

Patient Information Leaflet 22

Mental Health Act 1983

Section 136: Removal etc. of Mentally Disordered Persons without a Warrant

You have been admitted to or are being kept at:

Date and time your detention under section 136 began on:

Why have I been brought to or am being kept at a hospital?

You have been brought to this hospital by a police officer because they are concerned that you may have a mental disorder and should be seen by a mental health professional.

It may be that you were already in the grounds of or in the hospital building and you are being kept at the hospital for the same reason.

If the police officer has safety concerns they are allowed to search you if they reasonably believe that you have an item on your person that could be used to hurt yourself or others.

How long will I be here?

You can be kept here (or in another place of safety) for 24 hours from the time that you arrived, or were kept at, a place of safety so that you can be seen by a doctor and approved mental health professional.

An approved mental health professional is someone who has been specially trained to help decide whether people need to be kept in hospital.

If the doctor and the approved mental health professional agree that you need to remain in hospital, a second doctor may be asked to see you to confirm their decision.

In some situations, a doctor will be able to give permission for you to be kept in, or moved to another place of safety for another 12 hours. The maximum period of time that you can be kept at any place of safety under section 136 is 36 hours.

During the time allowed for you to be kept at the place of safety you must not leave unless a doctor tells you that you can go.

If you try to leave the staff can stop you and if you leave, you can be brought back. If the doctor and an approved mental health professional have not seen you by the end of the 24 (or sometimes 36) hours, you will be free to leave.

However, you may decide to stay on a voluntary basis. If you do want to leave, please talk to a doctor first.

What happens next?

When the doctor and approved mental health professional have seen you, they may say that you need to stay in hospital for longer. They will tell you why and for how long this is likely to be. You will be given another leaflet that explains what will happen.

Can I appeal?

No. Even if you do not agree that you need to be in hospital, you cannot appeal against the decision to keep you at the hospital under section 136.

Will I be given treatment?

The doctor will tell you about and discuss any treatment they think you need. You have the right to refuse any treatment you do not want.

Only in special circumstances, which would be explained to you can you be given treatment you do not agree to.

How do I complain?

If you want to raise a concern or make a complaint about any part of your care and treatment in hospital, please speak to the person in charge of the hospital unit that you have been brought to, or a nurse or social worker. They might be able to sort it out. If you are not satisfied with their response you can write to the Hospital Managers at the following address (information to be added locally):

If you are not satisfied with the response from the Hospital Managers, you can contact the Review Service for Mental Health. This service was set up to make sure that the mental health law is used properly and that patients are cared for properly whilst they are in hospital.

You can contact them by phone, in writing or by email at:

Review Service for Mental Health
Healthcare Inspectorate Wales
Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ

Tel: 0300 062 8327

Email: rsmh@gov.wales

You can also contact the Review Service after you have left the hospital.

Letting Your Nearest Relative Know

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative. We have been told your Nearest Relative is:

If you do not want this person to receive a copy of this leaflet, please tell the member of staff who is explaining this to you or another member of staff.

For more information about the role of the Nearest Relative and what rights they have please ask for a copy of the Nearest Relative leaflet.

Changing your Nearest Relative

If you do not think this person is suitable to be your Nearest Relative, you can apply to the County Court for someone else to be treated as your nearest relative instead. The hospital staff can give you a leaflet that explains this.

Code of Practice for Wales to the Mental Health Act 1983

The Code of Practice for Wales gives guidance to staff about the Mental Health Act 1983. They have to think about what the Code says when they take decisions about your care and treatment. You can ask to look at a copy of the Code.

Further information and help

If there is anything you do not understand about your care and treatment, a member of staff will try to help you. Please ask a member of staff to explain if there is anything in this leaflet you do not understand or if you have other questions that this has not answered.