

## My Rights

### Under Section 3 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.

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?

At first, the Section 3 can last up to 6 months.

This allows the responsible clinician time for you to be given care and treatment for 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.

After 3 months the ward staff can only treat you without your consent, if a second opinion doctor (SOAD) approves the treatment. The SOAD is independent and does not work for the hospital. They will talk to you and the ward staff and decide what medication you can be given.

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.

If the responsible clinician thinks that you need to stay in hospital for longer, they can renew the section for another 6 months and then for up to a year at a time. The responsible clinician will discuss this with you towards the end of each renewal period.

When you are discharged from hospital you are entitled to free aftercare. This is called section 117 after care. Your aftercare maybe co-ordinated under the Care Programme Approach.

---

## **Can I appeal?**

You have the right to appeal under section 3.

You can request 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. You can make one appeal in the first 6 months of your section. If your section is renewed, you can appeal once every time it is renewed. You are entitled to be represented by a solicitor free of charge under the Legal Aid Scheme.

If your nearest relative asked the Hospital Managers for you to be discharged but the responsible clinician decided against it, then your nearest relative can make an application to the Mental Health Tribunal. This must be done within 28 days of the responsible clinician informing your nearest relative that they do not think you should leave hospital.

---

### **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 but if these times are not convenient, please inform the staff and request an alternative.

---

### **What can an advocate do?**

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

An advocate is independent and on your side.

An advocate can help you to understand your rights.

You can talk through your options with your advocate. 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 if you wish to appeal your section.

### **You can contact an advocate on 01925 246 888**

Ward staff can also contact an advocate on your behalf.