

Nurses' power to detain a person being treated for mental disorder as a hospital in-patient

(Section 5(4) of the Mental Health Act 1983)

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|---|--|
| 1. Patient's name | |
| 2. Name of the person in charge of your treatment | |
| 3. Name of the nurse keeping you here | |

Why can't I leave this hospital?

You are being kept in hospital under section 5(4) of the Mental Health Act 1983. This is a legal power that allows a nurse to keep you in hospital until you have been seen by the person in charge of your treatment, or their deputy. The nurse believes you have a mental disorder and are not well enough to leave.

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

How long will I be kept here?

You have to stay in this hospital for up to six hours or until the person in charge of your treatment or their deputy says you can leave. If you try to go, the staff can stop you, and if you leave, you can be brought back.

In your case the six hours end at:

| | |
|------|------|
| Date | Time |
|------|------|

If the person in charge of your treatment or their deputy has not seen you by this time, you will be free to leave. But if you do decide to leave then, please talk to a nurse or other member of staff first.

What will happen while I'm kept here?

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. Only in special circumstances, which would be explained to you, can you be given treatment you do not agree to.

What happens next?

The person in charge of your treatment, or their deputy, may decide that you need to stay in hospital for a longer time. You may decide to stay voluntarily.

If you still do not want to stay in hospital, and the person in charge of your care, or their deputy, believes you are too ill to leave, they may need to keep you here under another section of the Mental Health Act. They will tell you why and how long you will be kept here, and you will be given another leaflet that explains what will happen next.

If the person in charge of your treatment, or their deputy, decides that you do not need to stay, they or another member of staff will talk to you about what other help you should have.

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(4).

Letting your nearest relative know

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative.

There is a list of people in the Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. The hospital staff can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

In your case, we have been told that your nearest relative is:

If you do not want this person to receive a copy of the leaflet, please tell your nurse or another member of staff.

Changing your nearest relative

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead. The hospital staff can give you a leaflet that explains this.

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.

What if I have a comment, suggestion, compliment or complaint about the service?

If you want to make a comment, suggestion, compliment or complaint you can:

- talk to the people directly involved in your care
- ask a member of staff for a feedback form, or complete a form on the Trust website www.cntw.nhs.uk/contact/complaints/
- telephone the Complaints Department Tel: 0191 245 6672
- email complaints@cntw.nhs.uk Please note that information sent to the Trust via email is sent at your own risk

We are always looking at ways to improve services. Your feedback allows us to monitor the quality of our services and act upon issues that you bring to our attention. You can provide feedback in the following ways:

- the quickest way for you to do this is to complete our short online survey at www.cntw.nhs.uk/poy
- complete a Points of You survey, available on wards, reception areas or from staff
- other options for sharing your feedback and experience www.cntw.nhs.uk/yourfeedback

Patient Advice and Liaison Service (PALS)

PALS provide confidential advice and support, helping you to sort out any concerns that you may have about any aspect of your or your loved ones care. We act independently when handling patient and family concerns, liaising with staff, managers and, where appropriate, relevant organisations, to negotiate prompt solutions. If necessary, we can also refer patients and families to specific local or national-based support agencies.

North of Tyne

Tel: 0800 032 0202

Email: pals@nhct.nhs.uk

Post: FREEPOST PALS

South of Tyne

Tel: 0800 328 4397

Text: 07825 061 035

Email: pals@cntw.nhs.uk

Post: Patient Advice and Liaison Service, Garden Lodge,
Hopewood Park, Ryhope, Sunderland, SR2 0NB

9am – 4.30 pm, Monday to Friday

An answerphone is available at all times for you to leave a message. A member of the PALS team will aim to return your call as soon as possible.

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.

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.

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 another copy of this leaflet for someone else.



Further information about the content, reference sources or production of this leaflet can be obtained from the Patient Information Centre. If you would like to tell us what you think about this leaflet please get in touch.

This information can be made available in a range of formats on request (eg Braille, audio, larger print, easy read, BSL or other languages). Please contact the Patient Information Centre
Tel: 0191 246 7288

Published by the Patient Information Centre

2024 Copyright, Cumbria, Northumberland, Tyne and Wear
NHS Foundation Trust

Ref, PIC/192/0124 January 2024 V6

www.cntw.nhs.uk Tel: 0191 246 7288

Review date 2027

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