

## Admission to hospital for treatment (Section 3 of the Mental Health Act 1983)

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| 1. Patient's name   |  |
| 2. Name of the person in charge of your care (your "responsible clinician") |  |
| 3. Name of hospital and ward  |  |
| 4. Date detention under section 3 began                                     |  |

### Why am I in hospital?

You are being kept in this hospital under section 3 of the Mental Health Act 1983. This means that two doctors think that you have a mental disorder and you need to be in hospital so that you can be given treatment and care.

### How long will I be here?

You can be kept here for up to six months at first so that you can be given the treatment you need.

**You must not leave during this time unless the person in charge of your care (your responsible clinician) tells you that you may. If you try to leave, the staff can stop you, and if you do leave, you can be brought back.**

### What happens next?

Your responsible clinician will tell you when they think you are well enough to leave hospital. If your responsible clinician thinks that you need to stay in hospital for longer than six months, they can renew how long you can be kept in hospital for up to another six months, and then for up to a year at a time. Your responsible clinician will talk to you about this towards the end of each period.

### What treatment will be given?

Your responsible clinician and other members of staff will talk to you about any treatment they think you need. In most cases you will have to accept their advice.

After three months, there are special rules about any medicine or drugs you are being given for your mental disorder. If you do not want the medicine or drugs, or are too ill to say whether you want them, a doctor who is not from this hospital will visit you. This independent doctor will talk to you and to staff at the hospital who know you. The independent doctor will decide what medicine and drugs you can be given. Unless it is an emergency, these are the only medicine and drugs you can be given without your agreement.

This independent doctor is called a SOAD (Second Opinion Appointed Doctor) and is appointed by an independent Commission which monitors how the Mental Health Act is used.

There are different rules for some special treatments, like electro-convulsive therapy (ECT). If the staff think you need one of these special treatments, the rules will be explained to you and you will be given another leaflet.

## **Can I appeal?**

Yes, you can appeal against a decision to keep you in hospital under section 3.

To do this, you can ask the Hospital Managers to let you leave. You can do this at any time. The Hospital Managers are a special committee of people set up within the hospital to decide whether people should be kept in hospital. They may want to talk to you before deciding whether to let you leave.

You can write to the Hospital Managers at:

Or you can ask a member of staff to help you contact the Hospital Managers.

Your nearest relative can also write to the Hospital Managers to say that they want you to be allowed to leave hospital. This leaflet explains further down who your nearest relative is. If your nearest relative does this, the Hospital Managers must let you leave within 72 hours unless your responsible clinician tells them you might be a danger to yourself or other people if you are allowed to leave. If this happens, it will be another six months before your nearest relative will be able to tell the Hospital Managers again that they want you to leave, if you are still being kept in hospital then.

You can also ask a Tribunal to say you should no longer be kept in hospital.

## **What is a Tribunal and what happens?**

The Tribunal is an independent panel which can decide whether you should be allowed to leave the hospital. It will hold a meeting with you and with staff from the hospital who know you. This meeting is called a “hearing”. You can ask someone else to come to the hearing to help you, if you want. Before the hearing, the members of the Tribunal will read reports from the hospital about you and your care. One of the members of the Tribunal will also come to talk to you.

## **When can I apply to the Tribunal?**

You can apply to the Tribunal once at any time in the first six months you are kept in hospital under section 3. You may then apply once at any time during the second six months, and then once during every year that you are kept in hospital after that.

If your nearest relative told the Hospital Managers that they wanted you to be allowed to leave hospital, but your responsible clinician said you were not allowed to leave, your nearest relative can also apply to the Tribunal. Your nearest relative must do this within 28 days of being told that your responsible clinician did not think you should be allowed to leave hospital.

If you want to apply to the Tribunal you can write to:

The Tribunals Service  
PO BOX 8793  
5th Floor  
Leicester  
LE1 8BN

Tel. 0845 2232022

You can ask a solicitor to write to the Tribunal for you and help you at the hearing. The hospital and the Law Society have a list of solicitors who specialise in this. You will not have to pay for help from a solicitor with this. It is free of charge under the Legal Aid scheme.

### **Help from an independent mental health advocate**

You are entitled to help from an independent mental health advocate if you want it. These advocates are independent of people involved in your care. They can help you get information about your care and treatment, why you are being kept in hospital, what it means and what your rights are. They can come to see you and help you understand what you are told by people involved in your care and treatment. If you want, they can help you talk to these people or they can talk to them for you. They can also help you with the Tribunal.

You can contact the independent mental health advocacy service yourself. There should be a telephone where you can contact the advocacy service and talk to them in private. You can ask a member of staff where this telephone is.

The telephone number for the advocacy service is:

If you do not want to contact the advocacy service yourself, you can ask a member of staff to contact the advocacy service for you. You can also ask your nearest relative to contact the advocacy service for you.

### **Letting your nearest relative know**

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative.

There is a list of people in the Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. The hospital staff can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

In your case, we have been told that your nearest relative is:

If you do not want this person to receive a copy of the leaflet, please tell your nurse or another member of staff.

## Changing your nearest relative

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead. The hospital staff can give you a leaflet that explains this.

## Your letters

All letters sent to you while you are in hospital will be given to you. You can send letters to anyone except someone who has said they do not want to get letters from you. Letters to these people can be stopped by the hospital staff.

## 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, for example an independent mental health advocate (see above).

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.

### Further help and information

If there is anything you do not understand about your care and treatment, a member of staff will try to help you. Please ask a member of staff to explain if there is anything in this leaflet you do not understand or if you have other questions that this leaflet has not answered.

Please ask if you would like another copy of this leaflet for someone else.

## Other formats

This information is available in alternative formats such as large print or electronically on request. Interpreters can also be booked. Please contact the Patient Advice and Liaison Service (PALS) offices, found in the main reception areas:

## Conquest Hospital

Email: [esh-tr.palsh@nhs.net](mailto:esh-tr.palsh@nhs.net) - Telephone: **01424 758090**

## Eastbourne District General Hospital

Email: [esh-tr.palse@nhs.net](mailto:esh-tr.palse@nhs.net) - Telephone: **01323 435886**

After reading this information are there any questions you would like to ask? Please list below and ask your nurse or doctor.

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### Reference

Written by: Sussex Partnership Trust

Updated to ESHT requirement by: Brenda Lynes-O'Meara: Assistant Director of Nursing (Safeguarding)

The following clinicians have been consulted and agreed this patient information: Sussex Partnership Trust, Adult Safeguarding Service, Children Safeguarding Service, Patient information group, Consent group, Medical Team.

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Responsible clinician/author: Brenda Lynes-O'Meara: Assistant Director of Nursing (Safeguarding)

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