

The right to apply for discharge

Approved Mental Health Practitioners should always stay in close touch with the nearest relative and other carers of people being treated for mental ill health, with both the nearest relative and/or the person receiving treatment having the right to apply for discharge before the statutory period has expired.

A responsible clinician will only oppose an application if they believe the person needs more time for their treatment to take effect.

To protect the rights of individuals the case can be heard by a Mental Health Tribunal.

Mental Health Tribunals

If a hearing is necessary following an application for discharge from hospital, a wholly independent Mental Health Tribunal will help make the decision, after balancing the freedom and protection of individuals and the best interests of the person receiving treatment.

Hearings are usually conducted in private, at the hospital where the person is being treated, and decisions can include discharging the person immediately, recommending a leave of absence or arranging a supervised discharge.

Community Treatment

Supervised community treatment is available for some people who can then be discharged from hospital earlier than would otherwise be possible. An Approved Mental Health Practitioner will advise on the most appropriate community treatment.

Need more advice & information?

Making Space is very experienced in delivering the most appropriate specialist help. For further support and information please contact your local Making Space Carer Support Worker.

*Nearest relative, for the purpose of the Mental Health Act, is not always the same as 'next of kin'. Working closely with an Approved Mental Health Practitioner (AMHP), it could be another concerned relative of the person, their carer, or anybody that has the best interests of the person at heart.



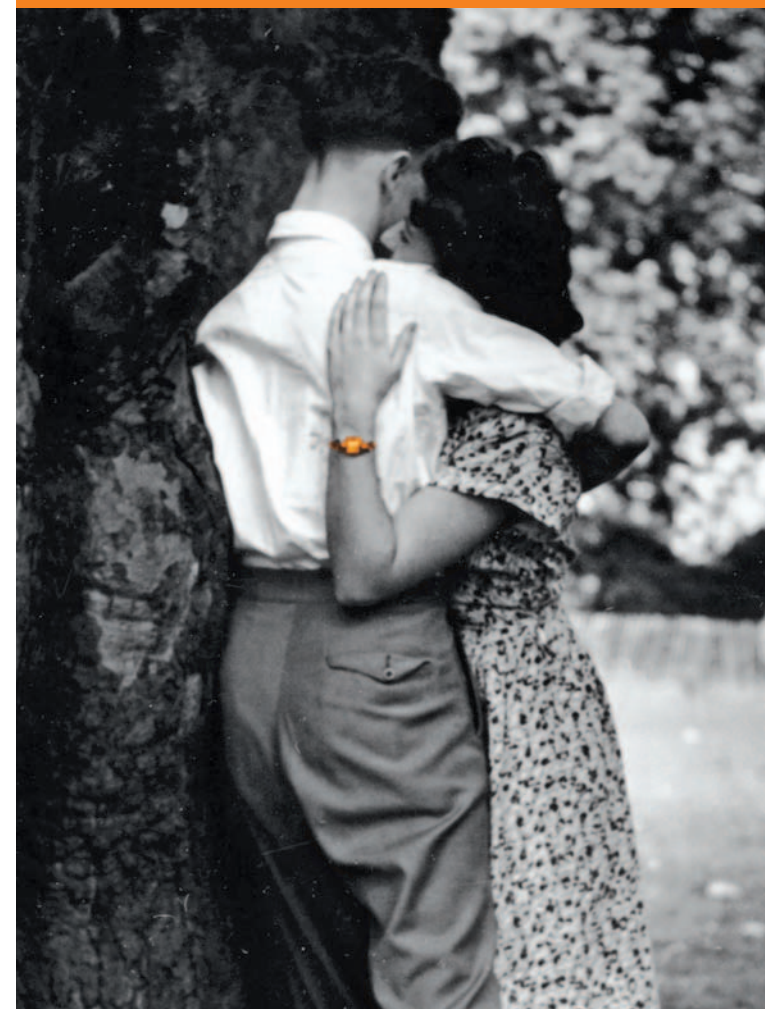
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Understanding hospital admissions

(under the Mental Health Act)



MAKING A DIFFERENCE

We understand how you're feeling

When someone close to you is suffering from mental ill health it can be an emotional time, especially if you're worried they may harm themselves or others.

But help is at hand. The health service, protected by law, can intervene in the assessment, treatment and care of those who can't help themselves. This usually follows a request from you or another relative or carer, or is on the recommendation of an Approved Mental Health Practitioner.

Often this is just for a short period of time.

Please be reassured

You may hear terms like 'detained' or 'sectioned' which can raise understandable concerns.

But this simply means the person might be kept in hospital to be certain they have an assessment and then the appropriate medical treatment to ensure their health and safety, and sometimes that of others too.

This treatment is designed to guide people – as much as their illness allows – towards a future where they can regain their independence and lead an everyday life.

What the law allows

In response to the concerns raised by you or others, the person affected by mental ill health might undergo an immediate assessment by two doctors and an Approved Mental Health Practitioner which then results in the person being taken to hospital.

Often they may feel they don't need this help or are being taken against their will, in which case police officers may help the health professionals in outlining the person's legal rights and assist in taking them to the hospital.

Under the Mental Health Act they may be admitted to, and then stay in, a hospital where appropriate medical treatment is available for their condition.

These are the three main 'sections' of the law that apply:

SECTION 2: The person close to you may be kept in hospital for assessment, specific care and treatment for up to 28 days. Section 2 is not renewable so if further treatment is necessary the nearest relative* or the clinician in charge may apply for Section 3...

SECTION 3: This allows for further treatment in hospital for up to 6 months in the first instance, then if necessary, for a further period of up to

6 months and then, after that, for up to one year at a time if it's agreed that further treatment is still needed. However, Section 3 doesn't have to run its full course, depending on how the person is progressing.

SECTION 4: In emergency situations – requiring immediate admission to hospital – a Section 4 order may be necessary. This can be approved by one doctor and allows for assessment and treatment for up to 72 hours, during which time a Section 2 arrangement can usually be processed.

A brighter future

It can be distressing for everyone involved when someone close to you is admitted to hospital for assessment and treatment under the Mental Health Act. But rest assured, you really are doing the right thing...

"Seeing my brother leave for hospital in a police car, even though he'd committed no actual crime, was heartbreaking. But he has since looked back on his hospital stay as the time he realised that everyone was working with his best interests at heart. He follows his prescribed treatment and is now back at work and looking after his family."

Brother of man admitted to hospital with severe Bipolar Disorder