



Making an Appeal

Section 3 of the Mental Health Act

You are under Section 3 of the Mental Health Act and must initially stay in the hospital for up to six months. After six months a Section 3 can be renewed for six more months and then for periods of twelve months, if your responsible clinician considers that you need to stay in hospital.

If you do not want to stay in hospital, you can ask for independent people to consider if your Section 3 should stay in place.

You can appeal to two different groups of independent people:

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

You can choose to appeal to both groups or just one of them.

The Mental Health Act Managers

You can ask the Mental Health Act (MHA) Managers to review your section at least once within each period of six or twelve months. A hearing with them should take place within two to four weeks.

In addition, the MHA Managers will automatically review your section (even if you do not ask them to) if your responsible clinician:

- renews your Section 3; or
- bars a request from your nearest relative for your section to be ended.

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.

The hearing will take place in a meeting room in the hospital. You and your advocate can attend. If you have chosen a legal representative for a tribunal (see below), they can also attend. You can bring a relative or friend with you. Your responsible clinician, named nurse and care co-ordinator/social worker (or colleague 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/legal representative 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 decide if you meet the criteria for a Section 3. 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/legal representative what they have decided.

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

The Tribunal

You can apply for a tribunal once within each period of six or twelve months. The tribunal then normally takes place within about six weeks.

There may also be occasions when the law requires a tribunal to be set up for you (even if you have not asked for one) in order to ensure that your rights are being protected.

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.

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 doctor will not normally visit you before the tribunal takes place, unless you tell your legal representative that you would like them to.

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. Your responsible clinician, named nurse and care co-ordinator/social worker (or colleague 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 decide if you meet the criteria for a section 3. If it decides that you do not, it will discharge you from the section and you will be allowed to leave hospital. The chair of 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.

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 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.ipsllp.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.cbticsolicitors.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)

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020 3735 1999/1998
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