



**Digital
Advocacy Hub**

Independent Mental Health Advocacy

What the law says - Section 5 (2)



**Easy
Read**

Easy Read



This is an Easy Read version of some information. It may not include all of the information but it will tell you about the important parts.



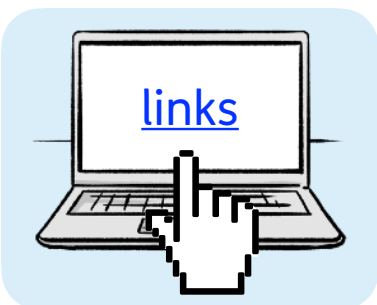
This Easy Read booklet uses easier words and pictures. You may still want help to read it.



Some words are in **bold** - this means the writing is thicker and darker.



These are words that some people will find hard. When you see a bold word, we will explain it in the next sentence.



Blue and underlined words show links to websites and email addresses. You can click on these links on a computer.

What is in this booklet

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About this booklet



This is information from n-compass about **Independent Mental Health Advocacy**.

Independent Mental Health Advocacy is when someone helps people:



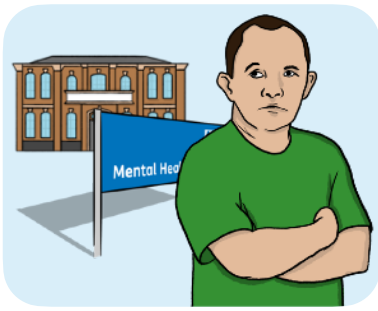
- Understand their rights - rights say how people should be treated and what they should be able to do by law.



- Speak up about their mental health care.



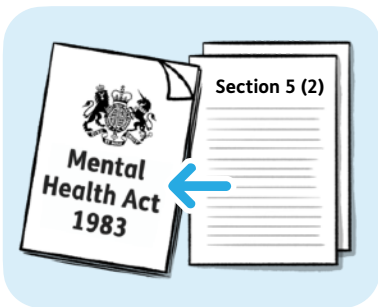
The person who does this is called an **Independent Mental Health Advocate (IMHA)**.



Sometimes, people getting care for their mental health are kept in hospital.



There are rules about how people should be treated in hospital.



This booklet will tell you about part of the Mental Health Act (the law), called Section 5 (2).



This part of the law gives hospitals the power to keep you at a hospital for up to 3 days while doctors decide if you need treatment.

What is Mental Health Advocacy?



You can get support from an Independent Mental Health Advocate (IMHA) if you are **detained** or being treated under a part of the **Mental Health Act**.



Detained means you are kept in a hospital or other building and you cannot decide to leave by yourself.



The **Mental Health Act** is a law. We will explain more about this in the next part.

An IMHA can support you if:



- You do not understand what is happening to you.



- You want to try and change a decision about your care or support.

IMHAs can help:



- Patients who are being kept in hospital.



- People who are on a Community Treatment Order - this means you can be treated in the local area where you live.



- People who are under Guardianship - this means that someone called a Guardian is making sure you get the care you need.



Your Guardian can be someone from your local council or another person chosen by your council.

People can also get support from an IMHA if:



- They might get some treatment that needs 2 doctors to agree to it - called Section 57 treatment.



- They are a child under the age of 18 who might need Electroconvulsive Therapy - this is when electricity is used to treat someone.

What is the Mental Health Act?

The Mental Health Act is a law that tells people with a mental health problem:



- What their rights are.



- How they can be treated.



The Mental Health Act gives doctors the power to detain you so you can get treatment.



It is important that you know what happens when you are detained and how you can get support.



The Mental Health Act has different parts called Sections.



These Sections say the different ways that people can be detained.



Different Sections have different rules about how you can be detained.

What is Section 5 (2)?



Section 5 (2) of the Mental Health Act gives doctors the power to detain you in hospital.



A doctor may think you have a mental health problem and you are not well enough to leave the hospital.



You can be kept at the hospital for up to 72 hours. 72 hours is 3 days.

In this time 2 doctors and a mental health professional will see you.



They will decide if you need to be kept at the hospital for longer than 72 hours.



Section 5(2) is sometimes called a 'Doctors' holding power'.

What rights do I have?



Rights are things that you are allowed to do by law, like getting married or voting.



You still have some rights even though Section 5(2) is only for a short time.



You have the right to be:

- Given the reasons why you are being detained.



- Be told about the Section of the Mental Health Act you are being detained under.



- Told about your rights to agree to treatment.

You also have the right to be:



- Told how you can make a complaint.



- Supported to understand the ways you are being kept safe.

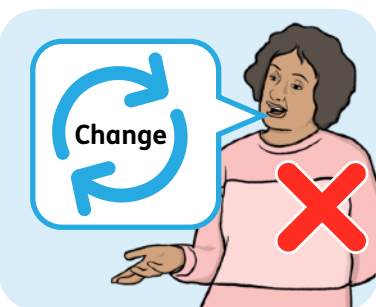


- Told about the Care Quality Commission, which checks that all care providers are doing their jobs well.

You do not have the right to:



- Leave the hospital.



- Ask for the decision to detain you to be changed.

Can I be given treatment if I do not want it?



The staff at the hospital will tell you about any treatment they think you need.



You can say that you do not want to take any medicine.

What happens at the end of a Section 5(2)?



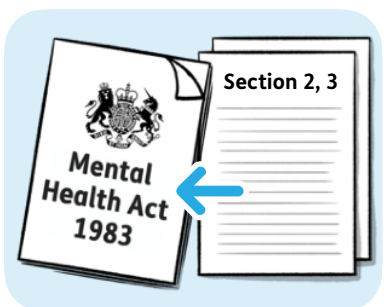
If the health professionals decide that you do not need to be detained, you can leave the hospital.



If the health professionals have not managed to see you in 72 hours you are free to leave the hospital.



You may be allowed to stay at the hospital if you feel you need more support.



If the health professionals think that you need to be detained for longer, you may be kept under Section 2 or Section 3.

What do Independent Mental Health Advocates (IMHAs) do?

An IMHA can support you to:



- Take part in planning your care.



- Get ready for and understand:
 - Mental Health Reviews - these are when health professionals look at your mental health.



- Tribunals - these are when professionals decide if you can leave hospital.



- Get other support or help to use other services, like getting a house or finding a job.

An IMHA can support you to:



- Talk about any care you might need after being detained.



- Understand how you can tell someone if you are not happy about your care.



- Understand your rights and how to use them.

An IMHA will:



- Listen to what you tell them about your ideas and feelings.



- Support you to speak up.



- Speak up for you if you need them to.



- Make sure you take part in any decisions that are made about you.

How can I get support from an IMHA?



Health professionals should tell patients and their families about IMHA services.



Health and care professionals usually tell the IMHA service if they think a patient needs their services.



n-compass will allow patients or their families to ask for support from an IMHA.

Find out more



The n-compass Digital **Advocacy** Hub gives free and fair information about lots of different parts of life.

Remember, **advocacy** is helping people to speak or speaking up for them.



n-compass runs advocacy services across the north of England.



You can find out if we run services near you on our website:

www.n-compass.org.uk/our-services/advocacy



Or you can speak to us using the Sign video website:

www.ncompass.signvideo.net