



Cumbria, Northumberland,  
Tyne and Wear  
NHS Foundation Trust

# Patients whose restrictions have come to an end

(Section 41(5) of the Mental Health Act 1983)



Caring | Discovering | Growing | **Together**

1. Patient's name	
2. Name of the person in charge of your care (your "responsible clinician")	
3. Name of hospital and ward	

### **Why am I being given this leaflet?**

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 ended on:

Date:
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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.

### **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 will 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 the Hospital Managers at your local Mental Health Act Office at either:

Mental Health Act Office St Nicholas Hospital Jubilee Road Gosforth Newcastle upon Tyne NE3 3XT	Mental Health Act Office Carleton Clinic Cumwhinton Drive Carlisle Cumbria CA1 3SX
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Or you can ask a member of staff to 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.

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 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. In most cases you will still have to accept their advice.

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. Please ask a member of staff for the telephone number. There should be a telephone where you can talk to them in private. You can ask a member of staff where this 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 copy of this 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. 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.

In your case, we have been told that your nearest relative is:

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.

## Your letters

All letters sent to you 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
- ask a member of staff for a feedback form, or complete a form on the Trust website [www.cntw.nhs.uk](http://www.cntw.nhs.uk) (click on the 'Contact Us' tab)
- telephone the Complaints Department Tel: 0191 245 6672
- email [complaints@cntw.nhs.uk](mailto:complaints@cntw.nhs.uk) Please note that information sent to the Trust via email is sent at your own risk
- We are always looking at ways to improve services. Your feedback allows us to monitor the quality of our services and act upon issues that you bring to our attention.

You can provide feedback in the following ways:

- the quickest way for you to do this is to complete our short online survey at [www.cntw.nhs.uk/poy](http://www.cntw.nhs.uk/poy)
- complete a Points of You survey, available on wards, reception areas or from staff.

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.



Further information about the content, reference sources or production of this leaflet can be obtained from the Patient Information Centre. If you would like to tell us what you think about this leaflet please get in touch.

This information can be made available in a range of formats on request (eg Braille, audio, larger print, easy read, BSL or other languages). Please contact the Patient Information Centre  
Tel: 0191 246 7288

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