

Admission to hospital by hospital and limitation directions

(Section 45A 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 care (your "responsible clinician")	
3. Name of hospital and ward	
4. Date of your hospital and limitation directions	

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 will 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 will talk to you about any treatment that you need for your mental disorder. In most cases you will have to accept their advice.

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 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 another leaflet.

Can I 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 another 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.

If you want to apply to the Tribunal you can write to:
The Tribunals Service
PO BOX 8793
5th Floor
Leicester
LE1 8BN
Tel. 0300 123 2201

You can ask a solicitor to write to the Tribunal for you and help you at the hearing. The hospital and the Law Society have a list of solicitors who specialise in this. 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.

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.nth.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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Tel: 0191 223 2545

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