

My Rights - 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 hospital. This will help to keep you and others safe.



How long will I be in hospital?

At first a section 3 can last up to 6 months.



The responsible clinician (doctor on the ward) will do an assessment of your mental health. This means they will find out how you are feeling and help you to feel better.



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



The staff will stop you if you try and leave the ward if you have not been given leave. You will be brought back to the ward if you leave without staff saying you can go.





What care and treatment will I have in hospital?

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 will have to ask a second opinion appointed doctor (SOAD), if they can give you care and treatment without your permission.



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.



You may have some physical health tests.

The professionals working with you will help you to feel better.



What happens next?

The responsible clinician can discharge you at any time.



The responsible clinician may decide that you need to be in hospital for longer than 6 months for care and treatment. This can be for another 6 months, and then up to a year at a time. This is called a renewal.



When you are discharged from hospital you have the right to free aftercare. This is called section 117 aftercare. Your aftercare may be co-ordinated under the Care Programme Approach (CPA).



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 have the right to appeal once in each renewal period.



You are entitled to be represented by a solicitor free of charge under the legal aid scheme.



Can I have contact with my friends and family?

You can speak to your family on the phone and write letters to each other if you want to.

They can visit you in hospital.



Can I have an advocate?

You are entitled to an Independent Mental Health Advocate (IMHA).

An advocate is independent and on your side.



What can an advocate do?

An advocate can talk through your care and treatment options with you.



An advocate can help you to understand your rights.



An advocate can support you to prepare 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.



How can I contact an IMHA?

Your IMHA works for an advocacy organisation called Warrington Speak Up



Visit the Warrington Speak Up You Tube channel to watch an IMHA's video message

<https://www.youtube.com/c/warringtonspeakup/videos>



You can contact your IMHA

By phone - 01925 246888

By email - referral@advocacyhub.org.uk



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