

# Your rights under the Mental Health Act: Section 38

## Interim hospital order



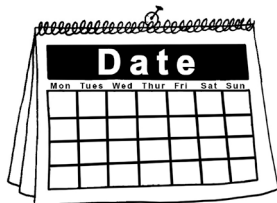
**Your name:**



**Your doctor's name:**



**Hospital name:**



**Date you came to hospital**

## Why am I in hospital?



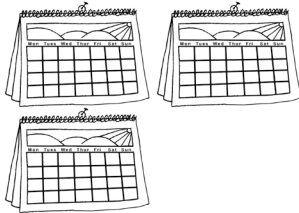
The court has said you can be kept here under Section 38 of the Mental Health Act.

This is called an interim hospital order.



Two doctors have told the Court that they think you need to be in hospital.

## How long will I stay in hospital?



This may be up to 12 weeks starting from the date on which your order was made.



You must not leave during this time unless your doctor says you can.



If you try to go you can be stopped.

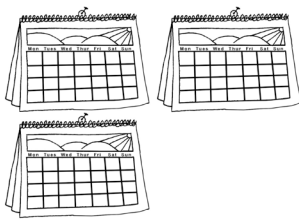


If you leave you can be brought back.

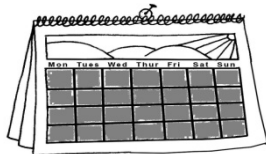
## What happens next?



Your doctor will let the court know whether you need more treatment.



You can only be kept here for longer than 12 weeks if the court says so.



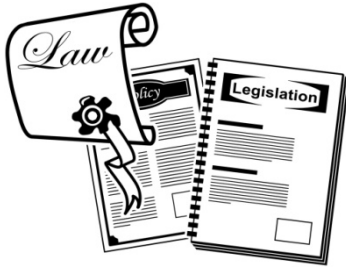
The court can renew the order for 28 days but no more than 12 months in total.



It can renew the order without you being in court as long as you have a solicitor to speak on your behalf.



After advice from your doctor the court will decide whether you should stay in hospital.

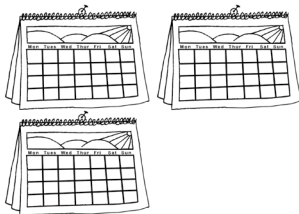


This may be under a different section of the Mental Health Act.



If this is so your nurse will talk to you and give you another leaflet.

## What treatment will I be given?



The doctors may give you treatment; they can give you treatment even if you don't want them to for three months.

After three months they may get another doctor to see you.



You may have to take tablets or medicine which will help to make you better.



Your doctor and nurse will talk to you about any treatment they think you will need.

## Can I appeal?



You can ask the court to look at your case again.

You will need help from a solicitor.

## Help from an independent mental health advocate

You can ask an advocate for help. An advocate is a person not involved in your case who will help you:



- get information
- help you to understand your treatment
- help you tell your doctor or nurse how you are feeling
- talk to other people for you, on the ward or in meetings.



If you would like to speak to an advocate please tell your nurse.

## Your letters



You can get letters while you are in hospital.

You can send letters to anyone except someone who has said they do not want to get letters from you.

## How do I complain?



Speak to your nurse who will help you complain to the right person.



You can also write to the Care Quality Commission.



Your nurse will give you a leaflet explaining more.



## If you are unhappy about our services...



Please tell a member of staff.



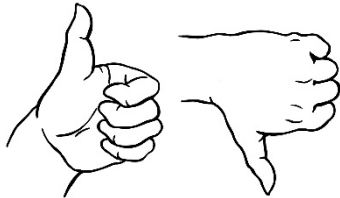
**Freephone 0800 052 0219 or**



**Email [tewv.pals@nhs.net](mailto:tewv.pals@nhs.net).**

## **Feedback**

We'd like to know if you thought this information was



- good or bad
- if anything was missing you wanted to know
- if there was anything you didn't understand.

Let a member of your care team know.

## **Find this information**

Staff: Trustwide shared drive > Patient and Carer Information > Trustwide

Service users and carers: Go to our website [www.tewv.uk](http://www.tewv.uk) and search Mental Health Act.

Leaflet reference	L799e Section 38 (Easy Read)
Version	V4
Date created	22/03/2022
Archive date	21/03/2025