

# Patient Information Leaflet 10

## Mental Health Act 1983

### Section 35: Remand to Hospital for Assessment

You have been admitted to:

Your Approved Clinician is:

Date your detention under section 35 began:

#### **Why am I in hospital?**

You have been admitted to this hospital so that you can be seen by an approved clinician who will make a report on your mental health to the Court. You can be kept in this way because of section 35 of the Mental Health Act 1983. This means that the Court, on the advice of a doctor, thinks that you could have a mental disorder and you should be in hospital so that the report can be written.

#### **How long will I be here?**

You can be kept here for 28 days (four weeks). You must not leave during this time, and if you try to go, the staff can stop you. If you leave you can be brought back and you might also be arrested by a police officer and taken back to Court.

#### **What happens next?**

At the end of the 28 days, the approved clinician will report to the Court on whether or not you need to be kept in the hospital for a longer period. You can only be kept here longer than 28 days if the Court says so. The Court can renew the order, but for no more than 28 days at a time and not for more than twelve weeks in total. It can renew the order without you being in Court so long as you are represented by a solicitor or barrister who is given the chance to speak for you.

The Court can also decide, at any time, that you should not be kept here any longer.

## **Care Plans**

You will have an individual care plan.

As part of this plan you will have an assessment, and your care and treatment will draw upon your own strengths. If you wish you will be involved not only in the planning, but also the delivery of your own care plan.

To develop your care plan you will have a co-ordinator who will involve other people who have a relevant interest in your care, including your responsible clinician, your social worker, a carer if you have one, and with your agreement, friends and family.

Once developed, your care plan will include agreed timescales for implementing the various aspects of your care plan, including your medical treatment, physical healthcare, and preparing for and covering the time after your discharge.

Your care plan will be recorded in writing, and you may sign it if you wish. You will also be given a copy.

For more information on what your care plan will include, please ask for a copy of the 'Peace of Mind' booklet on the Code of Practice for Wales.

## **Independent Mental Health Advocacy Service**

You will have access to the confidential, independent mental health advocacy (IMHA) service. The IMHA service will provide support to you and help you to understand the Act.

They will help you obtain information about your legal rights, any medical treatment that you may be receiving and how you can appeal against detention.

If you are having any difficulties understanding this leaflet or have any further questions the IMHA service is there to help you.

## **Can I appeal?**

You can obtain an independent report from a doctor or approved clinician of your choice and apply to the court to end the remand to hospital. If you chose to do this it is recommended that you ask a solicitor to help you.

## **Will I be given treatment?**

The approved clinician in charge of treatment will tell you about any treatment he or she thinks you need. Only in special circumstances, which would be explained to you, can you be given treatment you do not want.

## **How do I complain?**

If you want to complain about the way you are being treated in hospital, you should speak to the person in charge of the ward, or a nurse or social worker. If you are not happy with the answer you may write to the Hospital Managers. You can write to the Managers at the following address (information to be added locally):

If you are not happy with the Managers' reply, you can ask the Review Service for Mental Health to help. The Review Service was set up to make sure that the mental health law is used properly and that patients are cared for properly while they are in hospital.

You can write to them at:

Review Service for Mental Health  
Healthcare Inspectorate Wales  
Bevan House  
Caerphilly Business Park  
Van Road  
Caerphilly CF83 3ED

Or you can telephone: 029 2092 8858

Or you can fax: 029 2092 8904

or you can speak to a Reviewer when they visit. The ward manager can tell you the date of the next visit. You can also write to Review Service after you have left the hospital.

## **Your letters**

Normally you will be able to write to and get letters and parcels from anybody. The Mental Health Act gives the hospital managers power to withhold any of your letters or parcels from going to someone who has asked that they should not be sent to them. If this happens you will be notified in writing.

## **Code of Practice for Wales**

The Code of Practice for Wales gives advice to staff about the Mental Health Act 1983. They have to think about what the Code says when they take decisions about your care. You can ask to look at a copy of the Code or you can ask for a copy of the 'Peace of Mind' booklet on the Code of Practice for Wales.

## **Further information and help**

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 has not answered.