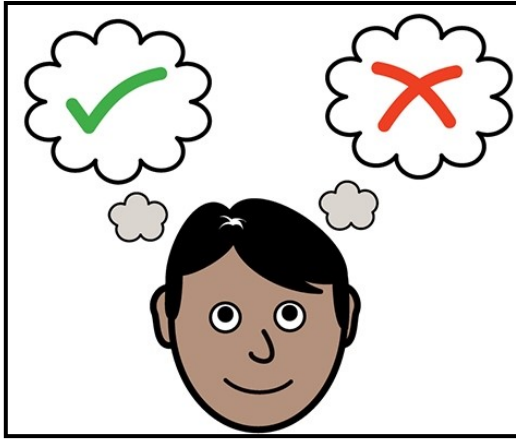


Making an appeal against section 2 or 3 of the Mental Health Act 1983



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If you don't agree with your section you can ask to be discharged from hospital.



If you are on a section 2 or 3 of the Mental Health Act you can appeal to come off it.

You can appeal to the Mental Health Review Tribunal and the Hospital Managers Hearing.

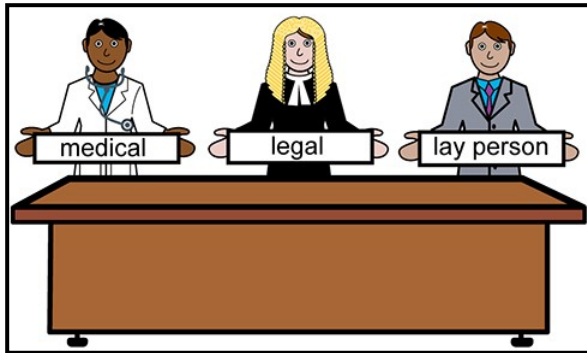


This leaflet is to help you understand what an appeal means and how to ask for one.

A qualified member of staff should read through this leaflet with you.

They will be able to answer any of your questions.

What is a Mental Health Act Tribunal?



A tribunal is a group of 3 people

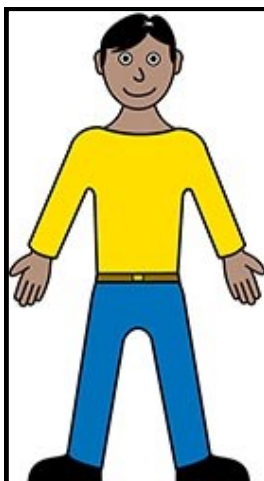
They will be a lawyer, a psychiatrist and a lay person



A lawyer is someone who knows a lot about the law.



A psychiatrist is a doctor who looks after peoples mental health.

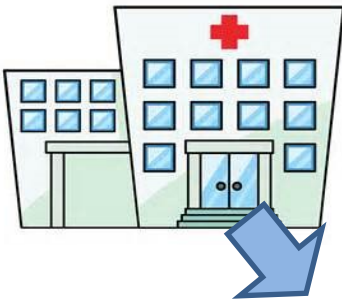


The lay-person will be someone who knows a lot about mental health, but is not a doctor or lawyer.

Why would I want a tribunal?

Tribunals usually happen because a person wants to appeal their section.

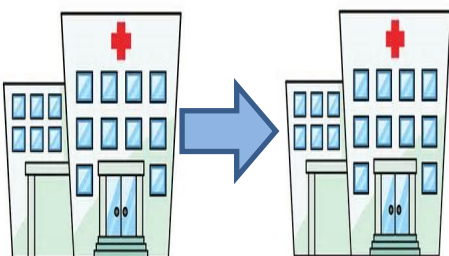
Tribunals have the power to:



- Discharge you from your section
- Decide on a delayed discharge or conditional discharge

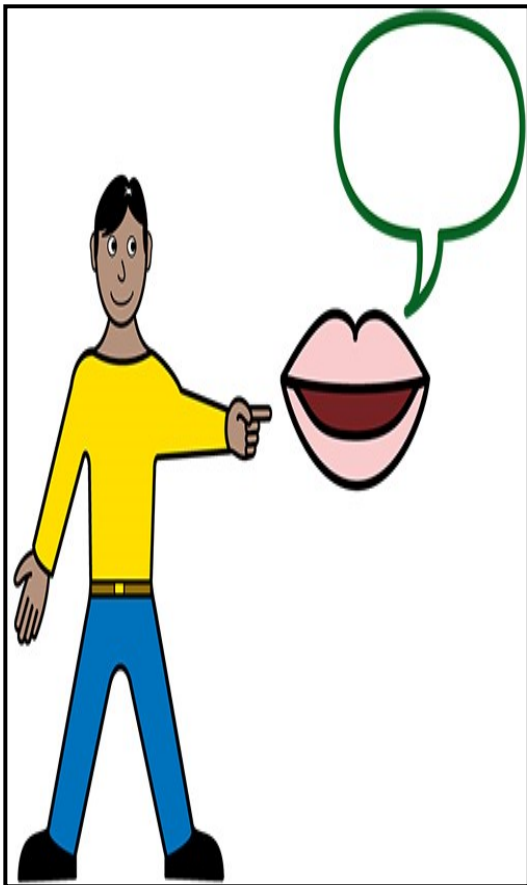


- Recommend that you get leave
- Recommend community treatment order instead of staying in hospital



- Recommend for you to be transferred to another hospital
- Meet up again if their advice is not followed.

You must be told about your right to have an independent mental health advocate sometimes called an IMHA.



- They can help explain the appeal process
- They can help you understand your rights and treatment options
- They can help get support and legal representation
- They do not work for the hospital and will speak up on your behalf
- The service is free and confidential

What happens before a tribunal?



The tribunal will ask for reports from your care team.

These reports will say how you have been on the ward and why you came into hospital.

The reports must make clear why they think you need to remain in hospital



You can choose a lawyer to help you.

A lawyer knows about the law and is there to argue your case.



You do not have to pay to get help from a lawyer.



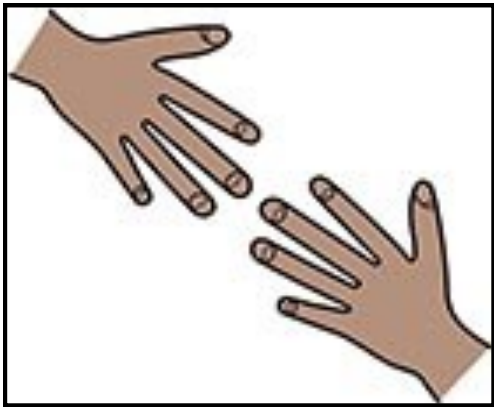
You are able to invite your nearest relative and IMHA if you want.

The Tribunal process



You will normally speak with your lawyer before the tribunal starts.

Your lawyer will explain the process and give you advice.



THEY ARE THERE TO HELP YOU.



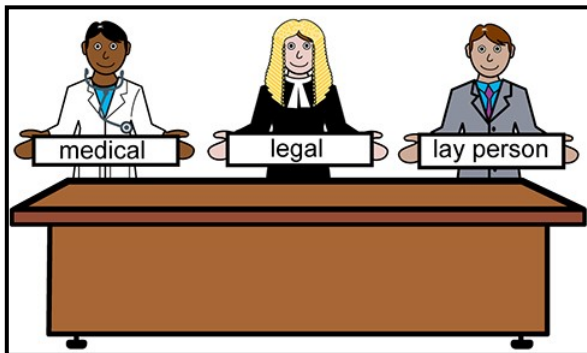
You may have an assessment before the tribunal by the tribunal psychiatrist.

You have the right to refuse, but if you do the tribunal may not be able to continue.



Before it starts the tribunal members will take time to read all the reports.

You or your solicitor will usually, have your own copy of these reports.

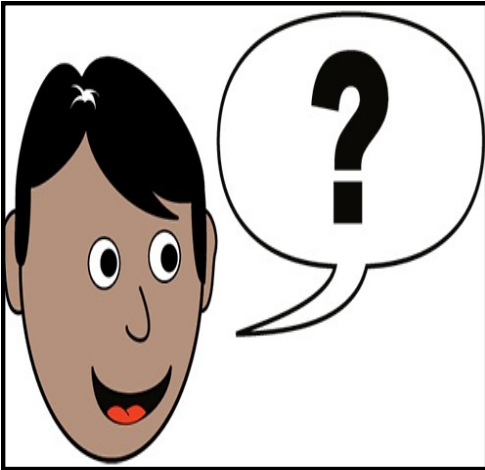


When they are ready they will invite everyone in and introduce themselves.



The panel would like you to attend the hearing.

The tribunal members will ask you questions.



The tribunal members will also ask the medical professionals, the nearest relative and your lawyer questions.

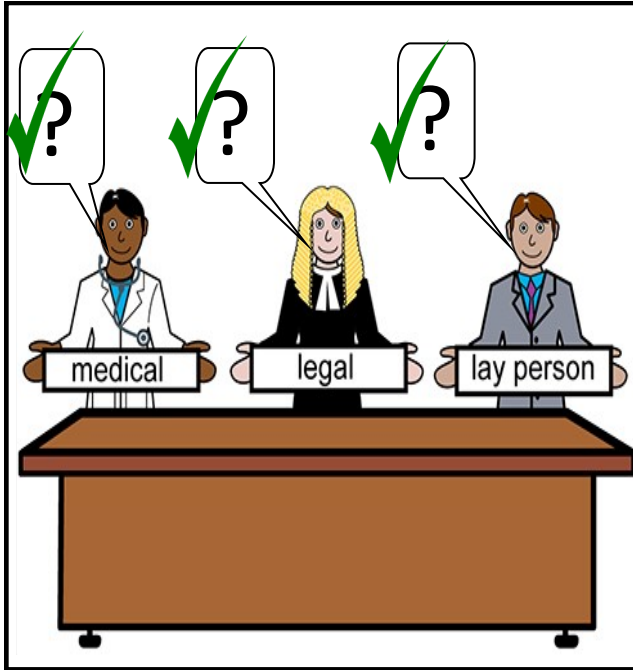


The tribunal will try and make this process as easy as possible.

If you finding it a bit difficult ask for a break.

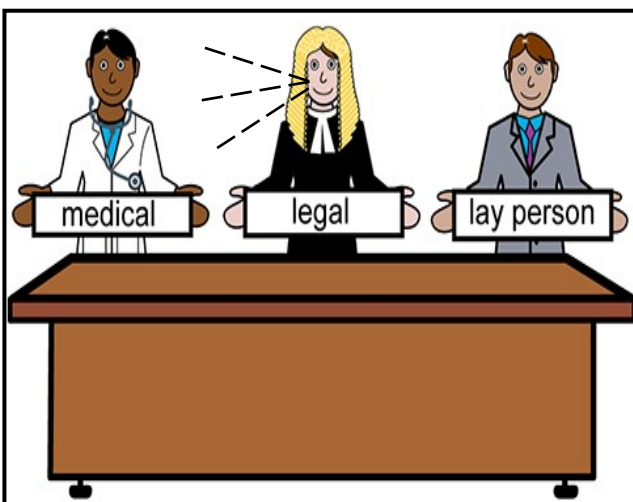


If you do not understand something tell the Chairperson or your lawyer.



Once all of the questions have been answered the panel need to make their decision.

They will ask everyone to leave so they can talk in private.

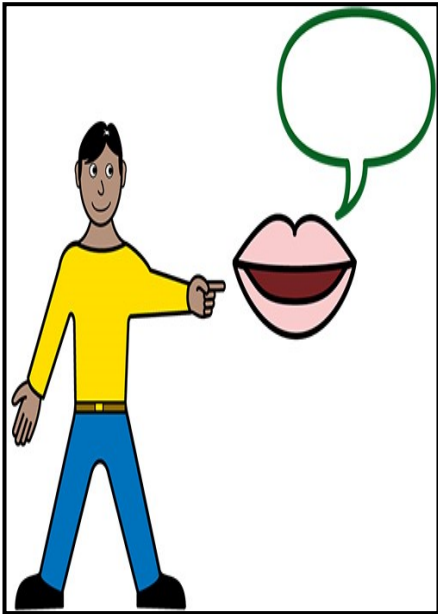


Once they have agreed they will invite everyone back in to explain their decision.

How do I apply for a Tribunal ?



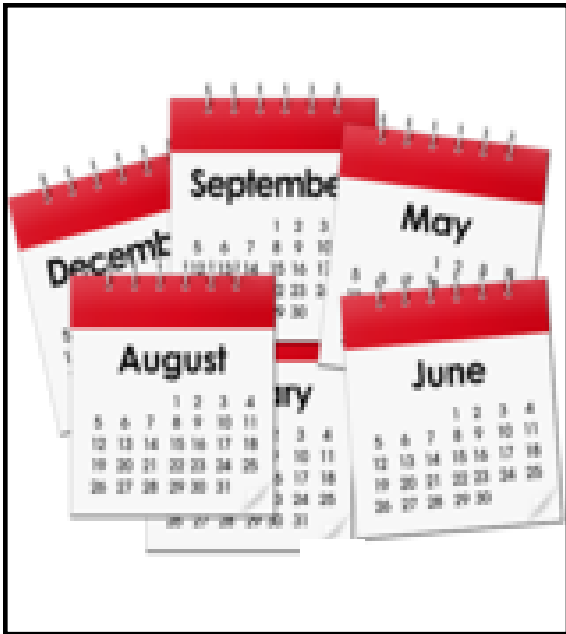
You will be given a form to fill in or you can write a letter.



Your IMHA, member of staff or family can help with this if you want.



If you want to apply for a tribunal when on a Section 2 you must write to them within 14 days.



If you are on a Section 3 you can ask for a tribunal once at any time during your first 6 months.

You can ask for a tribunal again if your section is renewed.



Send your tribunal letter or form to:

Mental Health Review Tribunal
for Wales

Crown Buildings

Cathays Park

Cardiff CF10 3NQ

Hospital Managers Hearing

Hospital managers hearings are very similar to Tribunals, with some differences:



Mental Health Act 1983



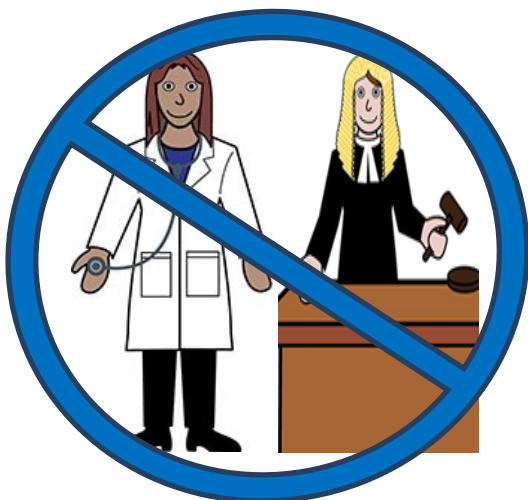
The hospital managers have to make sure the Mental Health Act is used properly. They can:

- Discharge you
- Renew your detention
- Refer certain cases to a tribunal



There are normally 3 panel members, who are approved hospital managers.

There is no lawyer or psychiatrist on the panel.



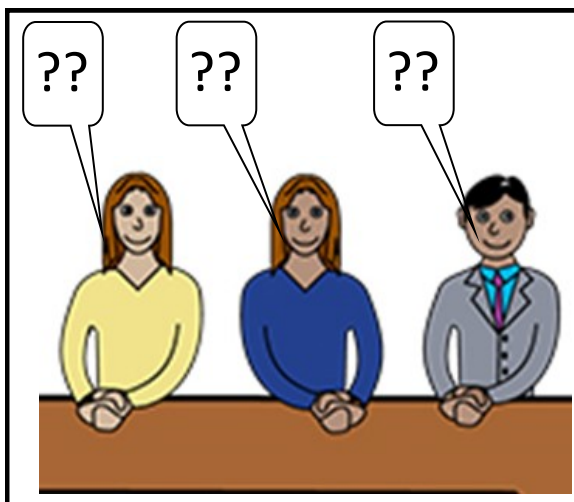
Because there is no psychiatrist, there is no medical assessment before the hearing.



The Managers will have reports from the same people as the tribunal and ask similar questions.

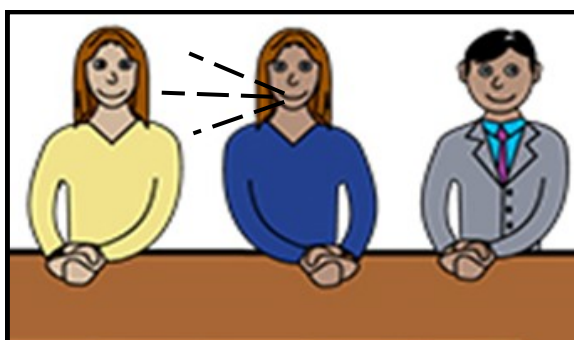


You can have a lawyer to support you through the process.



As with the tribunal when all of the questions have been answered the panel need to make their decision.

They will ask everyone to leave so they can talk in private.

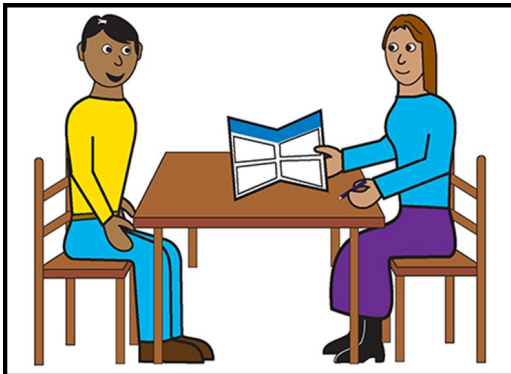


Once they have agreed they will invite everyone back in to explain their decision.

How do I apply for a Managers Hearing?



Your named nurse will give you a form to fill in or you can write a letter.



Your IMHA, member of staff or family can help you with this if you want.



Your nearest relative can also write to the hospital managers to ask them to let you leave.



You can write to the Hospital Managers at any time. There is no time limit.



The Hospital Managers **must** hold a review when a section 3 is renewed.



Write to the Mental Health Act administrator at your Hospital.

Ask your named nurse or member of staff for the address.