

My Rights

Under Section 2 of the Mental Health Act

Why am I in hospital?

You have had a mental health assessment because professionals think that you need care and treatment in a hospital setting, for a period of assessment.

This is because you have a mental disorder and professionals think that you need to be in hospital to keep yourself or others safe.

How long will I be in hospital?

A section 2 assessment can last up to 28 days. This allows the responsible clinician time to assess your mental disorder.

You can only leave the ward if you have been granted section 17 leave by the responsible clinician.

The staff will stop you if you try and leave the ward if you have not been granted leave. You will be brought back to the ward if you leave without permission.

What care and treatment will I receive?

You can discuss the care and treatment plan with your named nurse and responsible clinician.

You may have to take medication even if you do not want to.

There are different rules for some special treatments, like electro-convulsive therapy (ECT) but certain criteria must be met under the Mental Health Act. If the ward staff think that you need a special treatment this will be explained fully to you.

What is in a care and treatment plan?

This plan may involve the following information:

- Taking medication
- Having some physical investigations/tests
- Therapeutic work
- Talking to staff and answering their questions

Please ask questions about anything that worries you or if you need further information.

What happens next?

The responsible clinician can discharge you at any time within the 28 day assessment period.

The responsible clinician may decide that you need to be in hospital for longer than 28 days for care and treatment. This would be under section 3 of the Mental Health Act.

A decision must be made before the end of the assessment period.

Can I appeal?

You have the right to appeal under section 2.

You can request for a Hospital Managers Hearing.

Your Nearest Relative can write a letter to the Hospital Managers and ask for you to be discharged.

You can make an application to the Mental Health Tribunal. This must be done within the first 14 days of your admission to hospital.

You are entitled to be represented by a solicitor free of charge under the Legal Aid Scheme.

Can I have contact with friends and family?

You can send and receive letters, speak to your family on the telephone and they can visit you in hospital. It would be helpful if you let them know the visiting times. If these times are not convenient, please inform the staff and request an alternative time.

What can an advocate do?

You are entitled to an independent mental health advocate (IMHA).

An advocate is independent and on your side.

You can talk through your options with your advocate.

An advocate can help you to understand your rights.

They can support you to prepare for and speak up in meetings. This might be a ward round or care review.

The advocate can support you to contact a solicitor.

You can contact an advocate on 01925 246 888

Ward staff can also contact an advocate on your behalf.