

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)

Shining a light on the future



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
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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
- complete a feedback card, available on wards. Some areas of the Trust have electronic feedback touch screens, staff can help you to use these. Your feedback allows us to monitor the quality of our services and act upon issues that you or your carers bring to our attention.
- ask a member of staff for a feedback form, or complete a form on the Trust website www.ntw.nhs.uk (click on the 'Contact Us' tab)
- telephone the Complaints Department Tel: 0191 245 6672

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.



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Further information about the content, reference sources or production of this leaflet can be obtained from the Patient Information Centre.

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 223 2545

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