

# Remand to hospital for assessment

(Section 35 of the Mental Health Act 1983)

Shining a light on the future



1. Patient's name	
2. Name of the person in charge of your case (your "approved clinician")	
3. Name of hospital and ward	
4. Date you were remanded	

### **Why am I in hospital?**

You are being kept in this hospital because you have been remanded here by the Court. The Court has said you can be kept here under section 35 of the Mental Health Act 1983.

This means that the Court, on the advice of a doctor, thinks that you could have a mental disorder and that you should be in hospital so that a report can be made on your mental health.

### **How long will I be here?**

You can be kept here for the period specified by the Court. This will be up to 28 days (four weeks) at first, from the date on which you were remanded.

You must not leave the hospital during this time unless the Court decides that you may. If you try to leave the staff can stop you, and if you do leave you can be brought back. You might also be arrested by a police officer and taken back to the Court.

### **What will happen while I'm here?**

The hospital staff will tell you about any treatment they think you need. You have the right to refuse treatment you do not want. Only in special circumstances, which would be explained to you, can you be given treatment you do not agree to.

### **What happens next?**

At the end of the 28 days (or the period specified by the Court) the person in charge of making a report on your mental health will tell the Court whether or not you need to be kept in hospital for a longer period.

You can only be kept here for longer than 28 days if the Court says so. The Court can renew your remand, but for no more than 28 days at a time and not for more than 12 weeks in total. It can renew your remand without you being in court so long as you are represented by a lawyer to speak on your behalf.

The Court can decide, at any time, that you should not be kept here any longer.

### **Can I appeal?**

You can ask the Court to remand you to prison or on bail instead. To help you, you can ask another doctor or approved clinician to examine you, to see if they will write a report saying that you do not need to be kept in hospital. (An approved clinician is a professional with special training in looking after people kept in hospital under the Mental Health Act.) You will have to pay for this yourself, and it will be for the Court to decide whether or not you must stay in hospital when it has considered all the reports on your case.

## 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.

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.

The telephone numbers for the advocacy service are:

Sunderland – 0191 510 5051	South Tyneside – 0191 478 6472
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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.

## Your letters

All letters sent to you while you are in hospital will be given to you. You can send letters to anyone except someone who has said they do not want to get letters from you. Letters to these people can be stopped by the hospital staff.

## 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.

## What if I have a comment, suggestion, compliment or complaint about the service?

If you want to make a comment, suggestion, compliment or complaint you can:

- talk to the people directly involved in your care
- complete a feedback card, available on wards. Some areas of the Trust have electronic feedback touch screens, staff can help you to use these. Your feedback allows us to monitor the quality of our services and act upon issues that you or your carers bring to our attention.
- ask a member of staff for a feedback form, or complete a form on the Trust website [www.ntw.nhs.uk](http://www.ntw.nhs.uk) (click on the 'Contact Us' tab)
- telephone the Complaints Department Tel: 0191 245 6672

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.

## Further help and information

If there is anything you do not understand about your care and treatment, a member of staff will try to help you. Please ask a member of staff to explain if there is anything in this leaflet you do not understand or if you have other questions that this leaflet has not answered.

Please ask if you would like another copy of this leaflet for someone else.



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