



Section 37

Self Help Toolkit

Supporting you to be listened to



Introduction

This booklet is designed to help you understand your rights and the processes involved while you are under Section 37 of the Mental Health Act.

It includes information on your rights, the treatment process, and useful tools to support your recovery.

QUESTIONS YOU MAY HAVE:



In this booklet you will find:



Process

- 3 What is a Section 37?
- 3 Leave – Section 17
- 4 Your Rights
- 5 How to Appeal a Section 37
- 6 The Tribunal Process
- 7 Hospital Managers' Hearing
- 8 Treatment Process
- 9 Care Programme Approach (CPA)
- 10 Ward Rounds or Patient Meetings
- 11 People Involved in Your Care

Self Help Tools

- 13 Useful Information
- 14 Preparing for my Meetings
- 15 Tribunal Form
- 21 Hospital Managers' Review Form
- 23 Solicitors List
- 24 Consent Form

What is a Section 37?

Purpose: Section 37 is used when a court orders hospital treatment instead of a prison sentence. This means the court believes you need treatment for your mental health rather than being in prison.

Duration: You can be kept in hospital for up to 6 months initially. If your doctor thinks you need to stay longer, they can renew it for another 6 months, and then for 1 year at a time.

Leave – Section 17

Types of Leave

You can get different types of leave, such as:

- On hospital grounds
- Off hospital grounds
- Overnight leave
- Home leave

Approval:

Only your doctor can grant leave. They can also take it away, but they must tell you why.

Process:

You can't have leave until the doctor has completed a form. You might only get short periods of leave at the start, but this can become longer if things go well.

Your Rights

Appeal:

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

Complaints:

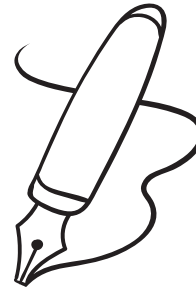
You can complain about your care or treatment if you are not happy with it. Ask the ward staff or an Independent Advocate for help.

Independent Mental Health Advocate (IMHA):

You have the right to have support from an IMHA who can support you to understand your rights and be involved in decisions about your care and treatment.

Letters and Visitors:

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



Use this space for
your own
notes/questions

How to Appeal a Section 37

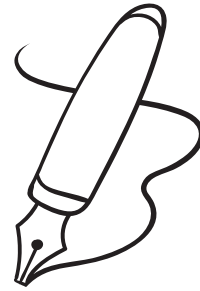
Court appeal:

- If the **Magistrates' Court** gave the Section 37 order, you can appeal to the Crown Court, this **must** be within 21 days of the order being made.
- If the **Crown Court** gave the Section 37 order, you can apply for permission to appeal, this **must** be within 28 days of the order being made. A Judge will look at this and decide whether to give you permission. If you get permission to appeal, this will be heard by the Court of Appeal.

The solicitor who supported with your criminal case can help with these options.

Tribunal:

An independent panel that can discharge you from your section. This means they can decide if you should stay in hospital or not. You can apply for a Tribunal after the first 6 months of being in hospital and every year following that.



Use this space for
your own
notes/questions

The Tribunal Process

1. You can apply for a tribunal by:

- Filling out the form yourself
- Asking the Mental Health Act Administrator in hospital
- Calling a solicitor (free of charge)
- Speaking to your Independent Advocate (free of charge)

2. Meeting:

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

3. Participants:

You, your doctor, your solicitor, your care coordinator, your independent advocate, and family/friends (if you wish).

4. Outcome:

The Tribunal can make recommendations about your treatment, stay in hospital, leave, and discharge plans. The hospital does not need to follow their recommendations.



To help you to prepare for your meetings, use the handy self-help tool on page 14.

Find a Tribunal Form on page 15.

Hospital Managers' Hearing

Similar to a Tribunal but conducted by hospital managers. They can also decide if you should stay in hospital. You can apply to the Hospital Managers' in the first 6 months unlike the Tribunal.

Process:

You can apply for a Hospital Managers' Hearing by filling out a form.

Participants:

You, your doctor, your care coordinator, your independent advocate, and family/friends (if you wish). Sometimes your solicitor can attend too.

Outcome:

The Hospital Managers can review your detention and discharge you from your section.

Nearest Relative:

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 has limited rights when you are on a Section 37 compared to other sections under the Mental Health Act.

Your nearest relative can apply to the tribunal to discharge you. They can do this in the between 6 and 12 months after the hospital order was put in place. They can also apply once in every following year.

Treatment Process



In most cases you need to agree before receiving treatment.

Saying “Yes” to treatment:



You should be informed about your treatment and agree to it. This means your doctor should explain what the treatment is, why you need it, and what could happen if you don’t get it.

Saying “No” to treatment:



If you do not agree to the treatment, after 3 months, a Second Opinion Appointed Doctor (SOAD) must agree with the treatment for it to continue. This means another doctor will check if the treatment is right for you.

First 3 Months: Your doctor can give you treatment without your consent within the first 3 months of your hospital admission.

After 3 Months: The doctor must get an opinion from a SOAD. Only when both doctors agree with the treatment can it continue without your consent.

Care Programme Approach (CPA)



To help you to prepare for your meetings, use the handy self-help tool: 'Preparing for my meetings' on page 14.

Purpose:

CPA meetings discuss your care, treatment, and discharge plans. This is a plan to make sure you get the right care and support.

Participants:

Your doctor, care coordinator, independent advocate, and family/friends (if you wish) will attend these meetings.

Process:

The CPA will:

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

Ward Rounds or Patient Meetings

Purpose:

These meetings are where you can talk to your care team about your treatment and stay in hospital. It's a chance to ask questions and share how you feel.

Participants:

Your doctor, other medical staff like nurses and therapists, and family/friends (if you wish).

Topics to Discuss:

You may wish to raise issues such as:

- Medication and its side effects
- Having visitors
- Your discharge plan
- Complaints
- Looking at your records



People Involved in Your Care

Responsible Clinician:

Your doctor in charge of your care. They make decisions about your treatment and leave.

Mental Health Act Administrator:

Manages the day-to-day meetings of the Mental Health Act. They help arrange Tribunals and Hospital Managers' Hearings.

Care Coordinator:

You might have a Care Coordinator or Social Worker. They help with your care plan and support. They make sure you get the help you need in hospital and when you leave.

Nearest Relative:

Has certain rights under the Mental Health Act, though these are limited when you are on a S37. They can apply for a tribunal and ask for you to be discharged.

Your nearest relative will be in this order:

1. Husband, wife, or civil partner
2. Son or daughter
3. Father or mother
4. Brother or sister
5. Grandparent or grandchild
6. Uncle or aunt
7. Nephew or niece

Independent Mental Health Advocate:

Supports you in understanding and exercising your rights. They are specially trained and can help you with things like appealing your section or making a complaint.



Self Help Tools



Useful Information

ABOUT YOU

Name: _____

Home Address: _____

Community Treatment Order Start date: _____

Community Treatment Order Review date: _____

Nearest Relative: _____

MY ADVOCATE

advocacy
focus

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 here:

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.

www.gov.uk/government/publications/form-t110-guardianship-guardianship-application-to-first-tier-tribunal-mental-health-mental-health-act-1983-as-amended

1. What type of application are you applying for?

- ☐ Application for a Section 2 patient
- ☐ Application for a community patient (community treatment order 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 the 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 co-ordinator?

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

Legal advice and representation is available free of charge for any person applying to the Tribunal. Hospital staff should be able to help you find someone if you would like to appoint your own legal representative.

If you have ticked that you would like a legal representative appointed on your behalf, a legal representative will be chosen and appointed for you by the Tribunal. The legal representative will contact you to help you with your case after they have been appointed.

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

19. How would you like your hearing to be conducted?

☐ I would like my hearing by video

☐ I would like my hearing face to face

☐ I have no preference which type of hearing I have

Declaration

20. 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:

mhtsection2applications@justice.gov.uk

All other applications to:

mhtapplications@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 (If not on a CTO) _____

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

☐

Yes

☐

No

I would like my hearing to be conducted:

☐

Face to face

☐

By video

☒

☐

I have no preference which type of hearing I have

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

Lancashire			
Blackburn Lisa Marie McNulty Solicitors 756 Whalley New Road Blackburn BB1 9BA Tel: 01254 248209	Preston Southern Solicitors <i>(previously O'Donnell's solicitors)</i> 68 Glovers Court Preston PR1 3LS Tel: 01772 881000	Burnley / Blackpool Southern Solicitors 6 A Hargreaves Street Burnley BB11 1ES Tel: 01282 422711 01282 438446	Burnley John Black Solicitors Lodge House Cow Lane Burnley BB11 1NN Tel: 01282 502656
Blackburn Kendalls Solicitors Enterprise Centre Syndicate Room 2 Furthergate Blackburn BB1 3HQ Tel: 01254 505039			
Yorkshire			
Bradford Alastair Bateman Solicitors 46 Westgate Bradford BD1 2QR Tel: 01274 739973	Bradford APPLETON SOLICITORS Hub 26 26 Hunsworth Lane Cleckheaton BD19 4LN Tel: 01274 062698 No direct line, will take details and ring back	Leeds GT Stewart Solicitors 25a Park Square West Leeds LS1 2PW Tel: 0113 222 4888	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	Leeds Graham Stowe Bateson 7 Portland St Leeds LS1 3DR Tel: 0113 246 8163	Leeds Graham Stowe Bateson 87 Middleton Park Rd Middleton Leeds LS10 4LS Tel: 0113 276 0044	Leeds Michael Heath Solicitors LTD Po Box 389 Leeds LS19 9JD Tel: 0113 226 1572
Greater Manchester			
Oldham Quality Solicitors Gruber Garratt King Street Buildings Manchester Street Oldham OL8 1DH Tel: 0161 665 3502	Manchester Bison Solicitors Manchester Earl Mill Business Centre Dowry Street Oldham OL8 2PF T: 0161 710 2368	Manchester AGI Solicitors 489 Chester Road, Manchester M16 9HF Tel: 0161 226 2070	Manchester Robert Lizar Solicitor 101 Princess Road Manchester M14 4RB Tel: 0161 227 7777
Manchester Clifford Johnston & Co 434 Burnage Lane Burnage Manchester M19 1LH Tel: 0161 9751900 Doesn't Cover Lancaster and South Cumbria	Manchester Reeds Solicitors Piccadilly House, 49 Piccadilly, Manchester M1 2AP Tel: 01865 592 670	Manchester OTTEN PENNA 339 Palatine Road Northenden Manchester M22 4HH Tel: 0161 945 1431	Manchester AJM Solicitors Adamson House, Towers Business Park, Wilmslow Road, Didsbury, Manchester, M20 2YY Tel: 07812 049296



Solicitors list

Merseyside			
Liverpool RMNJ Solicitors 63 Hamilton Square Birkenhead Wirral CH41 5JF Tel: 0151 647 0000	Hoylake Peter Edwards Law Ventura House 8 Market Street Hoylake CH47 2AE Tel: 0151 632 6699	Liverpool Hogans Solicitors 10 Station Street Prescot Merseyside L35 0LP Tel: 0800 328 3601 Lancashire Only	Liverpool Broudie, Jackson & Canter Dale House 27 Dale Street Liverpool L2 2HD Tel: 0151 227 1429 Preston, Chorley, Blackpool and Ormskirk only
London			
London Cale Unit 3 Arden House 52-54 Thurston Rd London SE13 7GT Tel: 0208 694 2269	London Redms 123 King St Hammersmith London W6 9JG Tel: 0208 616 2792 Tel: 07752 424660		
National Solicitors			
Middlesbrough			
Watson Woodhouse Solicitors, 102-108 Borough Road, Middlesbrough, Teesside, TS1 2HJ Tel: 01642 266559			



Consent Form

We are a free, independent and confidential service. There may be times when we need to speak to other people about you. We need you to say that is ok.

Secret recording of any meeting isn't allowed. If you would like to talk about this please speak to your advocate.

Is it ok for us to:

- Talk to other people about your situation with a good reason. We will do this by email or on the phone. We will always ask you first.
- Store your personal information safely on our computer system, in relation to a Law call General Data Protection Regulations 2018. You can see any information that is on your file, you just need to ask.
- Find and use your telephone number or address if your Advocate is off sick, to cancel any appointments.
- Use information about you to show people how we work, but we would never use anything personal, like your name or date of birth. The local authority, funders and our supporters need to know the number of people we are supporting and how we help.

We might need to tell someone if you were going to hurt yourself, someone else or break the law.

SUBJECT ACCESS REQUEST

If you wanted to look at the information we hold about you, let us know. This is called the right of access. You use this right by asking for a copy of the information, which is known as making a 'subject access request'.

HOW TO ACCESS YOUR DATA

You can make a request to find out what data is held and how it is used. You can make a request before using your other information rights.

You can make a subject access request verbally or in writing. If you make your request verbally, we would suggest you follow it up in writing to make sure you have a record of it. It will also provide clear evidence of your actions.

continued on next page



Consent Form

USING INFORMATION WE HAVE ABOUT YOU

Advocacy Focus creates a range of resources to share with the public. We like to share the experiences of the people we work with in our communications, as it helps to demonstrate the difference we are making. We would never use anything personal, like your name, where you live or date of birth.



WHAT WILL MY STORY BE USED FOR?

(Please tick the options you are happy with)

☐

Presentations: training and awareness sessions that we deliver

☐

Website: Advocacy Focus' website

☐

Social media: Advocacy Focus' social media pages (i.e. Facebook, Instagram, LinkedIn, Twitter)

☐

Publications: leaflets, posters, newsletters and other marketing materials

☐

Print and online media: National, regional and local media

☐

Please tick this box if you consent to being photographed and featured in imagery or video footage

I have read, understand and consent to the information on pages 29 and 30 of this booklet.

Signature:

Date:

Print name:

Nothing about you, without you



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



SUPPORT US

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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