

Patient Information Leaflet 14

Mental Health Act 1983

Section 37/41: Admission to Hospital by a Court Order with Restrictions

You have been admitted to:

Your Responsible Clinician is:

Your detention under section 37/41 began:

Why am I in hospital?

You have been admitted to this hospital on the order of the Court. You can be kept in this way because of section 37 and section 41 of the Mental Health Act 1983. This means that the Court, on the advice of two doctors thinks that you have a mental disorder for which you need to be in hospital for medical treatment.

What is restriction order?

A restriction order is made under section 41 of the Mental Health Act 1983 by the Court and means you cannot leave hospital unless the Secretary of State for Justice says you can. While you are in hospital your responsible clinician must get the Secretary of State for Justice's agreement before you can get temporary leave or be sent to another hospital. You can only be discharged from hospital with the agreement of the Secretary of State for Justice, or by an order made by the Mental Health Review Tribunal for Wales (see below).

What happens next?

Your responsible clinician will tell you when she or he thinks you are well enough to leave hospital. If your responsible clinician feels that you are well enough to leave they must apply to the Secretary of State for Justice.

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 ask the Court to look at your case again. If you want to do this you must apply within 21 days (three weeks) of the Court making the order and it is best to ask a solicitor to help you.

You can also ask the Hospital Managers to let you leave, but they can only discharge you if the Secretary of State for Justice agrees. If you want them to consider your case, write to them at:
(Information to be added locally)

You can apply to the Mental Health Review Tribunal for Wales for your discharge from hospital. You can apply when you have been in hospital for more than six months but less than a year. You may then apply once during each year you are kept in hospital.

What happens at a hearing before the Mental Health Review Tribunal for Wales?

The Tribunal is independent of the hospital. The Tribunal members will come and meet with you and listen to your views and to those of your representative (if you have one). The Tribunal doctor will come and see you before the Tribunal hearing. They will speak to your responsible clinician and other professionals involved in your care, and read reports about your detention and care before deciding if you are well enough to be discharged. The Tribunal will give you a written decision within 7 days of the date of the hearing.

You might want to ask for a solicitor to help you with the Tribunal. The hospital has a copy of the Law Society list of solicitors who specialise in mental health law, or you might want to use your own solicitor. This is usually free of charge under the legal aid scheme.

The address of the Tribunal office is:

Mental Health Review Tribunal for Wales
Crown Buildings
Cathays Park
Cardiff. CF10 3NQ

What treatment will I receive?

The approved clinician in charge of your treatment will talk to you about any treatment that you need for your mental disorder.

You can be given medication or drug treatment for your mental disorder for up to three months without your consent. If this treatment is to continue beyond three months and you do not or cannot consent, an independent doctor will be asked to visit you. This doctor is called a Second Opinion Appointed Doctor. This doctor will talk to you and to a nurse or other staff at the hospital who know you. The treatment will only be continued if the independent doctor agrees you should have it. Other medication may be recommended after the independent doctor has spoken with your approved clinician in charge of treatment.

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 your 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 the 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.

The independent mental health advocacy service is also there to provide help and support to you.

Please ask if you would like another copy of this leaflet for someone else.