

Northumberland, Tyne and Wear



NHS Foundation Trust

# Interim hospital order

(Section 38 of the Mental Health Act 1983)

Shining a light on the future





1. Patient's name	
2. Name of the person in charge of your care (your "responsible clinician")	
3. Name of hospital and ward	
4. Date of your interim hospital order	

## Why am I in hospital?

You are being kept in this hospital on the order of the Court. The Court has said you can be kept here under section 38 of the Mental Health Act 1983.

This is called an "interim hospital order". It 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 the period specified in your order. This may be up to 12 weeks at first, starting from the date on which your order was made. You must not leave during this time unless the Court decides that you may. If you try to leave the staff can stop you, and if you do leave you can be brought back. You may also be arrested by a police officer and taken back to Court.

## What happens next?

At the end of the period specified in your order, the person in charge of your care (your responsible clinician) will report to the Court on whether 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 12 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 lawyer who is allowed to speak on your behalf.

The Court can also decide, at any time, that you should not be kept here any longer, or that you can be kept here (or in a different hospital) under a different section of the Mental Health Act. If that happens, you will be given another leaflet explaining what it means.

### **Can I appeal?**

Yes. You can appeal to the Court against the interim hospital order. If you want to do this you must do it quickly and it is best to have a solicitor to help you. Ask the hospital staff about this and they will give you another leaflet.

### **What treatment will I be given?**

Your responsible clinician and other hospital staff will talk to you about any treatment that you need for your mental disorder. In most cases you will have to accept their advice.

After three months, there are special rules about any medicine or drugs you are being given for your mental disorder. If you do not want the medicine or drugs, or are too ill to say whether you want them, a doctor who is not from this hospital will visit you. This independent doctor will talk to you and to staff at the hospital who know you. The independent doctor will decide what medicine and drugs you can be given. Unless it is an emergency, these are the only medicine and drugs you can be given without your agreement.

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.

There are different rules for some special treatments, like electro-convulsive therapy (ECT). If the staff think you need one of these special treatments, the rules will be explained to you and you will be given another leaflet.

### **Help from an independent mental health advocate**

You are entitled to help from an independent mental health advocate if you want it. These advocates are independent of people involved in your care. They can help you get information about your care and treatment, why you are being kept in hospital, what it means and what your rights are. They can come to see you and help you understand what you are told by people involved in your care and treatment. If you want, they can help you talk to these people or they can talk to them for you.

You can contact the independent mental health advocacy service yourself. There should be a telephone where you can contact the advocacy service and talk to them in private. You can ask a member of staff where this telephone is.

The telephone numbers for the advocacy service are:

Sunderland 0191 510 5051	South Tyneside 0191 478 6472
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If you do not want to contact the advocacy service yourself, you can ask a member of staff to contact the advocacy service for you.

## **Your letters**

All letters sent to you will be given to you. You can send letters to anyone except someone who has said they do not want to get letters from you. Letters to these people can be stopped by the hospital staff.

## **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.

## **What if I have a comment, suggestion, compliment or complaint about the service?**

If you want to make a comment, suggestion, compliment or complaint you can:

- talk to the people directly involved in your care
- complete a feedback card, available on wards. Some areas of the Trust have electronic feedback touch screens, staff can help you to use these. Your feedback allows us to monitor the quality of our services and act upon issues that you or your carers bring to our attention.
- ask a member of staff for a feedback form, or complete a form on the Trust website [www.nth.nhs.uk](http://www.nth.nhs.uk) (click on the 'Contact Us' tab)
- telephone the Complaints Department Tel: 0191 245 6672

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.



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Tel: 0191 223 2545

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