

## INDEPENDENT MENTAL HEALTH ADVOCACY - SECTION 17 LEAVE



### 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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### What is "Section 17 leave"

The Mental Health Act gives the nursing staff and other health professionals the power to detain you, usually within a locked hospital ward.

Section 17 of the Mental Health Act explains how you can leave the ward, under certain conditions. This is commonly referred to as "Section 17 leave".

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### Types of leave

There are different types of leave. You could be allowed to:

1. Leave the ward on "unescorted leave" for a short time, to go home or go shopping for instance.
2. Leave the ward with a member of the hospital staff, this is "escorted leave".
3. Leave the ward with a family member or friend, this is called 'accompanied leave'.

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### What if I leave the ward without permission?

If you don't have permission from your Responsible Clinician to leave the ward, or you do not keep to the conditions attached to the leave granted by your Responsible Clinician, the police and other agencies may be called to find you.

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### How long can I be on leave for?

It is up to your Responsible Clinician to decide if you are allowed to go out and for how long. When you first come into hospital, in the early days of your assessment and treatment, you will probably not be allowed to leave the ward.

Your Responsible Clinician approves leave, but they can ask you to keep to conditions, such as limiting the amount of time you are out on leave or asking you to return to the ward before a certain time.

For example, initially, you might be allowed to leave the ward for one hour with a staff member.



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### Leaving the ward for longer periods

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If your Responsible Clinician is planning to give you leave for more than 7 days, they should consider whether to use a Community Treatment Order instead.

To arrange this, an Approved Mental Health Professional (AMHP) needs to approach the hospital doctors. Your Nearest Relative can also do this, but that is rare.

An AMHP can apply if they have seen you in the last 14 days and they have recommendations from two doctors. One of the doctors must have seen you in the last 14 days and the doctors must not 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 do I request leave?

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You can request leave when you speak to your Responsible Clinician, or you can ask the nursing staff at the hospital to ask on your behalf.




You can also ask for an Independent Mental Health Advocate to support you.

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### Who has the power to discharge me from hospital?

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You can be discharged by:

-  Your Responsible Clinician
-  The Hospital Managers
-  A Mental Health Tribunal

Your Nearest Relative can also ask your Responsible Clinician to discharge you.







You can ask an Independent Mental Health Advocate to support you and help you understand the discharge options.

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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 17 LEAVE

### 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.

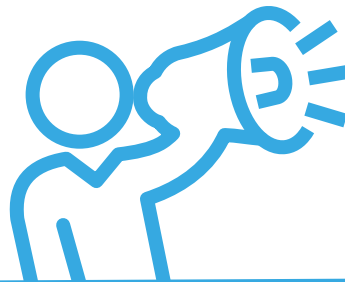
'Mental health disorder' means any disorder or disability of the mind.

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>