

## INDEPENDENT MENTAL HEALTH ADVOCACY - DISCHARGE BY RESPONSIBLE CLINICIAN



### WHAT IS INDEPENDENT MENTAL HEALTH ADVOCACY?

If you are restricted or being detained under the Mental Health Act, you are legally entitled to help and support from an Independent Mental Health Advocate (IMHA).

An advocate is someone who will speak up for you, or support you to speak up for yourself, if you don't understand what's happening to you, want to challenge a decision about your care or support, express your preferences or assert your rights.

This applies to hospital patients and those who are on a Supervised Community Treatment Order (CTO) or under Guardianship.

Also eligible for an IMHA includes:

-  Those being considered for Section 57 treatment
-  Those under 18 and being considered for Electroconvulsive Therapy (ECT)

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### Discharge by Responsible Clinician

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Your Responsible Clinician should discharge you from your section when they consider that the medical reasons for keeping you sectioned no longer apply. They do not need to wait until your section has ended.

Your Responsible Clinician can also discharge you for other reasons, and at any time.

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### How does discharge happen?

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Your Responsible Clinician informs the hospital authorities that you are no longer under section and that you should be allowed to leave the hospital. You should also be offered support to do this, if needed.

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### How does the Responsible Clinician decide?

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There are different reasons for being sectioned under a Section 2 or Section 3.

Generally speaking, your Responsible Clinician will reach a decision about your mental health needs and the best way to support you in the future by considering a checklist.

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### What sorts of factors are considered?

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-  Do you still have a mental health problem?
-  If so, do you still need assessment and/or treatment in hospital?
-  Has your mental health improved sufficiently for you to leave hospital?
-  Would your health or safety be at risk, or someone else's, if you were discharged from your section and/or left hospital?
-  Are there are other effective treatment options available to you, such as community nursing support, and are those treatments available in the community?

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### What if my section reaches its time limit?

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If your section has reached the maximum time allowed by the law, you should:

-  Be discharged
-  Have your section renewed, or
-  Be detained under another section.

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### How else can I be discharged?







You can be discharged by:

-  the Hospital Managers
-  a Mental Health Tribunal




In addition, your Nearest Relative can request that you are discharged.

### What do Independent Mental Health Advocates (IMHAs) do?

An IMHA can support you to:

-  Be fully involved in your care planning
-  Access Mental Health Reviews and Tribunals, prepare for them and understand decisions made
-  Access other support or services
-  Discuss appropriate aftercare
-  Understand how to raise concerns about your experience/care
-  Exercise your rights

An IMHA will:

-  Listen carefully to what you tell them about your views and feelings
-  Support you to speak up or speak up on your behalf if needed
-  Make sure you are fully involved in decisions being made about you

### What is the Mental Health Act?

The Mental Health Act is a law which tells people with a mental health disorder what their rights are and how they can be treated.

'Mental health disorder' means any disorder or disability of the mind.

It is important that you know what happens to you when you are detained, what your rights are and where you can seek help. The Mental Health Act Code of Practice tells everyone how to use this law and what they must do.

### How can I make a referral?

Mental Health professionals have a duty to inform patients in their care and their nearest relative about the IMHA services available to them. These measures ensure that each patient who is entitled to receive IMHA support is aware of their right to approach the service.

Referrals to the IMHA service are usually made by Health or Social Care professionals, however, n-compass will accept IMHA referrals from the person themselves or their family.



**TO LEARN HOW ADVOCACY  
CAN HELP PLEASE GET IN TOUCH**

The n-compass Digital Advocacy Hub provides free and impartial information on a range of common advocacy issues. n-compass delivers several advocacy services across the north of England.

**To find out if we deliver in your locality:-**

Website: <https://www.n-compass.org.uk/our-services/advocacy>

Sign video: <https://ncompass.signvideo.net>