

## INDEPENDENT MENTAL HEALTH ADVOCACY - SECTION 3 RIGHTS



### 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 does "Section 3" mean?

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Section 3 of the Mental Health Act allows hospital staff to keep you in hospital for treatment.





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?

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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.
-  You will not get this treatment unless you are detained.

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### How can I be detained?

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An Approved Mental Health Practitioner (AMHP) needs to approach the hospital.

Your Nearest Relative can also approach the hospital, although this is uncommon.

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### How long can I be kept on a Section 3?

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You can be detained in hospital under Section 3 for treatment for up to 6 months, but this can be extended for longer. However, your Responsible Clinician should discharge you earlier if they think you are well enough.

If your Responsible Clinician thinks you need to remain in hospital at the end of Section 3, they have to assess you in the last two months before it ends and write a report for the hospital managers to consider.

The Responsible Clinician can renew the Section 3 for a further 6 months, after that, they can renew it for 1 year at a time.




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### What are my rights?

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You have many rights whilst you are detained under Section 3. Some important rights are your rights to:

-  Appeal to a tribunal to end your detention, you can do this once in the first 6 months and also in any subsequent period after this.
-  Appeal to the hospital managers to end your detention.
-  Meet with an Independent Mental Health Advocate (IMHA), who can help you to understand your rights and help you get your voice heard.

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

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You can be treated against your will for 3 months.

After 3 months, you can only be treated against your will if a Second Opinion Approved Doctor (SOAD) approves the treatment. 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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### Who has the power to discharge me from hospital?

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You can be discharged by:

-  Your Responsible Clinician
-  A Hospital Managers' Hearing
-  A Mental Health Tribunal

In addition, your Nearest Relative can ask your Responsible Clinician to discharge you.

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### What happens at the end of a Section 3?

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When you leave hospital after a Section 3, you will be eligible to receive free aftercare. This is known as "Section 117 aftercare".







It is likely that the mental health services will plan your aftercare in a Care Programme Approach (CPA) meeting.

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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 3 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.

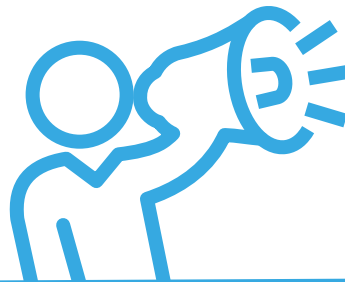
'Mental health disorder' means any disorder or disability of the mind.

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>