

Contact our Patient Advice and Liaison Service (PALS)

For help, advice and information. Tel: 0151 252 5374 or 0151 252 0151

Complaints

If you are not happy about something, but not sure if you want to make a formal complaint, you can speak to a member of staff directly. Alternatively, you can contact the PALS office on the above number. If you decide you want to make a formal complaint, this can be done by contacting the Complaints Department.

Alder Hey would like to thank the South London and Maudsley NHS Foundation Trust for allowing us to reproduce this helpful information booklet for our service users.

This leaflet only gives general information. You must always discuss your individual treatment the appropriate member of staff. Do not rely on this leaflet alone for information about your treatment.

If you would like a large print, audio, Braille or a translated version of this information then please ask us.

Alder Hey Children's NHS Foundation Trust
Eaton Road
Liverpool
L12 2AP

Tel: 0151 228 4811
www.alderhey.nhs.uk

© Alder Hey

Review Date: March 2025 PIAG: 177



Alder Hey Children's
NHS Foundation Trust

Emergency Department

Being 'Sectioned' The Mental Health Act 1983



Mental Health Act

Information for Young People

About your 'Section'

You are in hospital under a 'Section'. What does it mean? This booklet is about your Section and your rights.

We will give you and your nearest relative (usually your parent) more information. If there is anything you don't understand, just ask.

What is the Mental Health Act?

It's a law that allows a person with a mental health problem to be taken into hospital or kept in hospital for treatment even if they don't want to be there. It also gives rights to anyone who is kept in hospital like this. Different sections of the Act cover different ways in which the law can be used – which is why people use the term 'sectioned'.

Why have I been sectioned?

Someone - it could be a doctor, nurse or social worker or your family - has become very worried about your health or how you are behaving. They could not see any other way of helping you and have asked for an assessment to be done. It might not feel like it, but they will have done this to help or protect you.

You might have agreed to come into hospital without a Section but were then put on a Section once you were in hospital. Again, this would have been done to help or protect you.

Your section can be changed while you are in hospital but you should always be told which Section you are on. There are six main sections.

Who decided I should be on a section?

Two doctors and an Approved Mental Health Professional (AMHP) saw you. They then agreed that you have a mental health problem and that hospital was the only place you could get the right help and / or stay safe.

Who is in charge now?

The person in charge of your care is called the Responsible Clinician, your consultant psychiatrist.

Sections of the Mental Health Act

Section 2

This section is for assessment of your mental health problems. It can last for up to 28 days.

Section 3

This is for treatment of your mental health problems and can last for up to 6 months. It can, sometimes, be extended if your doctor feels that you are still unwell and still need treatment.

Section 4

Section 4 is an emergency Section when a second doctor can't be found for a Section 2 assessment – so you are seen by one doctor and an AMHP. It can last for up to 72 hours and during this time you might be assessed for a Section 2 or 3.

If you are already in hospital ...

Section 5(2)

This can happen if you are **not** on a Section **and** want to leave hospital but we think that you would be at risk if you do. It means that a doctor can keep you in hospital for up to 72 hours so that that can arrange a full assessment for a Section 2 or Section 3.

Section 5(4)

This is used, like Section 5(2). If you want to leave hospital but we think you would be at risk if you do and a doctor can't be found immediately, then a nurse can stop you leaving a hospital by placing you on a Section 5(4). This Section only lasts up to 6 hours and ends when a doctor comes to see you.

Outside hospital ...

Section 136

A few people are brought to hospital by the police. If a police officer is worried about you when you are in a public place, they can take you to a 'place of safety', usually a hospital, when a doctor will see you.

Treatments under the Mental Health Act

Treatment includes medication, talking therapy, physical healthcare and spending time with your nurse. The team will want to give you treatment because they think it will help you. The team must tell you about this treatment, why they want to give it to you and how it is likely to affect you. They must ask if you want the treatment and let you know if they change this treatment at any point.

When you are under a Section you cannot refuse most treatments and the law allows the team to make sure you accept it. If you are under Section 2 or Section 3 and you refuse to take medication, the law allows us to make sure you take it.

If, after three months, you still do not want to take the medication (or you are not able to make the decision) a Second Opinion Appointed Doctor (SOAD) will visit you on the ward. This doctor is completely independent of your hospital doctor. The SOAD will then decide what medication you need to have. Your hospital doctor should then tell you why the SOAD has made that decision.

Using leave when you are on a Section

Even if you have to stay in hospital we want to give you as much freedom as possible, including time off the ward or 'leave', to go home at the weekend or see your friends.

How much leave you can have depends on how you're getting on, how well you can keep yourself safe and where you go while on leave. It might seem like a slow process at first, but staff need to get to know you and make sure you'll be safe. As you get better you will have more time off the ward.

Any time you have off the ward needs to be agreed by the doctor looking after you. This is called Section 17 Leave. If you're given leave, you should be told:

- How much you have and when you have to come back

- Whether you need a nurse or someone else (such as your parent) to come with you
- If you can stay home overnight

If you don't follow the conditions of your leave (for example, you don't come back, the police may bring you back. Ward staff should regularly check your leave and must let you have leave as soon as it's safe. You can ask for it to be reviewed as well.

If you are under 16, you need your parent or carer's permission to go out on your own. If you are able to go out, staff must take you out as soon as they possibly can. The staff can stop you if you try to leave without time off the ward having been agreed.

If you're not happy with being in hospital or the decisions made, you should speak to someone on your care team. They will then meet with you to try to support you in any decisions you make, with your safety and that of other in mind.

Unhappy about being on a Section?

If you aren't happy about being on a Section and think you shouldn't be on it, you can appeal to the Mental Health Tribunal or to the Associate Hospital Managers. If you want to know more, please ask your nurse.

If you decide to appeal, you can get a solicitor to help you present your case at the appeal hearing. You can choose a solicitor from a list your nurse can give you and it will be free. You can also talk to the Independent Mental Health Advocate (IMHA) about this (see details below).

If you're on a Section 2 you must appeal to the Tribunal within 14 days of the start of the Section. On Section 3, you can only appeal to the Tribunal once in any 6 month period.

If you're on a Section you can talk to an IMHA – an advocate who doesn't work for the hospital (they are completely independent) and who works regularly with young people who are on a Section. The hospital must tell you about this service.

An IMHA can:

- Help you get information about the MHA
- Give you support and advice about your rights
- Help you get your views heard by staff
- Make sure your concerns and wishes are taken seriously

Ending a Section

If you're on Section 2 or Section 3, your doctor can decide to rescind (end) your Section at any time if he or she thinks you are well enough.

Your Section could also be ended by the Tribunal or the Hospital Managers after they have considered your case.