

ELECTRO-CONVULSIVE THERAPY FOR PATIENTS DETAINED IN HOSPITAL

(Section 58A of the Mental Health Act 1983)

What is this leaflet about?

This leaflet explains the special rules in the Mental Health Act 1983 about the use of electro-convulsive therapy (ECT) to treat mental disorder. These rules are in section 58A of the Mental Health Act.

What is electro-convulsive therapy?

ECT is a treatment used for a small number of severe mental disorders, such as severe depression, mania, and catatonia. During ECT, an electric current is passed briefly through the brain, which causes a seizure (a 'fit'). ECT is given under a general anaesthetic and patients are also given drugs to relax their muscles to avoid them hurting themselves during the fit. Usually, ECT is given in a course of six or 12 sessions, by specially trained staff.

If the hospital staff think it would be a good idea for you to have ECT, they will explain what it is, and why they think you should have it.

Can I refuse ECT?

If you are able to decide for yourself, you do not have to agree to ECT if you do not want it. You will only be given ECT if you agree to it, or it is an emergency.

What if I am under 18?

If you are aged under 18 and you agree to ECT, a doctor who is not from the hospital where you are being treated will come and see you.

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.

The independent doctor will talk to you and to staff at the hospital who know you. You can only be given ECT if both you and the independent doctor agree to it, or it is an emergency.

What if the hospital staff think I am unable to decide for myself?

The hospital staff may think that, because of your mental disorder, you are not able to decide for yourself whether to have ECT.

This means they think you cannot understand what ECT is, what it is for, and what its effects and benefits might be.

If they think you are not able to decide for yourself, the hospital staff will ask an independent doctor (a SOAD) to come and see you. The independent doctor will talk to you and to staff at the hospital who know you.

If the independent doctor agrees that you are not able to decide for yourself, the independent doctor can agree to allow the hospital staff to give you ECT. Unless it is an emergency, you can only be given ECT if the independent doctor has agreed.

But the independent doctor cannot agree to allow the hospital staff to give you ECT if you have made a legally binding advance decision to refuse ECT under the Mental Capacity Act 2005, or someone else who is allowed to take decisions on your behalf under that Act has said that you should not have it. This could be someone to whom you have given a lasting power of attorney, a deputy appointed for you by the Court of Protection, or the Court of Protection itself. The hospital staff can give you more information about the Mental Capacity Act 2005.

What happens in an emergency?

In an emergency, you can be given ECT even if neither you nor an independent doctor has agreed to it.

But that can only be done if you need to have ECT straight away in order to save your life, or to stop your mental health getting very much worse.

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.

How do I complain?

If you want to complain about anything to do with your care and treatment in hospital, please speak to a member of staff. They may be able to sort the matter out. They can also give you information about the hospital's complaints procedure, which you can use to try to sort out your complaint locally. They can also tell you about any other people who can help you make a complaint.

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.