

Detention of patients already in hospital

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

1. Patient's name	
2. Name of the person in charge of your treatment	

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.

In your case the 72 hours end at:

Date	Time
------	------

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

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.

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.

Need help?

If you are unsure about your care or treatment, staff can help.

Staff or a carer can also support you to read this leaflet. They will be able to answer any questions that you have. You can ask for another copy for someone else.

Comments, suggestions, compliments or complaints

You can talk to a staff member or use the contacts listed below.

See other ways to give feedback at

www.cntw.nhs.uk/yourfeedback

or scan the QR code:



Your Voice

You can use this email to tell us what you think about your care. This can be good or bad. You can also ask us to tell you what happens after you send feedback.

Email: yourvoice@cntw.nhs.uk

Comments and complaints

If something went wrong, please tell us. This will help us improve services.

Email: complaints@cntw.nhs.uk

Telephone: 0191 245 6672

Write to: Complaints Department, Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust, St Nicholas Hospital, Gosforth, Newcastle upon Tyne, NE3 3XT.

Patient Advice and Liaison Service (PALS)

PALS offer a free, confidential service. They can help if you are worried about your care. They support patients, families and carers.

North of Tyne

(services in Newcastle, North Tyneside, Northumberland and North Cumbria)

Email: pals@nhct.nhs.uk

Telephone: 0800 032 0202

South of Tyne

(services in Sunderland, Gateshead, South Tyneside and Lotus Ward, Middlesbrough)

Email: pals@cntw.nhs.uk

Telephone: 0800 328 4397

Care Quality Commission

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.



You can get more information about this leaflet from the Patient Information Centre. This includes how the leaflet was made. We can provide this leaflet in other formats. These include Braille, audio, large print, Easy Read, British Sign Language, and other languages.

We welcome your feedback about this leaflet. You can email pic@cntw.nhs.uk

Published by the Patient Information Centre
2026 Copyright: Cumbria, Northumberland, Tyne and Wear
NHS Foundation Trust

Ref: PIC/194/0526 May 2026 V7
Review date 2027

Website: www.cntw.nhs.uk Telephone: 0191 246 6800

Find us on social media. Search for CNTW.