

## INDEPENDENT MENTAL HEALTH ADVOCACY - SECTION 2 RIGHTS



### WHAT IS INDEPENDENT MENTAL HEALTH ADVOCACY?

If you are an adult and 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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### What does "Section 2" mean?

Section 2 of the Mental Health Act allows hospital staff to keep you in hospital, for up to 28 days for assessment and treatment.

Section 2 gives the doctors time to assess:




-  What sort of mental disorder you have,
-  Whether you need treatment, and
-  How the treatment will affect you.

An Approved Mental Health Professional (AMHP) is more likely to recommend Section 2 than Section 3 if you have not been assessed before, or you have been assessed before, but it was a long time ago.

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### Under what circumstances can I be detained?

You can be detained for the following reasons:

-  You have a mental disorder,
-  You are unwell enough to need to be in hospital for assessment to take place, and
-  The doctors think you should be in hospital for your own health and safety, or to assure the safety of others in the community.

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### How can I be detained?

The AMHP has to approach the hospital. Your Nearest Relative can also approach the hospital, but this is uncommon.

The AMHP can apply to the hospital, if they have seen you in the last 14 days. They need recommendations from two doctors, both of the doctors must have seen you in the last 14 days and the doctors must not have seen you more than 5 days apart.

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### How long can I be kept on a Section 2?

Section 2 lasts for up to 28 days, but that doesn't mean you will be in hospital for the whole 28 days.

Your Responsible Clinician should discharge you from Section 2 if you no longer meet the criteria for detention, this can happen at any point during your detention.

You can stay on a Section 2 beyond 28 days, if the county court is considering changing who is your Nearest Relative.




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### What are my rights?

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You have some important rights whilst you are under Section 2. You can:

-  Appeal to a Mental Health Tribunal during the first 14 days,
-  Appeal to a Hospital Managers' Hearing, and
-  Meet an Independent Mental Health Advocate (IMHA), who can help you to understand your rights, and get your voice heard.

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### Can I be given treatment I don't want?

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Staff should ask you to accept treatment, but they are able to treat you without your consent. If you are unhappy about your treatment, you can talk to your Responsible Clinician who oversees your care on a day-to-day basis.

The hospital can only give you some treatments, like Electro-Convulsive Therapy (ECT), if strict additional criteria are met.

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### What happens at the end of a Section 2?

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Hospital staff cannot extend a Section 2, after 28 days, the Section 2 expires.

If you need treatment in hospital for longer than 28 days, you will need to be treated under a different section of the Mental Health Act, usually Section 3. This decision has to be made by a doctor.







Sometimes people stay at the hospital for a short period after their section ends as an informal patient.

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

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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



## INDEPENDENT MENTAL HEALTH ADVOCACY - SECTION 2 RIGHTS

### 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>