

Sending you to hospital from prison before a court decides what will happen to you

Information for patients being treated under the Mental Health Act



East London
NHS Foundation Trust

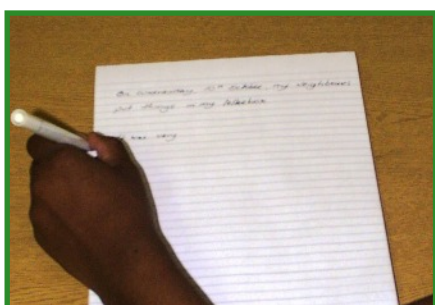


easy
read

EasyRead version



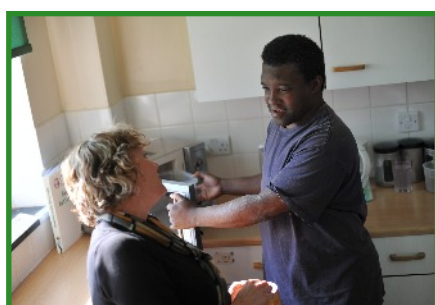
East London NHS Trust runs mental health and community health services.



We wrote this information to help you understand your rights.



This is an EasyRead version of **Transfer to Hospital of an Unsentenced Prisoner (With or Without Restrictions) (Section 48 of the Mental Health Act 1983)**.



The Mental Health Act is the law that tells people with a **mental disorder** about their rights and how they can be treated.



Mental disorder means a disorder or disability of the mind such as:

- a mental illness



- a learning disability



- a personality disorder.

About you



Your name:



Name of the person in charge of your treatment:



The name of your hospital and ward:



Date you were sent to hospital:

Do you have a **restriction** order?



Why you are in hospital



2 doctors told the **Secretary of State** that you need treatment in hospital under the Mental Health Act.



The **Secretary of State for Justice** is a member of the government. They are in charge of everything to do with justice, prisons and the courts.



The Secretary of State for Justice may also given you a **restriction order**.



What is a restriction order?



Only the Minister for Justice in the government can say you can leave the hospital.



When you leave hospital you may have to keep to certain rules. The rules will be explained to you when you leave.

The person in charge of your care must ask the Minister:



- before you can go to another hospital



- before you have time away from this hospital.



How long will I be here?



When you have been sent to hospital from prison after being remanded by a magistrates court:



- you will stay in hospital until your remand ends. Unless you are sent to Crown Court for your trial



- or until you are remanded again by the Magistrates court



- or until the person in charge of your care thinks you do not need to stay. Then you go back to prison or on bail.



When you have been sent to hospital as a **civil prisoner**:



- you will stay in hospital for the rest of your time in prison.



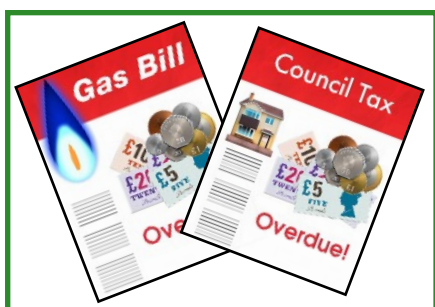
- or until the person in charge of your care thinks you do not need to stay. Then you go back to prison.



A **civil prisoner** is someone who is sent to prison for things like:



- not paying maintenance money to look after their children



- not paying money called fines or debts



- not paying money they agreed to pay if someone they know was on bail and did not turn up at court



- not doing what the court has told them to do.



When you have been sent to hospital because you are an **immigrant**:



- you will stay in hospital for the time you were sent to your detention centre



- or until the person in charge of your care thinks you do not need to stay. Then you go back to your detention centre.



An **immigrant** is a person who has moved to the UK from another country.



Anyone else:



- will stay in hospital for the time you were sent to prison. Unless the person in charge of your care thinks you do not need to stay



- then you will go back to prison or on bail.



You may be kept in hospital after your remand ends for more treatment. You will be given another leaflet then.



What will happen if I have to go back to court?



You may have to go back to court if you have not had your trial.



The court may send you back to hospital with a hospital order. Or may give you a different sentence.



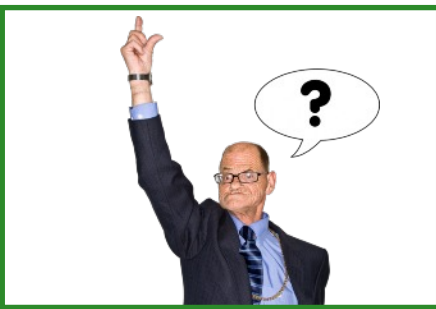
A hospital order is when 2 doctors tell the court you have a mental disorder. They think you need to be in hospital.



Can I appeal if I do not agree with this?



You cannot appeal against the Minister for Justice sending you to hospital. Or the magistrates court sending you on remand to hospital.



But there are people you can ask to let you leave the hospital. This is not for you if you have a restriction order.



You can ask the Hospital Managers to let you leave hospital. Hospital Managers is a special group at the hospital to decide if people need to stay in. They may want to talk to you before deciding what to do.



If you want to ask the Hospital Managers you can write to them at:



Or ask hospital staff to help you contact the Hospital Managers.



What is a tribunal and what happens?



The tribunal is an independent group of people. They decide if you can leave hospital.



They have a meeting with you and hospital staff who know you. This meeting is called a **hearing**.



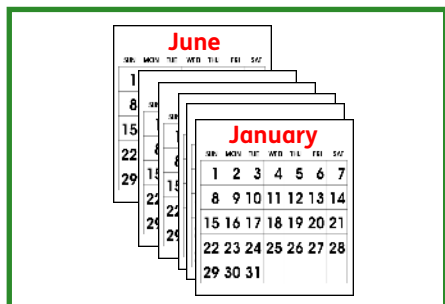
Before the hearing the tribunal will read reports from the hospital about you.



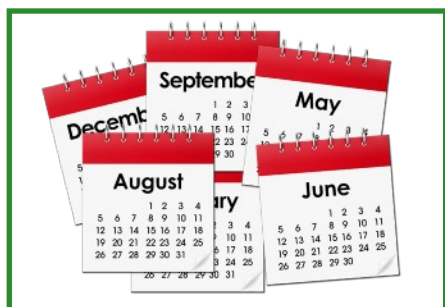
One of the tribunal will come to talk with you.



When can I contact the Tribunal?



You can contact the tribunal once in the first 6 months in hospital. Then you can contact the tribunal once in the next 6 months.



Then you can contact the tribunal once every year that you are kept in hospital.



Your nearest relative can contact the tribunal once after you have been in hospital for 6 months. Then they can contact the tribunal once every year that you are kept in hospital.

We explain on page **22** what your nearest relative means.

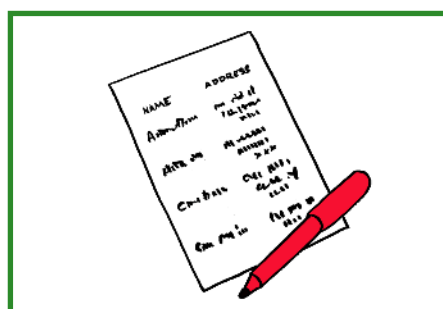
Contact the tribunal at:

Telephone: 0845 2232022

Write to: The Tribunals Service
PO Box 8793
5th Floor
Leicester
LE1 8BN



You can ask a solicitor to write to the tribunal and help you at the hearing.



Your social services and the Law Society have a list of solicitors who do this. You do not have to pay for a solicitor to help you with this. It is free with Legal Aid.



What happens if the tribunal says I do not need to stay in hospital?



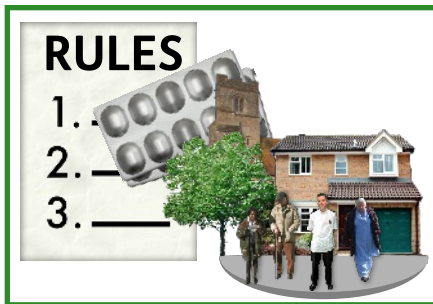
Then you may go back to prison or your detention centre. Unless the tribunal advises that you stay in hospital.



What treatment will I get here?



Hospital staff will tell you what treatment they think you need. You must take medicine or drugs staff give you.



After 3 months there are special rules if you do not want to take the medicine or drugs.



Or you may be too ill to say if you want to take them. Then a doctor who is not from this hospital will visit you. They will talk with you and staff.



This independent doctor is called a SOAD (Second Opinion Appointed Doctor). You can only have medicine or drugs that the SOAD doctor says you can. Unless it is an emergency.



There are different rules for special treatments like ECT (Electro Convulsive Therapy). Staff will talk to you if you need them and give you another leaflet.



Independent mental health advocate



You can have support from an independent mental health advocate if you want it.



The advocate is independent. This means they do not work for the NHS or anyone else involved in your care.



They can:

- tell you about your rights



- help you understand what is happening



- help you tell people what you want.



- help you with the Tribunal.



Ask the staff where there is a telephone for you to talk to the advocacy service in private.



The telephone number for the advocacy service is:



You can ask a member of staff to telephone them for you.



Telling your Nearest Relative



We will give a copy of this leaflet to your nearest relative if you are not on a Restriction Order.



Your nearest relative looks out for you if you are treated under the Mental Health Act in hospital or the community.



The Mental Health Act has a list of people who are seen as your nearest relative. Hospital staff can give you a leaflet that explains it more.

We have been told your nearest relative is:

If you do not want this person to get a copy of this leaflet please tell:



- your nurse



- Another member of staff.

Changing your Nearest Relative



You may not think the person named will be good as your nearest relative. You can ask the county court to change your nearest relative.



Hospital staff have a leaflet that explains how to do this.



Your letters



We will give you all the letters that are sent to you.



You can write letters to anyone, unless people say they do not want letters from you.



If you write to them, we will stop the letters.



The Code of Practice



The Code of Practice tells staff how to treat people under the Mental Health Act.



They have to think about it when they decide about your care.



You can ask to see a copy of the Code.

How to complain



Please tell the staff if you are not happy with your care and treatment in hospital.



If they cannot sort things out they will tell you how to complain. They can also tell you about people like an independent mental health advocate who can help you.



If you are not happy with how the hospital deals with your complaint you can tell the Care Quality Commission. They do not work for the NHS and check that people use the Mental Health Act properly.



Staff can give you a leaflet about how to contact the Commission.



How to find out more

Please ask the person who gave you this leaflet or other member of staff if:



- you do not understand anything



- you want to ask any questions



- you want a copy of this leaflet for someone else.



Credits

This paper has been designed and produced for East London NHS Foundation Trust by the EasyRead service at Inspired Services Publishing Ltd. Ref ISL124 16. September 2016.



www.inspiredservices.org.uk

It meets the European EasyRead Standard.



The **Making it Easier Group** making EasyRead information with **Leading Lives**.

Leading **Lives**
Your life / Our support



Inspired.pics

Selected photos are from the Inspired.pics EasyRead collection and cannot be used anywhere else without written permission from Inspired Services Publishing Ltd.

www.inspired.pics

