

Patient Information Leaflet 16

Mental Health Act 1983

Section 38: Interim Hospital Order

You have been admitted to:

Your Responsible Clinician is:

You were recalled to hospital on:

Why am I in hospital?

You have been admitted to this hospital by an order of the Court. You can be kept in hospital this way because of section 38 of the Mental Health Act 1983. This means that the Court, on the advice of two doctors thinks that you have a mental disorder and that you may need treatment in hospital.

How long will I be here?

You can be kept here for twelve 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 twelve weeks, your responsible clinician will report to the Court on whether or not you need more treatment. The Court will then decide if you should stay in hospital for more treatment or if it should pass some other sentence.

You can only be kept here for longer than twelve weeks 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 12 months 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.

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.

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.

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.