

Patient Information Leaflet 4

Mental Health Act 1983

Section 5(2): Doctor's or Approved Clinician's Holding Power

You have been admitted to:

Your Doctor or Approved Clinician is:

Your detention under section 5(2) began:

Date:

At:

am/pm

Why am I in hospital?

You are being detained in this hospital because a doctor or approved clinician thinks that you need to be here so that she or he can find out what is wrong and decide how they can help you. You can be kept in this way because of section 5(2) of the Mental Health Act 1983. This means that your doctor or approved clinician thinks you need to be in hospital.

How long will I be here?

You can be kept here for 72 hours (three days) so that you can be seen by two doctors and an approved mental health professional. You have the right to refuse treatment if you wish. You must not leave during this time unless your doctor or your approved clinician tells you that you may. If you try to go, the staff can stop you, and if you leave you can be brought back.

If the doctors and the approved mental health professional do not see you by the end of the 72 hours (three days), you are free to leave, but you may decide to stay on a voluntary patient. If you do want to leave, please talk to your doctor or approved clinician first.

What happens next?

When the two doctors see you, they may say that you need to stay in hospital for a longer time. You will be told why and for how long it is likely to be, and you will be given another leaflet to tell you what can happen. If the doctors decide that you do not need to stay, the doctors or the approved mental health professional will talk to you about any other help you should have.

Can I appeal?

No. You cannot appeal against the decision to detain you in hospital under section 5(2).

Will I be given treatment?

The approved clinician in charge of your treatment will tell you about any treatment she or he thinks you need. Only in very exceptional circumstances, which would be explained to you, can you be given treatment you do not want.

How do I complain?

If you want to complain about the way you are being treated in hospital, you should speak to the person in charge of the ward, or a nurse or social worker. If you are not happy with the answer you may write to the Hospital Managers.

You can write to the Managers at the following address: (Information to be added locally)

If you are not happy with the Managers' reply, you can ask the Review Service for Mental Health to help. The Review Service was set up to make sure that the mental health law is used properly and that patients are cared for properly while they are in hospital.

You can write to them at:

Review Service for Mental Health
Healthcare Inspectorate Wales
Bevan House
Caerphilly Business Park
Van Road
Caerphilly CF83 3ED

Or you can telephone: 029 2092 8858

Or you can fax: 029 2092 8904

or you can speak to a Reviewer when they visit. The ward manager can tell you the date of the next visit. You can also write to the Review Service after you have left the hospital.

Your letters

Normally you will be able to write to and get letters and parcels from anybody. The Mental Health Act gives the Hospital Managers power to withhold any of your letters or parcels from going to someone who has asked that they should not be sent to them. If this happens you will be notified in writing.

Code of Practice for Wales

The Code of Practice for Wales gives advice to staff about the Mental Health Act 1983. They have to think about what the Code says when they take decisions about your care. You can ask to look at a copy of the Code or you can ask for a copy of the 'Peace of Mind' booklet on the Code of Practice for Wales.

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.

The independent mental health advocacy service is also there to provide help and support to you.

Please ask if you would like another copy of this leaflet for someone else.