

Letting your nearest relative know. (Continued)

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. 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.

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.

How do I complain?

If you want to complain about anything to do with your care and treatment in hospital, please speak to a member of staff. They may be able to sort the matter out. They can also give you information about the hospital's complaints procedure, which you can use to try to sort out your complaint locally. They can also tell you about any other people who can help you make a complaint, for example an independent mental health advocate (see above).

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.

Contact Peter Edwards Law - Your Local Solicitors

Of course you can contact the team at Peter Edwards Law who specialise in protecting the rights of vulnerable people. We know vulnerable people can suffer because they do not understand their legal rights. This can add to the stress, confusion and frustration felt.

Fighting to protect people's rights is our sole purpose. Whether you are suffering from a mental health issue or have a family member who is incapacitated you are entitled to be treated fairly, with dignity and respect like anybody else.

You can talk to us by calling **0151 632 6699** or email us at **law@peteredwardslaw.com**.

DETENTION AFTER RESTRICTIONS ENDED (S.37 N)

Why am I being kept in hospital?

You are being kept in this hospital on the order of the Court or because you have been transferred from prison. Until now you have been subject to special restrictions.

Those special restrictions have ended.

S. 41(5) states that you can still be kept in hospital, but some of the rules about how long you can be kept in hospital and how you can ask to be allowed to leave are now different. This is often referred to as a 'notional s.47' or s.37(N).

How long will I be here?

You can now be kept here for up to six months at first, so that you can still be given the medical treatment you need.

You must not leave during this time unless the person in charge of your care (your responsible clinician) tells you that you may. If you try to leave, the staff can still stop you, and if you do leave you can still be brought back.

What happens next?

Your responsible clinician should tell you when they think you are well enough to leave hospital. If your responsible clinician thinks that you need to stay in hospital for longer than six months, they can renew your detention for up to another six months, and then for up to a year at a time. Your responsible clinician will talk to you about this towards the end of each period.

Can I appeal?

Yes. You can ask the Hospital Managers to let you leave hospital. You can do this at any time. The Hospital Managers are a special committee of people set up within the hospital to decide whether people should be kept in hospital. The Hospital Managers may want to talk to you before deciding whether to let you leave.

If you want to do this, you can write to them at the hospital or you can ask a member of staff you help you contact the Hospital Managers. You can also ask a Tribunal to say you should not be kept in hospital.

What is a Tribunal and what happens?

The Tribunal is an independent panel which can decide whether you should be allowed to leave the hospital. It will hold a meeting with you and with staff from the hospital who know you. This meeting is called a "hearing". You can ask someone else to come to the hearing to help you, if you want. Before the hearing, the members of the Tribunal will read reports from the hospital about you and your care. One of the members of the Tribunal will also come to talk to you.

When can I apply to the Tribunal?

You can apply to a Tribunal once at any time during the first six months after your special restrictions ended.

Both you and your nearest relative can then apply once during the next six months and then once in every year you are kept in hospital after that. This leaflet explains further down who your nearest relative is. You can ask a solicitor to write to the Tribunal for you and help you at the hearing. You will not have to pay for help from a solicitor with this. It is free of charge under the Legal Aid scheme.

What treatment will I be given?

The rules on what treatment you can be given have not changed because your special restrictions have ended.

As before, your responsible clinician and other hospital staff will talk to you about any treatment that you need for your mental disorder.

The special rules about medicine or drugs for your mental disorder after the first three months still apply. If you do not want the medicine or drugs, or are too ill to say whether you want them, you can only be given them if an independent doctor says you can. Otherwise, you can only be given the medicines or drugs if you agree to them, or it is an emergency.

This independent doctor is called a SOAD (Second Opinion Appointed Doctor) and is appointed by an independent Commission which monitors how the Mental Health Act is used. You may have been seen by a SOAD in the past.

There are still different rules for some special treatments, like electro-convulsive therapy (ECT). If the staff think you need one of these special treatments, the rules will be explained to you and you will be given another leaflet.

Help from an independent mental health advocate.

You are entitled to help from an independent mental health advocate if you want it. These advocates are independent of people involved in your care. They can help you get information about your care and treatment, why you are being kept in hospital, what it means and what your rights are. They can come to see you and help you understand what you are told by people involved in your care and treatment. If you want, they can help you talk to these people or they can talk to them for you. They can also help you with the Tribunal.

You can contact the independent mental health advocacy service yourself. There should be a telephone where you can contact the advocacy service and talk to them in private. You can ask a member of staff where this telephone is.

If you do not want to contact the advocacy service yourself, you can ask a member of staff to contact the advocacy service for you. You can also ask your nearest relative to contact the advocacy service for you.

Letting your nearest relative know.

A 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.



Someone cared
enough to help me.

Now I'm living
my own life.