



Independent



Free



Confidential



Section 2 & Section 3

SELF HELP TOOLKIT

Supporting you to be heard



Introduction

This information booklet and self-help toolkit will help you to understand your Section.

It explains your rights while you are in hospital, the treatment process and who is involved. It also includes useful tools to help you with your recovery. Read the full booklet or just the parts you may need.

QUESTIONS YOU MAY HAVE:

Can I get leave?

How can I appeal?

What is a Section 3?

What are my rights?

How do I get a solicitor?



In this booklet you will find:



PROCESS

- 4 What are my Rights?
- 6 What is a Section 2?
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Your Rights

INFORMATION

When you arrive on the ward you should be given information you can read and understand. If you don't understand anything ask the Ward Manager, Nurses or an Independent Advocate.

SUPPORT FROM AN INDEPENDENT ADVOCATE

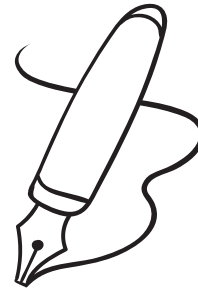
An Independent Advocate who is specially trained in the Mental Health Act can support you, free of charge.

YOUR SECTION PAPERS

You should be given a copy of your section.

SEE THE MENTAL HEALTH ACT CODE OF PRACTICE

The Mental Health Act Code of Practice should be followed by all professionals who are involved in your care and treatment. A copy of the code should be available on the ward for you to see.



**Use this space
for your own
notes/questions**

Department
of Health

Mental Health Act 1983:
Code of Practice



Your Rights

APPEAL

You have the right to appeal your section with a Tribunal or a Hospital Managers' Hearing.

COMPLAIN ABOUT YOUR CARE OR TREATMENT

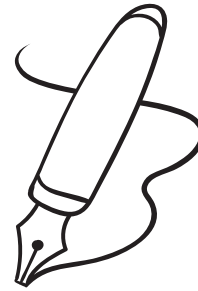
You can complain if you are not happy. If you are not sure how to do this, ask the ward staff or an Independent Advocate to help you.

LETTERS AND VISITORS

You have the right to access your letters and get visits from family or friends.

VOTE

You have the right to vote.



**Use this space
for your own
notes/questions**

What is a Section 2?

If you are on Section 2, your Doctor thinks that you need to be in hospital for an assessment.

HOW LONG WILL IT LAST?

You can remain in hospital for up to 28 days.

Your Doctor may decide that you need to be in hospital for longer than 28 days.

You can be discharged at any time by your Doctor.

How can I appeal my section?

You can only appeal a Section 2 within the first 14 days by a Tribunal.

YOU CAN APPLY FOR A TRIBUNAL BY:

- Filling out the form yourself
- Asking the Mental Health Act Administrator in hospital
- Calling a Solicitor – **Your solicitor is free of charge**
- Speaking to your Independent Advocate for help – **free of charge.**

The Tribunal meeting should take place within 7 days of completing the form.

Find out more about Tribunals on page 12.

What is a Section 3?

If you are on a **Section 3**, your Doctor thinks you need treatment in hospital.

HOW LONG WILL IT LAST?

You can remain in hospital for up to 6 months.

If your Doctor thinks you need to stay in hospital for longer than 6 months, they can renew it.

You can be discharged at any time by your Doctor.

How can I appeal my section?

You can apply for one Tribunal or more than one Hospital Managers' Hearing.

YOU CAN APPLY FOR A TRIBUNAL BY:

- Filling out the form yourself
- Asking the Mental Health Act Administrator in hospital
- Calling a Solicitor – **Your solicitor is free of charge**
- Speaking to your Independent Advocate for help – **free of charge.**

Find out more about Tribunals on page 12 and Hospital Managers' Hearings on page 14.

Your Treatment



In most cases you need to agree before receiving treatment.

SAYING YES TO TREATMENT:



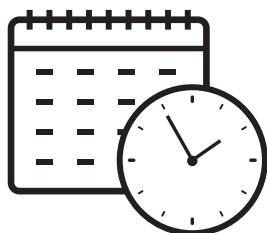
- You should be told about your treatment.
- You should be given a clear explanation as to what it is, the reasons for it and be happy with it.
- You should be told what can happen if you aren't given the treatment.
- You can change your mind about your treatment at any time.

SAYING NO TO TREATMENT:



- Your Doctor can still give you treatment without your consent within the first 3 months of your hospital admission
- The doctor should consider carefully whether to continue with the treatment, offer an alternative or stop the treatment. This can always be discussed in your meetings with the support of an Independent Advocate.

AFTER 3 MONTHS:



- The Doctor must get an opinion from another Doctor called a Second Opinion Appointed Doctor (or SOAD). Only when the two doctors agree with the treatment being given to you, can it continue without you agreeing.

Care Programme Approach (CPA)



To help you to prepare for your meetings, use the handy self-help tool: **‘Preparing for my meetings’ on page 22.**

A Care Programme Approach (CPA) is a meeting which will take place to discuss your care, treatment, and discharge plans.

The CPA will:

- Assess your needs
- Make a plan with you
- Put a plan into action
- Review the plan.

YOUR MEETING

People who usually attend your CPA meeting:

- Your Doctor
- Your Care Coordinator
- Your Independent Advocate (if you want them to)
- Your family/friends (if you want them involved).

Your independent advocate will support you before your meeting to make sure you are fully prepared.

Ward Rounds or Patient Meetings

A ward round or patient meeting is where you can talk to your care team about your treatment and stay in hospital.

You may wish to raise:

- Going out on your own (unescorted leave)
- Going out with the care staff (escorted leave)
- Medication, its side effects, how you feel about it, and changing it
- Having visitors
- Your discharge plan after your section has finished
- Your money
- Complaints
- Asking to look at your records

PEOPLE WHO USUALLY ATTEND WARD ROUNDS:

- Your Doctor
- Other Medical Staff - Your Nurse / Occupational Therapist /Pharmacist - Chemist / Junior Doctors
- Your family/friends (if you want them involved)

Each hospital's meetings are different, so it might be a good idea to ask when your next meeting with your Doctor is.



Leave – Section 17

Your Doctor is the only person who can give you leave. They can take your leave away, but they must tell you why. You might only get short periods of leave at the start of your time in hospital, but this can become longer if things go well.

This can be:

- On the hospital grounds
- With family or staff
- On your own
- Off the hospital grounds
- Overnight leave
- Home leave.

You can't have leave until the Doctor has completed a form.

HOW TO APPEAL A SECTION?

To appeal your Section, you can have a meeting called a **Tribunal** or a **Hospital Managers' Hearing**.

REMEMBER YOUR RIGHTS

- You have the right to **1 Tribunal** per detention.
- You have the right to **more than 1 Hospital Managers' Hearing**.
- You are entitled to a Solicitor free of charge.



To help you find a Solicitor, there is a list on page 30.

Tribunal

Tribunal is an independent panel that can discharge you from your section. The Tribunal must decide if you meet the criteria for being in hospital on a section. **You only get 1 per section period.**

YOUR MEETING

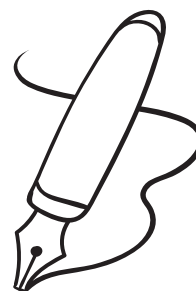
People who usually attend your Tribunal:

- You (if you want to)
- Your Doctor
- Your Solicitor (if you want one)
- Your Care Coordinator
- Your Independent Advocate if you want them to
- Your family/friends/ Nearest Relative (if you want them involved)

WHAT ARE SOME OF THE THINGS A TRIBUNAL CAN DO?

Tribunals can:

- Make recommendations to the Doctor about your treatment, stay in hospital, leave, discharge plans.
- The hospital does not need to follow their recommendations.



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for your own
notes/questions**

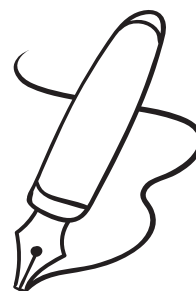
If you do not apply for a Tribunal during the first 6 months of being on a Section, you will have an automatic Tribunal arranged. You do not need to attend unless you want to.

Tribunal

WHAT TO EXPECT AT YOUR TRIBUNAL:

The Tribunal is normally held on the ward or in a meeting room.

- Your care team need to explain why you should stay on a section. You will meet with your Solicitor and independent advocate prior to the meeting.
- You do not have to prove your case at a Tribunal meeting.
- Your Doctor, Nurse and your Care Coordinator will complete a report that you can read before the meeting.
- During the tribunal, three independent people (Panel members) will ask your care team questions about your admission. Your solicitor can also question professionals.
- You will also have the chance to explain your views and wishes to the professionals. This can be done through your solicitor or on your own (you can ask the other people to leave the room if you want).
- The three independent people (panel members) will then come to a decision regarding your Section.



Use this space for your own notes/questions



To help you to prepare for your meetings, use the handy self-help tool on page 22. Find a Tribunal Form on page 23.

Hospital Managers' Hearing

A Hospital Managers' Hearing is a panel of three people that can discharge you from your section. The hospital may refuse this request, if you have a hospital managers meeting recently. Hospital Managers' Hearings are similar to a Tribunal.

YOUR MEETING

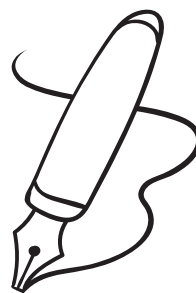
People who usually attend your Hospital Managers' Hearing:

- You (if you want to)
- Your Doctor
- Your Care Coordinator
- Your Independent Advocate if you want them to
- Your family/friends/ Nearest Relative (if you want them involved).

WHAT CAN THE HOSPITAL MANAGERS' HEARING DO?

Hospital Managers' Hearings can:

- Review your detention but they cannot renew it
- Discharge you from your Section.



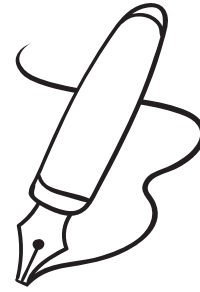
**Use this space
for your own
notes/questions**

If you do not apply for a Hospital Managers' Hearing during your section period, you will have an automatic Renewal Hearing arranged. You do not need to attend unless you want to.

Hospital Managers' Hearing

WHAT TO EXPECT AT A HOSPITAL MANAGERS' HEARING:

- The Hospital Managers' Hearing is normally held on the ward or in a meeting room.
- Your care team need to explain why you should stay on a section.
- You do not have to prove your case at a Hospital Managers' Hearing.
- Your Doctor, Nurse and your Care Coordinator will complete a report that you can read before the meeting.
- You will have the chance to put forward your views and wishes to the three-independent people.
- At the end of the hearing, the Hospital Managers will decide if you should stay on your section.
- You are not always guaranteed a solicitor.



**Use this space
for your own
notes/questions**



To help you to prepare for your meetings, use the handy self-help tool on page 22. Find a Hospital Managers' Review Form on page 28.

Responsible Clinician

If at any point you do not need to be detained under the section, it must end immediately.

The responsible clinician or RC is another word for your doctor in charge of your care.

They will:

- Be responsible for assessing your needs whilst in hospital.
- Make decisions around your care and treatment
- Give you leave

Mental Health Act Administrator:

The Mental Health Act Administrator is in charge of the day to day meetings of the Mental Health Act.

They will:

- Tell you about your rights and make sure this is recorded
- Arrange Hospital Managers' Hearings
- Arrange Tribunals



Care Coordinator

You will have a Care Coordinator to help with your care when you are in hospital and when you are discharged. You will meet them in hospital if you do not already have one.

YOUR CARE COORDINATOR SHOULD:

- Get to know your needs and what support you may need
- Write a care plan with you
- Look at your care plan with you often.



CAN I CHOOSE MY CARE COORDINATOR?

You cannot choose your Care Coordinator. However, if you feel that your relationship with your Care Coordinator could be better, you might want to try to sort these problems by talking to them or with their team manager.

An Independent Advocate can help you with this.

THINGS YOU CAN ASK YOUR CARE COORDINATOR ABOUT:

- Employment, training, and education support
- Personal circumstances including family
- Physical health needs
- Problems with drugs or alcohol
- Housing
- Treatment plans.

Nearest Relative and Their Rights

Your 'Nearest Relative' is a legal word used in the Mental Health Act. It is not the same as your Next of Kin. Your Nearest Relative has some rights under the Mental Health Act.

YOUR NEAREST RELATIVE CAN:

- Ask for a Doctor to come and see you if they think you are unwell.
- Ask that you are taken off your section. They can do this by writing to your Doctor to request your discharge. If this is refused by the Doctor, your Nearest Relative can apply for a Tribunal within 28 days.

YOUR NEAREST RELATIVE CAN'T:

- Be under the age of 18.
- Be told everything about you. This will depend on whether you are happy for information to be shared with them.

YOUR NEAREST RELATIVE WILL BE IN THIS ORDER:

- Husband, Wife or Civil Partner
(if you are living together it doesn't count)
- Son or Daughter
- Father or Mother
- Brother or Sister
- Grandparent or Grandchild
- Uncle or Aunt
- Nephew or Niece.



To help your Nearest Relative write a letter to request your discharge see page 29.

Independent Advocate

REMEMBER YOUR RIGHTS

You are entitled to a free Independent Advocate.

- Our Independent Advocates are there to support you.
- They are specially trained in the Mental Health Act and are sometimes called an Independent Mental Health Advocate.
- They are independent. They do not work for the hospital, the NHS, or Social Services.
- Their support is free of charge.
- You can meet with them in private, your discussion is confidential.

AN INDEPENDENT ADVOCATE CAN HELP YOU WITH:

- Understanding your Section
- Appealing your Section
- Raising concerns about your Section
- Preparing for meetings
- Attending important meetings
- Making a complaint
- Gaining your views.

THE ORGANISATION THAT PROVIDES YOUR INDEPENDENT ADVOCACY SUPPORT IS:

advocacy
focus



0300 323 0965



www.advocacyfocus.org.uk



SELF HELP TOOLS



Useful Information

ABOUT YOU

Name: _____

Home Address: _____

Community Treatment Order Start date: _____

Community Treatment Order Review date: _____

Nearest Relative: _____

MY ADVOCATE



My Advocate is: _____



0300 323 0965



www.advocacyfocus.org.uk

STAFF INVOLVED IN MY CARE AND TREATMENT

Responsible Clinician (Doctor): _____

Care Co-ordinator: _____

Solicitor: _____



Preparing for my meetings

WHAT IS THE MEETING

Date _____

Time _____

Place _____

Who I want there _____

WHAT I WANT TO ASK OR SAY

NOTES



Application to First-tier Tribunal (Mental Health)

Mental Health Act 1983 (as amended)

The Tribunal Procedure (First-tier Tribunal) (HESC) Rules 2008

An application must be completed according to the Procedure Rules.

The Tribunal may return an application form that is not complete.

A copy of the Procedure Rules can be found on our website:
<https://www.gov.uk/government/publications/health-education-and-social-care-chamber-tribunal-rules>

Do not complete this form if the patient is subject to guardianship, you must complete form T116 - Guardianship - Application to First-tier Tribunal.

1. What type of application are you applying for?

- Application for a Section 2 Patient
- Application for a Community Patient (CTO or Conditional Discharge)
- Application for a non-restricted inpatient
- Application for a RESTRICTED inpatient
- Application by the patient's Nearest Relative
- Other application by a non-restricted patient

2. What is the patient's full name?

3. What is the patient's date of birth?

--	--	--	--	--	--	--	--	--	--

4. Under what Section is the patient detained?

5. What is the date of the original Section?

--	--	--	--	--	--	--	--	--	--

6. Where does the patient currently live?

- in hospital
- in the community

7. What is the name and address of Hospital responsible for care of the patient?

Name of Hospital

Address

Postcode

8. What is the patient's full address?

Address

Postcode

9. What is the full name and address of the Community Supervisor or Care Coordinator?

Name

Address

Postcode

Nearest relative details – Non-restricted cases only

10. Full name of nearest relative?

11. Full address of nearest relative?

Address

Postcode

12. What is the relationship to the patient?

13. Does the patient object to the nearest relative being informed about the case?

Yes

No

Legal representative's details

14. Do you have a legal representative acting for you?

Yes – **complete questions 15 – 17**

No

I intend to appoint a legal representative

I would like a legal representative to be appointed on my behalf

I do not wish to appoint a legal representative

15. What is the legal representative's name?

16. What is the name and address of the legal representative's firm?

Name of legal representative's firm

Address

Postcode

17. What is the legal representative's secure email address?

Special requirements

18. Do you require an interpreter?

Yes – I need an interpreter for

language

dialect

No

Declaration

19. This application is submitted by the

Patient

Nearest relative

Or

submitted on behalf of the

Patient

Nearest Relative

who has personally authorised me to submit this application on their behalf.

Signature

Date

Print name

What to do when you have completed your application

- Check the form is complete and the information given is correct
- If you are unsure, you can contact our Customer Support team on 0300 123 2201
- Only information given on this form will be registered.

Where to send your completed application

By Email

Section 2 Application to:

tsmhsection2applications@justice.gov.uk

All other applications to:

tsmhapplications@justice.gov.uk

By Post

You can post all applications to

send by DX to:
HM Courts & Tribunals Service,
First-tier Tribunal (Mental Health)
DX: 743090 Leicester 35

Or send by first class post to:
HM Courts & Tribunals Service
First-tier Tribunal (Mental Health)
PO Box 8793
5th Floor
Leicester
LE1 8BN

Please do not submit the form more than once.

APPLICATION FOR A HOSPITAL MANAGERS' REVIEW

Please complete this form as far as you are able. If you are unsure how to complete it, you can ask anyone at the hospital, a relative or friend, to help.

I wish to apply for a Hospital Managers' Review.

My full name is _____

The ward I am detained on is _____

Or

I am detained under a Community Treatment Order _____

I would like you to notify and invite my nearest relative to the review hearing **Yes** **No**

My nearest relative's name is _____

I would like the Advocacy Service to be informed of my appeal so that they might support me during this process **Yes** **No**

I would like to be legally represented at the hearing. **Yes** **No**

My solicitor is _____

Please ask a member of staff for a list of Solicitors in the area

I would like to discuss the appointment of a Solicitor with a nurse or the mental health law administrator

Signed: _____ Dated: _____

**Please send your completed form to the Mental Health Law Administrator
who will process your appeal**

**NEAREST RELATIVE'S ORDER FOR DISCHARGE UNDER SECTION
23 OF THE MENTAL HEALTH ACT 1983**

My name is:

My address is:

To the best of my knowledge and belief, I am the nearest relative (within the meaning of the Mental Health Act 1983) of

I give you notice of my intention to discharge the person named above from their Section on date

at the time of

Signed

Name

Date



Solicitors list

BLACKBURN

Roebucks Solicitors

12 Richmond Terrace,
Blackburn. BB1 7BG
Tel: 01254 274000

BLACKBURN

Lisa Marie McNulty Solicitors

756 Whalley New Road,
Blackburn BB1 9BA
Tel: 01254 248209

BRADFORD

Switalski's Solicitors

2a Darley, Street,
Bradford BD1 3HH
Tel: 01274 720314

BRADFORD

Alastair Bateman Solicitors

46 Westgate,
Bradford BD1 2QR
Tel: 01274 739973

BURNLEY / BLACKPOOL

Southerns Solicitors

6 A Hargreaves Street,
Burnley BB11 1ES
Tel: 01282 422711

CARLISLE

Carlisle Law Chambers

8 Spencer Street,
Carlisle CA1 1DG
Tel: 01228 521383

HALIFAX

Ramsdens Solicitors

8 Harrison Road,
Halifax HX1 2AQ
T: 01422 261646

HARROGATE

Francina Whelan & Co

Regent House,
13-15 Albert Street,
Harrogate HG1 1JX
Tel: 01423 787278

HARROGATE

Grahame Stowe Bateson

Raglan Chambers,
4 Raglan Street
Harrogate HG1 1LT
Tel: 01423 562121

HOYLAKE

Peter Edwards Law

Ventura House,
8 Market Street
Hoylake CH47 2AE
Tel: 0151 632 6699

LEEDS

GT Stewart Solicitors

25a Park Square West, Leeds LS1 2PW
Tel: 0113 222 4888

LIVERPOOL

Broudie, Jackson & Canter

Dale House, 27 Dale Street,
Liverpool L2 2HD
Tel: 0151 227 1429



Solicitors list

LIVERPOOL

RMNJ Solicitors

63 Hamilton Square, Birkenhead,
Wirral CH41 5JF
Tel: 0151 647 0000

LIVERPOOL

Hogans Solicitors

10 Station Street, Prescot,
Merseyside
L35 0LP
Tel: 0151 430 7529

LIVERPOOL

Swain & Co

2nd Floor, Bulloch House, 10
Rumford Place
Liverpool L3 9DG
Tel: 0151 255 2286

MANCHESTER

AGI Solicitors

70 Alexandra Road, Manchester
M16 7WD
Tel: 0161 226 2070

MANCHESTER

Clifford Johnston & Co

434 Burnage Lane, Burnage,
Manchester
M19 1LH
Tel: 0161 9751900

MANCHESTER

Robert Lizar Solicitor

101 Princess Road, Manchester
M14 4RB
Tel: 0161 227 7777

MANCHESTER

Rowlands Otten Penna

339 Palatine Road, Northenden,
Manchester M22 4HH
Tel: 0161 945 1431

MANCHESTER

John Black Solicitors

64 Cross Street, Sale,
Manchester
M33 7AN
Tel: 0161 972 5999

MANCHESTER

Bison Solicitors Manchester

Earl Mill Business Centre, Dowry
Street, Oldham OL8 2PF
T: 0161 710 2368

OLDHAM

Quality Solicitors Gruber Garratt

King Street Buildings, Manchester
Street, Oldham OL8 1DH
Tel: 0161 665 3502

PRESTON

O'Donnells Solicitors

68 Glovers Court, Preston PR1 3LS
Tel: 01772 881000



Notes

SPACE FOR NOTES, DRAWING OR IGNORING



Notes

SPACE FOR NOTES, DRAWING OR IGNORING

THIS INFORMATION BOOKLET AND SELF HELP TOOLKIT HAS BEEN CREATED BY:



advocacy focus

If you have any comments, compliments or complaints about Advocacy Focus or our Advocates, please get in touch.



Tel: 0300 323 0965



Live chat: www.advocacyfocus.org.uk

We hope that this information booklet has been useful. If you have any ideas how to make this booklet any better, please email us at:



admin@advocacyfocus.org.uk

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Version 1 - May 2021