



Making an Appeal

Section 2 of the Mental Health Act

You are under Section 2 of the Mental Health Act and must stay in hospital for up to 28 days. During this time you must not leave, unless your responsible clinician tells you that you may.

If you don't want to stay in hospital, you can ask for some independent people to consider if the section should stay in place. This is called an appeal.

In the first instance you can appeal to one of two different groups of independent people. They are:

- the Tribunal; or
- the Mental Health Act Managers.

You can choose which group you would like to consider your appeal. It is not normally possible for both groups to consider a Section 2.

The Tribunal

You can apply for a tribunal within the first fourteen days of a Section 2. The tribunal should then take place within about one week.

The tribunal is a group of three independent people who do not work for the hospital.

They are:

- a judge (who chairs the tribunal);
- a doctor; and
- another person.

The tribunal doctor will visit you before the tribunal takes place, unless you do not want them to.

You can ask for a legal representative to help you at the tribunal. You will not have to pay. You can choose from the list of legal representatives in this booklet. If you do not choose one, the tribunal may do so for you.

The tribunal will take place in a meeting room in the hospital. Your legal representative will attend. You are encouraged to attend as well but do not have to. You can bring a relative or friend with you for support. Your responsible clinician, named nurse and care co-ordinator/social worker (or colleagues representing them) will also attend.

Before the tribunal starts, its members will read reports from your responsible clinician, named nurse and care co-ordinator/social worker. During the tribunal they will ask questions about the reports. Your legal representative can also ask questions.

The tribunal will then consider if you meet the criteria for a Section 2. If it decides that you do not, it will discharge you from the section and you will be allowed to leave hospital. The tribunal Chair will tell you and your legal representative what they have decided.

If you would like a tribunal, tell the ward staff, your legal representative or advocate or contact the hospital Mental Health Act Administrator.

The Mental Health Act Managers

You can ask at any time for the Mental Health Act (MHA) Managers to review your section. A hearing with them should take place within two weeks.

The MHA Managers will also review your section if your responsible clinician bars a request from your nearest relative for you to be discharged.

You will meet with three MHA Managers. They are independent people who do not work for the hospital.

One of the MHA Managers will chair the hearing and will introduce themselves to you shortly before it starts.

You can ask for an independent advocate to help you at the hearing.

The hearing will take place in a meeting room in the hospital. You and your advocate can attend. You can bring a relative or friend with you. Your responsible clinician, named nurse and care co-ordinator/social worker (or colleagues representing them) will also attend.

Before the hearing starts, the MHA Managers will read reports from your responsible clinician, named nurse and care co-ordinator/social worker. During the hearing the MHA Managers will ask them questions about the reports. You and your advocate can also ask questions. You can speak to the MHA Managers alone at the end of the hearing if you would like to.

The MHA Managers will then consider if you meet the criteria for a Section 2. If they decide that you do not, they will discharge you from the section and you will be allowed to leave hospital. The Chair will tell you and your advocate what they have decided.

If you would like a MHA Managers' hearing, tell the ward staff, your advocate or contact the hospital Mental Health Act Administrator.

Advocates

Please tell the ward staff if you would like to speak to an independent advocate.

You can also contact the Advocacy Service yourself:

- Gloucestershire - POhWER on 0300 003 1162.
- Herefordshire – Onside on 01905 27525.

Legal Representatives

The legal representatives on this list specialise in the Mental Health Act and are able to represent clients at tribunals free of charge.

The list shows legal representatives in surrounding areas. Other legal representatives may also be available and can be found at:

www.lawsociety.org.uk/support-services/accreditation/mental-health/
(and click on 'List of members').

The hospital Mental Health Act Administrator is happy to contact the legal representative you choose.

Gloucestershire

Miss Beverley Bleasdale
Iacopi Palmer
Unit C4
Spinnaker House
Spinnaker Road
Gloucester
GL2 5FD
01452 416452
www.ipslp.co.uk

Worcestershire

Ms Kate Tyrell
Cartwright King
28 Foregate Street
Worcester
WR1 1DS
01905 676353
www.cartwrightking.co.uk

Mr Luke Grant
Thursfields
14 & 27 Church Street
Kidderminster
DY10 2AJ
01562 820575
www.thursfields.co.uk

Warwickshire

Mr Gareth Morris
CBTC Rawstorne
27A Windsor Street
Stratford upon Avon
CV37 6NE
01789 267646
www.cbtc solicitors.co.uk

Wiltshire

Albin & Co
121 Commercial Road
Swindon
SN1 5PL
0118 955 1918
www.albinandco.co.uk

Oxfordshire

Oxford Law Group
3 Frewin Chambers
Frewin Court
Cornmarket
Oxford
OX1 3HZ
01865 297300
www.oxfordlawgroup.co.uk

Wales

Clodes Solicitors
Regus House
Malthouse Avenue
Cardiff Gate Business Park
Llanishen
Cardiff
CF23 8RU
029 2026 3800
www.clodes-solicitors.com

Confreys Lawyers
56 Mackintosh Place
Roath
Cardiff
CF24 4RQ
029 2069 3999

CJCH Solicitors
Williams House
11-15 Columbus Walk
Cardiff
CF10 4BY
0333 231 6405
www.cjchsolicitors.co.uk

Avon

Avon and Bristol Law Centre
2 Moon Street
Bristol
BS2 8QE
www.ablc.org.uk

Shropshire

Ms Natalie Dodds
Elliott Bridgman Solicitors
67-70 Court Street
Madley
Telford
TF7 5EP
01952 684544
www.elliottbridgman.com

Mr Andy Howarth
Terry Jones Solicitors
Abbey House
Abbey Foregate
Shrewsbury
SY2 6BH
01743 285888
www.terry-jones.co.uk
(available in Herefordshire only)

West Midlands

Quality Solicitors CMHT
55 - 56 Bradford Street
Walsall
WS1 3QD
01922 646400
www.cmht.co.uk

Somerset

Butler & Co
5 Heron Gate
Taunton
TA1 2LR
01823 692800
www.butler-solicitors.co.uk

London

Duncan Lewis Solicitors
29 Grove Hill Road
Harrow-on-the-Hill
Middlesex
HA1 3BN
020 3114 1124
www.duncanlewis.co.uk
(Offices in Birmingham, Bristol and Cardiff)

Abbotstone Law
Unit F24A
Parkhall Business Centre
40 Martell Road
London
SE21 8EN
020 3735 1999/1998
www.abbotstonelaw.com