

Patient Information Leaflet 19

Mental Health Act 1983

Section 47 (and Section 49): Transfer to Hospital of a Person Serving a Sentence of Imprisonment with Restrictions

You have been admitted to:

Your Responsible Clinician is:

Date your detention under section 47/49 began:

Why am I in hospital?

You have been transferred to this hospital because the Secretary of State for Justice is satisfied on the advice of two doctors that you have a mental disorder and that you need to be in hospital for medical treatment.

The Secretary of State for Justice has signed a transfer direction under section 47 of the Mental Health Act 1983 which allows a sentenced prisoner to be transferred to hospital. A restriction order under section 49 of the Act has been added to that restriction direction.

What is restriction direction?

This means you cannot be discharged from hospital unless the Secretary of State for Justice says you can leave. 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.

How long will I be here?

Your responsible clinician will tell you when she or he thinks you are well enough to leave hospital. If you try to leave without permission, the staff can stop you, and you leave, you will be brought back. If you leave without permission you may also be arrested.

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 be returned to prison?

If your responsible clinician, or the Mental Health Review Tribunal for Wales thinks that you no longer need treatment in hospital, you will probably be returned to prison to serve the rest of your sentence.

What happens if my sentence ends while I am in hospital?

If your sentence ends whilst you are in hospital and you still need treatment you can be kept in hospital. Your responsible clinician will tell you when you are ready to leave. If your responsible clinician decides you should stay in hospital you will be given another leaflet telling you what will happen.

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 apply to the Mental Health Review Tribunal for Wales any time during the first six months following your transfer. You can apply again during the second six months and once every year after that.

If the Mental Health Review Tribunal for Wales decides that you do not need hospital treatment this will not mean that you can leave the hospital. You will be sent back to prison because you are serving a sentence unless the Tribunal says you should remain 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.