a list of solicitors on the ward. Ask staff for a copy.

You can also get free help from a specialist advocate called an **independent mental health advocate (IMHA)** - see page 2.

You can bring someone with you to hearings for support, such as a carer, friend or family member, however they are not allowed to speak on your behalf and the appeal panel needs to know in advance.

## Concerns, questions and complaints

Please tell us if you have concerns. We want you to get the support that you need.

You can also contact the trust **Patient Advice and Liaison Service (PALS)**. They help to resolve issues before they become serious, and can pass on formal complaints. Call them on **0800 731 2864** (Option 2) or email **pals@slam.nhs.uk**.

For more information, ask a member of staff, see the ward welcome pack and noticeboards or visit **[www.slam.nhs.uk/complaints](http://www.slam.nhs.uk/complaints)**

## Care Quality Commission

The Care Quality Commission (CQC) is responsible for monitoring the quality of healthcare services.

You can contact them if you have a complaint about the way the Mental Health Act has been used.

Call: **03000 616161 (option 1)**

Email: **enquiries@cqc.org.uk**

Address: CQC Mental Health Act  
Citygate, Gallowgate,  
Newcastle upon Tyne, NE1 4PA

For more information visit **[www.cqc.org.uk](http://www.cqc.org.uk)**

## What are your carer's rights?

The Mental Health Act gives rights to the person who is closest to you, such as your partner or the person you live with. The legal term for them is “**nearest relative**”.

Your nearest relative has the right to:

- be given some information about you
- ask for an independent mental health advocate (IMHA) to see you
- ask for your section to end by writing to the hospital managers
- speak on your behalf if you are not able to

Please ask us if you have any questions or concerns.

For more general information for carers visit  
**[www.slam.nhs.uk/carers](http://www.slam.nhs.uk/carers)**

## Your notes

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Your name:

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Which section you are on:

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Date section begins and ends:

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Your responsible clinician (RC):

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Your ward doctor:

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Your primary nurse:

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Your IMHA:

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Your solicitor:

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Date of tribunal/hearing  
(if one has been arranged)

## Your notes (continued)



## More information and advice

Ask a member of staff, or your IMHA. You can also visit [www.slam.nhs.uk/mha](http://www.slam.nhs.uk/mha), or check these:

### Easy read information and films

- Visit [www.nhs.uk](http://www.nhs.uk) and search for “Easy Read Mental Health Act”.

### More detailed information

- MIND - [www.mind.org.uk](http://www.mind.org.uk)  
Legal line: 0300 466 6463 (local rate)  
9am to 6pm Monday to Friday (not bank holidays)  
email: [legal@mind.org.uk](mailto:legal@mind.org.uk)  
or write to: Mind Legal Line,  
Unit 9, Cefn Coed Parc  
Nantgarw  
Cardiff CF15 7QQ
- Rethink Mental Illness - [www.rethink.org](http://www.rethink.org)  
Advice and information: 0300 5000 927 (local rate)  
9.30am to 4pm Monday to Friday  
(not bank holidays)

**Please ask if you would like  
this leaflet in large print or  
another format or language.**