

# Mental Health

Rights for people with mental health problems



*Community  
Legal Service*



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Being detained in hospital under the Mental Health Act 1983 can be a frightening and confusing experience. This leaflet explains your rights if you or someone you know is detained under the admission procedure commonly known as 'sectioning'.

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The leaflets in this series give you an outline of your legal rights. They are not a complete guide to the law and are not intended to be a guide to how the law will apply to you or to any specific situation. The leaflets are regularly updated but the law may have changed since this was printed, so information in it may be incorrect or out of date.

If you have a problem, you will need to get more information or personal advice to work out the best way to solve it. See 'Further help' on page 23 for sources of information and advice.

## What is the Mental Health Act for?

The Mental Health Act allows people with a 'mental disorder' to be:

- detained (held, usually in a hospital); and
- given treatment without their permission.

The term 'mental disorder' includes:

- 'mental illness', which covers conditions such as schizophrenia and depression; and
- 'any other disorder or disability of the mind'.

However, you can be detained under the Mental Health Act only if other conditions are met.

## Who decides if I should be detained in hospital?

The decision must normally be made by two doctors and a third person, who must all agree that it is necessary for you to be detained.

At least one of the doctors must have special experience with mental disorders. And, if possible, one of the doctors should know you (for example, your GP).

The third person is usually an 'approved social worker' (sometimes called an ASW), who is a social worker with specialist training and experience in dealing with people with a mental disorder.

A close relative, called your 'nearest relative', can also apply for you to be detained, but this doesn't happen very often (see 'What powers does my family have?' on page 6).

The two doctors and the approved social worker must assess your mental health needs and decide whether the conditions for detaining you are met. They should make sure that you have the chance to explain your views, in particular:

- what help you think you need; and
- what you think helps you to manage your mental health problems.

If you would like to have a friend or someone else to help you during the assessment, ask the approved social worker to contact them for you. However, in some cases the doctors and social worker may want to speak to you on your own. If you need an interpreter, one should be provided for you.

After assessing your mental health needs, the doctors and approved social worker must each make their own decision about whether you need to be detained in hospital.

You should be detained in hospital only if this is the best thing for you. If the doctors and the approved social worker decide that you don't need to be detained, the social worker should make other care arrangements for you.

They should make other care arrangements only after talking about it with you and with:

- the doctors and other professionals responsible for your care;
- your 'nearest relative' (as long as you agree to this); and
- any person who gives you help and support (as long as you agree to this).

## **What about people who lack the capacity to agree to be detained?**

Until recently, if you were not capable of deciding whether you were willing to be admitted to hospital to receive care and treatment for a mental disorder, you could still be admitted, without using the Mental Health Act, as long as you didn't object. However, the European Court of Human Rights has ruled that this kind of admission can be the same as detention, which would breach your human rights. This is because in these cases there are no clear rules on who decides, and for what reason, that someone should be detained. The government now plans to change the law to protect people who lack the capacity to decide whether they are willing to be admitted to hospital.

## **When can I be detained in hospital?**

The Mental Health Act sets out the circumstances in which you can be admitted to hospital and detained there.

### **'Admission for assessment' (section 2 of the Mental Health Act)**

This is used if the doctors and the approved social worker think you need a period of assessment in hospital. For example, you can be detained for this reason if this is the first time you have been in contact with psychiatric services.

You can be admitted to hospital and detained there only if the approved social worker and the doctors believe that:

- your mental disorder is of 'a nature or degree' that means you need to be detained in hospital for assessment or for assessment followed by medical treatment; and
- you should be detained in hospital in the interests of your health or safety, or to protect other people.

A section 2 detention lasts up to 28 days and cannot be renewed. However, if your doctor thinks you should stay longer in hospital but you don't want to, they will arrange an assessment to decide whether you should be detained for 'Admission for treatment' (section 3 of the Mental Health Act – see right).

### **'Admission for assessment in cases of emergency' (section 4 of the Mental Health Act)**

This is used if you need to be detained in hospital urgently, and there is not enough time for a second doctor to see you. However, the same conditions as for section 2 detention must be met. In this case, you can be detained in hospital on one doctor's recommendation for up to 72 hours.

If a second doctor examines you in this time and recommends that you are detained under section 2, the section 4 admission will become a section 2 admission.

### **'Admission for treatment' (section 3 of the Mental Health Act)**

The conditions for being admitted to hospital and detained there under section 3 are stricter than for section 2. You can be detained under section 3 only if all the following conditions are met:

- You have a specific form of mental disorder – mental illness, mental impairment, severe mental impairment or psychopathic disorder. See 'Terms used in mental health law' on page 20 for definitions of these.
- Your mental disorder is of a 'nature or degree' that means the treatment you need should be given to you in hospital.
- You need treatment for your health or safety, or to protect other people, and this treatment can be given only if you are detained under section 3.
- If you are diagnosed as suffering from a psychopathic disorder or mental impairment, the treatment must be likely to improve your condition or stop it getting worse.

You can be detained in hospital for up to six months to begin with. But the detention can be renewed for six months and then each year after that, as long as your doctor thinks you need to stay in hospital and receive treatment for your mental disorder.

### **What powers does my family have?**

Under the Mental Health Act, you have a 'nearest relative' who will be involved in decisions about whether you will be detained. You cannot choose your nearest relative – he or she is a person who is related to you or someone you live with, as described in the Mental Health Act.

Different people may become your nearest relative as your situation changes. For example, if you are married, your husband or wife will be your nearest relative. However, if you divorce or separate permanently, someone else will become your nearest relative. This could be the older of your parents or your eldest child (if the child is over 18).

### **What if my nearest relative doesn't want to take on this role?**

If your nearest relative doesn't want to take on this role, they can write to one or more of the doctors or other people responsible for your care, naming someone else to act as your nearest relative. Your nearest relative can also change their mind at any time about whether someone else should take on this role, but they need to make their instruction clear in writing.

### **What can my nearest relative do for me?**

Your nearest relative has several rights, powers and responsibilities:

- They can apply for you to be admitted to hospital (although usually an approved social worker does this).
- They should, when practical, be told if the approved social worker has applied (or is applying) for you to be detained under section 2 of the Mental Health Act.

- They must be told if the approved social worker plans to detain you under section 3 of the Mental Health Act (unless it is not practical to tell them, or it would cause an unreasonable delay). They can object to the application to detain you. However, the approved social worker can ask the court to appoint someone else as your nearest relative if he or she thinks the objection is unreasonable.
- They can apply for you to be discharged from hospital (allowed to leave), although the doctor in charge of your treatment can stop this.

In deciding whether it is practicable to contact your nearest relative about an application to detain you under section 2 or section 3, the approved social worker can take into account factors such as whether you object to involving the nearest relative. However, there would need to be a good reason for excluding the nearest relative.

### **What happens if I agree to go into hospital?**

If you agree to go into hospital and get the treatment the doctors think you need, you can be admitted on an informal basis. You will then be free to leave hospital whenever you want.

However, the doctor in charge of your treatment has the power to stop you leaving if they think you need to stay in hospital. This 'doctor's holding power' can last for up to 72 hours. A qualified nurse would also be able to detain you on the ward for up to six hours if they thought you should be immediately stopped from leaving hospital. These 'holding powers' are meant to give the doctors and the approved social worker time to decide whether you need to be detained in hospital.

### **What are the main effects of being detained in hospital?**

If you are detained in hospital, you will be able to leave only if you get permission from the doctor in charge of your treatment (called the 'responsible medical officer' or RMO).

You may be treated for your mental disorder without your permission.

## When can I be given compulsory treatment?

If you are detained under section 2 or 3 of the Mental Health Act, 'compulsory treatment powers' will apply. This means your responsible medical officer can treat you without your agreement. But these compulsory treatment powers don't apply if you are:

- detained as an emergency admission;
- detained under a doctor's or nurse's holding power; or
- being detained in a 'place of safety' (see 'What powers have the police against people with mental health problems?' on page 18).

Compulsory treatment powers under the Mental Health Act are only for treating a mental disorder. They are not for any other problem you may have. If doctors want to treat you for something not covered by the Mental Health Act, they can do so only if:

- you agree to it; or
- you are unable to agree to it, you didn't previously refuse it, and the treatment is 'in your best interests'. (See 'When am I judged able to make a decision about treatment?' on page 11.)

## If I am detained, does it mean I won't be asked whether I want a certain treatment?

You should always be asked about any treatment, whether or not you are detained under the Mental Health Act. Doctors and anyone else who is treating you should always first ask you whether you agree to a treatment, even if they have the power to treat you without your agreement.

## How can I decide whether to agree to have a treatment?

You should always be told in plain language:

- what the treatment is;
- why you should have it;
- about any possible side effects;
- how likely it will be to help you;
- about any other types of treatment you could have instead; and
- what could happen if you don't have the treatment.

Don't be afraid to ask questions. Your doctor should ask you if you have any questions, and must answer them fully and honestly. You can also change your mind about agreeing to treatment if you want to.

## What treatment can I be given?

You can be given several types of treatment under the Mental Health Act.

### Medication

Your responsible medical officer can give you medication (drugs) without your agreement for up to three months, starting from the day you are first given the treatment as a detained patient. If they want to continue giving you the medication after this, they must either:

- get your permission; or
- get an independent doctor (known as a 'second opinion appointed doctor' or SOAD) to confirm that you should continue getting the treatment.

### Electro-convulsive therapy (ECT)

Your responsible medical officer can give you ECT only if:

- you give your permission; or
- the SOAD confirms that you should have it and that it will help you.

## Types of treatment you can be given without your agreement

You can be given some treatments without your agreement or the SOAD's permission, as long they are given by your responsible medical officer or on their instruction. These treatments include:

- general nursing care;
- psychological treatments (which include behaviour therapy, counselling and psychotherapy); and
- treatment for a physical condition if it is directly connected with your mental health problems.

In most cases it will be clear whether a treatment is for your mental health problems or not. However, if it is not clear and you don't want the treatment, your doctor will need to get legal advice. You may also want to get your own legal advice (see 'Further help' on page 23).

## Treatments that can't be given without your agreement

Some rarely used treatments, such as psycho-surgery (surgery on your brain), can be given only if:

- you agree to the treatment; and
- an independent doctor has confirmed separately that you should have the treatment and it will help you.

A panel of people appointed by the Mental Health Act Commission must make sure you understand what the treatment is and what it will do before you decide whether to agree to it. This applies whether or not you are detained under the Mental Health Act.

## If you need urgent treatment

Sometimes you can be given treatment without the usual procedures being followed. For example, if you decide you no longer want to take medication that you had earlier agreed to, and your responsible medical officer believes there would be a serious problem if you stopped, they may be able to make you continue taking it. However, your responsible medical officer should contact the Mental Health Act Commission straight away to arrange for a SOAD to consider whether you should continue taking the medication and that it will help you.

## What does the second opinion appointed doctor (SOAD) do?

If you are unable or don't want to agree to a treatment, a SOAD must make their own decision about whether you should be treated without your agreement.

The SOAD must discuss the treatment with:

- your responsible medical officer;
- a nurse involved in caring for you; and
- another person who cares for you who is not a doctor or a nurse.

The SOAD must also talk to you about why you don't want the treatment if this is so. If the SOAD decides you should be given the treatment, then they must give you the reasons for this decision in writing unless the information is likely to cause serious harm to your physical or mental health.

## When could I be given treatment that is not covered by the Mental Health Act?

If your doctor thinks you are unable to make decisions about treatment, it can be given to you in your 'best interests'. However, some treatments, such as sterilisation (to make you unable to have children), can be given only if a court allows it.

'Best interests' means that the doctors believe:

- you will die if you don't have the treatment; or
- your condition will get worse if you don't have the treatment; or
- the treatment will improve your physical or mental health.

In all these cases, the treatment must also be part of accepted medical practice.

If you are unable to make decisions, your doctor should also talk to any relatives or friends who care for you to work out what you would want if you were able to decide. But the treatment must not be given if, at a time when you were able to make such decisions, you made an 'advance directive' (sometimes called an advance refusal) about your treatment.

## When am I judged able to make a decision about treatment?

You are considered able to make decisions if you are 18 or over, unless there is evidence to show you can't.

If you are 16 or 17, you are considered able to make decisions (unless there is evidence to show you can't) and to be able to consent to treatment.

However, if you are unable to consent, or if you refuse the treatment, your parents may consent to the treatment on your behalf.

If your doctor thinks you may not be able to make a decision, they must look at whether you can:

- understand and retain the information you have been given about the treatment (especially the information about having or not having the treatment); and
- weigh up the information to decide whether you want to have the treatment.

## What is an 'advance directive'?

An example of an advance directive is when you make a statement saying you do not want to be given a particular treatment now or in the future, even if you reach a point when you can no longer make such decisions. Someone with cancer may make an advance directive saying they do not

want chemotherapy, even if at some point in the future they are unable to make decisions about their treatment.

Advance directives may be included in 'advance statements'. These are statements that people make to describe how they would like to be cared for and treated, if at some time in the future they are unable to make their views known.

When you make an advance directive, it must be clear that you understand what will happen if you don't have the treatment; for example, that if you do not have the treatment you may die.

Advance directives do not need to be in writing, but it is better if they are. It is also a good idea to have a doctor write down that you made your statement when you were capable of making this decision. Advance directives can, however, be overridden by the compulsory treatment powers in the Mental Health Act.

### **Who can discharge me from hospital?**

Several types of people can discharge you from your detention, in some circumstances.

### **The responsible medical officer (RMO)**

Your responsible medical officer can discharge you at any time. They should discharge you as soon as it is clear that you no longer need to be detained in hospital.

### **Hospital managers**

Hospital managers are usually people from the local community with an interest in mental health. They are there to make sure that the hospital detains people only if they are allowed to do so under the Mental Health Act.

Hospital managers have the power to discharge you from detention in hospital. You can ask them at any time to look at whether you need to be detained. If your responsible medical officer wants to renew your detention and you tell the hospital managers that you don't want this to happen, they must hold a hearing to look at whether you should be discharged.

You should be given the chance to explain (in private if you prefer) why you want to be discharged, and to hear the views of your doctors and other professionals. If you want, you can have a friend or representative at the hearing to help you.

## Your nearest relative

Your nearest relative can have you discharged if you are detained under section 2 or 3 of the Mental Health Act (see 'When can I be detained in hospital?' on page 4). To do this they must tell the hospital managers in writing at least 72 hours beforehand.

However, if your responsible medical officer believes that you are likely to be a danger to yourself or to other people, they can stop you being discharged by making a written report to the hospital. If this happens, and you are detained under section 3, your nearest relative can apply to a mental health review tribunal if they still think you should be discharged.

### **What if the hospital or doctor won't discharge me?**

If you are detained under section 2 or 3 of the Mental Health Act and you want to be discharged from hospital, you can apply to a mental health review tribunal. This is an independent panel made up of:

- a lawyer;
- a doctor (usually a psychiatrist);  
and
- a 'lay person' (for example, a social worker).

The Mental Health Act allows mental health review tribunals to discharge you straight away or on a date in the future.

If you are detained under section 2, you must apply to a mental health review tribunal within 14 days of being detained. If you are detained under section 3, you can apply to a mental health review tribunal within six months of being detained and during each following period if your stay in hospital is extended.

If you are detained under section 2, the mental health review tribunal must hold a hearing to look at your case within seven days of getting your application. There is no set time limit for a section 3 hearing, but it should happen within eight weeks.

Before the hearing, the doctor on the mental health review tribunal will visit you to assess your mental health.

The hospital managers should make sure that the mental health review tribunal gets an up-to-date medical report and a 'social circumstances' report (which covers things like your home and family circumstances, opportunities for employment and the support you would be able to get in the community). Copies of these reports should be sent to you or your solicitor. You and your solicitor may also want to get your own medical report from a psychiatrist who is separate from the tribunal, or a report from an independent social worker.

### **How do I apply for a mental health review tribunal hearing?**

Staff on your hospital ward can help you apply for a mental health review tribunal hearing. They can also tell you how to find solicitors who can help you and represent you at the hearing. The Law Society has a Mental Health Review Tribunal Panel of solicitors who have experience in mental health review tribunals.

You won't have to pay your solicitor's legal costs for this, because these should be covered by the Community Legal Service Fund. See 'Further help' and 'The Community Legal Service' on page 23 for more information.

### **What are my rights in hospital?**

You have the right to certain information about why you are being detained in hospital. As soon as possible after you have been detained, the hospital should write and tell you:

- what section you are detained under (see 'When can I be detained in hospital?' on page 4);
- what this kind of detention means; and
- about your right to apply to a mental health review tribunal.

You should also be given information about:

- how and when you can be treated without your agreement;
- why you are being detained, and how you can be discharged from hospital;
- applying to a mental health review tribunal; and
- the Mental Health Act Commission (for example, your right to meet the commissioners when they visit the hospital).

## **What does the Mental Health Act Commission do?**

The Mental Health Act Commission visits hospitals where people are detained under the Mental Health Act and checks that their detention is lawful and that they are being cared for properly.

If you are concerned about your care and treatment, you can speak to the commissioners (in private) when they visit the hospital, or you can write to them (see 'Further help' on page 23).

The Commission can look at complaints about your care and treatment. However, if you want to complain, you must normally use the hospital's own complaints procedure first, and take your complaint to the Commission only if you are unhappy with the hospital's response. For more about making a complaint, see "What if I am unhappy with my care and treatment?" on page 16.

## **Can I see my medical records?**

In most cases you have the right to see your records. However, in some situations a doctor or hospital won't show you your records (for example, if your doctor believes that giving you certain information could seriously harm your physical or mental health). If you are told that you cannot see your records and you don't agree, you will need to get expert legal advice (see 'Further help' on page 23).

## **Can my friends and family visit me?**

You have the right to visits from your friends and family. If the hospital or the doctor doesn't think you should see your family and wants to stop you doing so, they must have a very good reason that is to do with your health or safety. If they decide to stop you from having visits, they must record this decision. They must make this record available to the Mental Health Act Commission.

## **Am I allowed to vote?**

If you are detained in hospital under the Mental Health Act, you can still vote (as long as you are registered to vote). For now you will have to vote by postal or proxy vote, but for elections held after 3 May 2007 you will be able to go to a polling station and vote in person if your RMO gives you permission to leave hospital.

## **What if I am unhappy with my care and treatment?**

If you are unhappy with your care or treatment, you can speak to your primary nurse (the named nurse who is responsible for co-ordinating your nursing care). They may be able to suggest how to sort out your problem or give you information on how to make a complaint.

If you are in a hospital in England the primary nurse can also put you in touch with the hospital's Patient Advice and Liaison Service (PALS), which will be able to give you help and advice. If you want to make a complaint, the PALS should be able to help you or put you in touch with an independent organisation that may be able to help you.

If you are in a hospital in Wales, the primary nurse should be able to put you in touch with the local Community Health Council (CHC), which can advise you on making a complaint.

If you complain to the hospital and you are unhappy with what they do about your complaint, you can then complain to:

- the Mental Health Act Commission; or
- if you are in England, the Healthcare Commission.

If you are in England, contact the hospital's PALS about who to complain to. If you are in Wales, your local CHC will be able to help.

## **Will I get help when I leave hospital?**

Before you leave hospital, your responsible medical officer should make sure that your health and social care needs are assessed and that there is a care plan for you. Your responsible medical officer and other people who have been caring for you, such as a social worker and community psychiatric nurse, will look at what you will need when you leave hospital. This may be called 'aftercare planning' or 'care programme approach' (CPA).

If you have been detained under section 3 of the Mental Health Act, you have the right to the health and social care services that you have been assessed as needing when you leave hospital (section 117 of the Act).

These 'aftercare services' can include:

- somewhere to live;
- social care support;
- home help; and
- using a day centre.

The people who assess you should talk to you before they decide what support you should get. You should let people know what you think you will need. If a friend or relative regularly helps or supports you, they could also take part in these discussions. Under the Carers and Disabled Children Act 2000, someone who is 16 or older and spends a lot of time caring for you can also be assessed to see if they need any help. For more about this, see the Community Legal Service Direct leaflet 'Community Care'.

Your lawyer (or other representative) could also be involved in planning your aftercare. This would be useful if you are not happy with what is being suggested, or if you are worried that the people arranging your aftercare are taking too long.

## **What controls can there be on me when I am living in the community?**

Your responsible medical officer may let you leave the hospital for a certain time, for example for a couple of hours, a weekend or a longer period. But they may let you leave only if you meet certain conditions, such as staying at a particular place.

Your responsible medical officer may also 'recall' you (make you go back) to hospital at any time.

## **Supervised discharge**

If you are detained under section 3 of the Mental Health Act and you are 16 or over, your responsible medical officer may apply for a 'supervised discharge' when you leave hospital. This means that a person (usually a social worker or psychiatric nurse) will be named as your supervisor and will keep in touch with you after you leave hospital. You may also have to meet certain conditions, such as:

- living at a particular place; and
- going to an outpatients clinic for treatment.

However, even though your supervisor can take you to a place where you must go under one of these conditions, they cannot make you have a treatment if you do not want it.

The doctor in charge of your aftercare may end the supervised discharge at any time. You can also apply to a mental health review tribunal if you want to end the supervised discharge.

### **Guardianship**

Guardianship is a scheme used mostly for people with learning disabilities and elderly people with mental health problems such as dementia. You must be 16 or over and must need a guardian for your welfare or to protect other people.

Your guardian can be a local council or a person. As with a supervised discharge, you may have to:

- live at a particular place; and
- go to a particular place for treatment, work, education or training (though they cannot force you to go there if you don't want to).

Your nearest relative can object to the guardianship if they don't agree with it, and can end it. If you don't agree with the guardianship, you can ask a mental health review tribunal to end it.

### **What powers have the police against people with mental health problems?**

In some situations, the police can remove someone with a mental health problem to a 'place of safety' (usually a police station or a hospital) for up to 72 hours. During this time they should arrange for your treatment and care.

These situations are if you are:

- in a public place and appear to suffer from a mental disorder and need urgent care and control; or
- in 'private premises' (your house or someone else's, for example) and the police believe that you are suffering from a mental disorder and are not being properly cared for. In this case a magistrate may grant a warrant, which gives a police officer and an approved social worker the power to take you to a 'place of safety'.

### **What if I am arrested?**

If the police have arrested you and they later find out that you have mental health problems, they can do one of two things:

- If the offence was not a serious one, they may drop the case. They may then, with your permission, refer you to the local health or social service agencies so that your needs can be assessed.
- If the police don't drop the case, and decide to question you, they should make sure you have help from an 'appropriate adult' (a person who will support you while you are at the police station). You also have the right to a solicitor. You should ask to have a solicitor so that you have proper legal advice; in particular on how your mental health problems may affect any action the police take against you.

## **Mental health and the Human Rights Act**

The Human Rights Act 1998 is an important, wide-ranging law that came into effect in 2000. It says all public authorities must act in accordance with the European Convention of Human Rights. Among the rights that could affect you are the 'right to liberty', the 'right to respect for private and family life' and the right to a fair trial. The Act applies to NHS trusts and also to independent hospitals where people are detained under the Mental Health Act.

The Human Rights Act has brought about some important changes to the Mental Health Act. For example, it has led to a change in the rules for identifying the nearest relative so that gay and lesbian partners are treated in the same way as people who are married or in heterosexual relationships.

See also the Community Legal Service Direct leaflet, 'The Human Rights Act' for more information.

### **Future changes**

The Government plans to amend the Mental Health Act 1983. The proposed changes are currently being considered by Parliament. Also, following a court case at the European Court of Human Rights, the Government plans to introduce new safeguards for people with a mental disorder who are admitted into hospital or care homes (without using the Mental Health Act 1983) when they lack the capacity to agree to this and their care and treatment is considered a deprivation of their liberty. See 'What about people who lack capacity to agree to be detained?' on page 4.

## **Terms used in mental health law**

### **Advance directive**

An example of an advance directive is when you make a statement saying you do not want to be given a particular treatment now or in the future, even if you reach a point when you can no longer make such decisions.

### **Advance statement**

A statement you can make to describe how you would like to be cared for and treated, if at some time in the future you are unable to make your views known.

### **Appropriate adult**

A person who is independent of the police and whose role is to protect the rights of a person with mental health problems in police custody.

### **Approved social worker (ASW)**

A social worker with specialist training and experience in dealing with people with mental disorders.

### **Hospital managers**

People who make sure the hospital meets the requirements of the Mental Health Act. This includes reviewing your detention if you ask, and also if the responsible medical officer (RMO) wants to renew your detention.

### **Mental Health Act Commission (MHAC)**

The organisation that reviews the way the Mental Health Act is applied to people detained in hospital.

### **Mental illness**

A type of mental disorder that covers such conditions as schizophrenia and depression.

### **Mental impairment**

A type of mental disorder that is defined in the Mental Health Act as 'a state of arrested or incomplete development of mind (not amounting to severe mental impairment) which includes significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned'.

### **Nearest relative**

A person, usually a relative, who has various rights and powers, including the right to apply for your discharge from hospital. See 'What powers does my family have?' on page 6 for more.

### **Psychopathic disorder**

A type of mental disorder that is defined in the Mental Health Act as 'a persistent disorder or disability of mind (whether or not including significant impairment of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the person concerned'.

### **Responsible medical officer (RMO)**

The doctor (usually a consultant psychiatrist) in charge of treating you under the Mental Health Act.

### **Second opinion appointed doctor (SOAD)**

A doctor appointed by the Mental Health Act Commission to look at whether certain types of treatment in the Mental Health Act should be given to you without your permission.

### **Severe mental impairment**

A type of mental disorder that is defined in the Act as 'a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned'.



## Further help

### **Community Legal Service Direct**

Provides free information direct to the public on a range of common legal problems.

Call 0845 345 4 345

If you qualify for legal aid, get free advice from a specialist legal adviser about benefits and tax credits, debt, education, employment or housing. Also find a high quality local legal adviser or solicitor.

Click [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

Find a high quality local legal adviser or solicitor, link to other online information and see if you qualify for legal aid using our calculator.

### **Mencap**

For people with learning disabilities, their carers and families  
phone: 0808 808 1111  
[www.mencap.org.uk](http://www.mencap.org.uk)

### **Mental Health Act Commission**

phone: 0115 943 7100  
[www.mhac.trent.org.uk](http://www.mhac.trent.org.uk)

### **Healthcare Commission**

phone: 020 7448 9200  
[www.healthcarecommission.org.uk](http://www.healthcarecommission.org.uk)

### **MIND**

For information and advice on mental health issues  
phone: 0845 766 0163  
[www.mind.org.uk](http://www.mind.org.uk)

### **Rethink**

(formerly the National Schizophrenia Fellowship)  
phone: 0845 456 0455  
[www.rethink.org](http://www.rethink.org)

### **SANE**

Information and support for people with mental health problems  
phone: 0845 767 8000  
[www.sane.org.uk](http://www.sane.org.uk)

## The Community Legal Service

The Community Legal Service has been set up to help you find the right legal information and advice to solve your problems.

You can get help through a national network of organisations including Citizens Advice Bureaux, Law Centres, many independent advice centres and thousands of high street solicitors. All of these services meet quality standards set by the Legal Services Commission. Look for the Community Legal Service logo, shown below.

Many of the organisations offer some or all of their services for free. If you cannot afford to pay for advice you may be eligible for financial support through the Community Legal Service Fund (legal aid). You can order leaflets about funding from the LSC Leaflet line on 0845 3000 343. You can also use a legal aid eligibility calculator on the website: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

*Community  
Legal Service*



## The Legal Services Commission (LSC)

The Community Legal Service and the Community Legal Service Fund are managed by the Legal Services Commission. To find out more about us visit our website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk) or find the details for your local Legal Services Commission office in the phone book.

legal services

COMMISSION

The leaflets are also available online at: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

- 1 Dealing with Debt
  - 2 Employment
  - 3 Divorce and Separation
  - 4 Renting and Letting
  - 5 Buying and Selling Property
  - 6 Losing your Home
  - 7 The Human Rights Act
  - 8 Claiming Asylum
  - 9 Welfare Benefits
  - 10 Wills and Probate
  - 11 Dealing with the Police
  - 12 No-win, No-fee Actions
  - 13 Problems with Goods and Services
  - 14 Medical Accidents
  - 15 Equal Opportunities
  - 16 Racial Discrimination
  - 17 Personal Injury
  - 18 Rights for Disabled People
  - 19 Community Care
  - 20 Education
  - 21 Immigration and Nationality
  - 22 Mental Health**
  - 23 Alternatives to Court
  - 24 Family Mediation
  - 25 Veterans
  - 26 Domestic Violence, Abuse and Harassment
  - 27 Living Together and your Rights if you Separate
  - 28 Dealing with Someone Else's Affairs
  - 29 Care Proceedings
  - 30 Neighbourhood and Community Disputes
  - 31 Changing your Name
- Advice Guides**
- G1 A Step-by-Step Guide to Choosing a Legal Adviser

The leaflets are also available in Welsh, Braille and Audio.

To order any of these leaflets contact the LSC leaflet line on **0845 3000 343** or email [LSCLeaflets@ecgroup.uk.com](mailto:LSCLeaflets@ecgroup.uk.com) or fax 020 8867 3225.



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