

Patient Information Leaflet 5

Mental Health Act 1983

Section 5(4): Nurses' Holding Power

You have been admitted to:

Your Doctor or Approved Clinician is:

Date your detention under section 5(4) began:

At:

am/pm

Why am I in hospital?

You are being detained in this hospital so that you can be seen by your doctor or approved clinician. You can be kept in this way because of section 5(4) of the Mental Health Act 1983. This means that a nurse thinks you have a mental disorder and you should not leave the hospital until you have been seen by the doctor or approved clinician.

How long will I be here?

You can be kept in hospital for up to six hours, or until the doctor or approved clinician has seen you. You have the right to refuse treatment if you wish. You must not leave during this time unless your doctor or 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 your doctor or approved clinician does not see you within six hours, you will be free to leave. If you do want to leave, please talk to a nurse first.

What happens next?

When the doctor or the approved clinician sees you, she or he may say that you need to stay in hospital for a longer time. She or he will tell you why and for how long it is likely to be, and you will be given another leaflet to tell you what will happen. If the doctor or approved clinician decides that you do not need to stay, she or he will talk to you about what other help you should have.

Can I appeal?

No. You cannot appeal against the decision to detain you in hospital under section 5(4).

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 or 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.