

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.

Peter Edwards Law

MENTAL HEALTH • INCAPACITY • HUMAN RIGHTS



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COURT ADMISSION 'HOSPITAL AND LIMITATION DIRECTION'

Why am I in hospital?

You are being kept in this hospital because when the Court sentenced you to prison it also gave you a hospital direction and a limitation direction, under section 45A of the Mental Health Act 1983.

What is a hospital direction?

A hospital direction means that the Court thinks you should be kept in hospital for the time being. Two doctors have told the Court that they think you have a mental disorder and that you need to be in hospital to receive treatment that can help you.

What is a limitation direction?

A limitation direction means that you cannot be discharged from hospital unless the Secretary of State for Justice or the Parole Board says you can leave. If you are discharged from hospital, your release may be subject to certain conditions that would be explained to you at the time. While you are in hospital, the person in charge of your care (your responsible clinician) must get the Secretary of State's agreement before you can go out on temporary leave or be sent to another hospital. They must also examine you and send a report about you to the Secretary of State at least once a year.

How long will I be here?

Your responsible clinician should tell you when they think you are well enough to leave. They will then ask the Secretary of State for Justice to agree. Until the Secretary of State has agreed, you cannot leave the hospital. If you try to go before then, the staff can stop you, and if you leave, you can be brought back.

What treatment will I be given?

Your responsible clinician and other hospital staff should talk to you about any treatment that you need for your mental disorder.

After three months, there are special rules about medicine or drugs you are being given for your mental disorder. If you do not want the medicine or drugs, or are too ill to say whether you want them, a doctor who is not from this hospital will visit you. This independent doctor will talk to you

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What treatment will I be given? (continued)

and to staff at the hospital who know you. The independent doctor will decide what medicine and drugs you can be given. Unless it is an emergency, these are the only medicine and drugs you can be given without your agreement.

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.

There are 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 an information leaflet.

Can I be still be sent to prison?

If your responsible clinician thinks that you no longer need treatment in hospital, you could be taken to prison to serve the rest of your sentence or you could be released from hospital on the same terms on which you would be released from prison.

What happens if my sentence ends while I am in hospital?

If your sentence ends while you are in hospital and you still need treatment, you can be kept in hospital. If your responsible clinician decides you should stay in hospital, you will be given another leaflet explaining this.

Can I appeal?

Yes. You can ask the Court to look at your case again. If you want to do this you must do it quickly and it is best to ask a solicitor to help you. Ask the hospital staff about this and they will give you an information leaflet.

After your hospital and limitation directions have been in place for six months, you can also ask a Tribunal to say that 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?

Once your hospital and limitation directions have been in force for six months, you can then apply once during the next six months. After that you may apply once during each year that you are kept in hospital.

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 happens if the Tribunal says I should not be kept in hospital?

If the Tribunal says you should not be kept in hospital, but the Secretary of State for Justice thinks you should serve the rest of your prison sentence, you may be taken to prison, unless the Tribunal has recommended you stay in hospital instead.

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.

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.

Someone cared enough to help me.

