



Detention of Patients already in Hospital

(Section 5(2) of the Mental Health Act 1983)



Sussex Partnership
NHS Foundation Trust

Why can't I leave this hospital?

You are being kept in this hospital under section 5(2) of the Mental Health Act 1983 because the person in charge of your treatment, or their deputy, thinks that you have a mental disorder and need to stay in hospital.

"Deputy" means someone who can take decisions when the person in charge of your treatment is somewhere else.

How long will I be here?

You can be kept here for 72 hours so that you can be seen by two doctors to decide if you need to be kept in hospital for longer.

You will probably also be seen by an approved mental health professional. An approved mental health professional is someone who has been specially trained to help decide whether people need to be kept in hospital.

You must not leave the hospital during this time unless the person in charge of your treatment, or their deputy, tells you that you may. If you try to go, the staff can stop you, and if you leave, you can be brought back.

If you were already being kept in hospital by a nurse under section 5(4) of Mental Health Act, then the time you have already been kept in hospital under that section counts as part of the 72 hours.

What happens next?

Once the doctors have seen you, it may be decided that you need to stay in hospital for longer. A doctor or an approved mental health professional will tell you why and for how long this is likely to be. You will be given another leaflet to tell you what will happen. If it is decided that you do not need to stay, they (or another member of staff) will talk to you about what other help you should have.

If you have not been told you have to stay in hospital by the end of the 72 hours, you will be free to leave. But you may decide you wish to stay in hospital as a voluntary patient. If you do want to leave at the end of the 72 hours, please talk to a member of staff first.



Can I appeal?

No. Even if you do not agree that you need to stay in hospital now, you cannot appeal against a decision to keep you here under section 5(2).

Will I be given treatment?

The hospital staff will tell you about any treatment they think you need. You have the right to refuse any treatment you do not want. This section of the Mental Health Act does not allow treatment to be given to you without your consent. Only in special circumstances, which would be explained to you, can you be given treatment you do not agree to.

Your letters

All letters sent to you while you are in hospital will be given to you. You can send letters to anyone except someone who has said they do not want to get letters from you. Letters to these people can be stopped by the hospital staff.

Code of Practice

There is a Code of Practice that gives advice to the staff in the hospital about the Mental Health Act and treating people for mental disorder. The staff have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.

How do I complain?

If you want to complain about anything to do with your care and treatment in hospital, please speak to a member of staff. They may be able to sort the matter out. They can also give you information about the hospital's complaints procedure, which you can use to try to sort out your complaint locally. They can also tell you about any other people who can help you make a complaint.

If you do not feel that the hospital complaints procedure can help you, you can complain to an independent Commission. This is called the Care Quality Commission and it monitors how the Mental Health Act is used, to make sure it is used correctly and that patients are cared for properly while they are in hospital. The hospital staff can give you a leaflet explaining how to contact the Commission.

Further help and information

If there is anything you do not understand about your care and treatment, a member of staff will try to help you. Please ask a member of staff to explain if there is anything in this leaflet you do not understand or if you have other questions that this leaflet has not answered.

Please ask if you would like a printed copy of this leaflet.





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