

How we support the rights of people kept in hospital



Original document title:
How we protect the rights and interests of
people who are detained in hospital

September 2012

EasyRead

What is in this guide?

page



About the Care Quality Commission1



Who this guide is for2



Mental Health Act Commissioners .. 3



When a commissioner visits your hospital 4



What a commissioner can and cannot do 6



Your rights about taking medicine .. 8

What is in this guide?

page



How to complain 13



What CQC can do about your complaint 16



Your information 18



How to talk to a Mental Health Commissioner 19

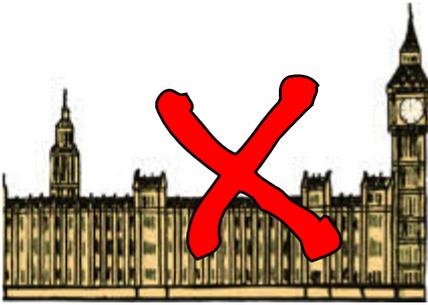


For more information 20



How to contact us 21

About the Care Quality Commission



The Care Quality Commission is independent, this means we are not part of the Government.



We make sure people in England get better health and social care services.



We also check services for people who are being treated under a law called the Mental Health Act.

Who this guide is for



This guide is for anyone being made to have care and treatment in hospital under the Mental Health Act 1983.



It tells you about:

- your rights to meet one of our Mental Health Commissioners when they are visiting



- what you can expect from us at CQC



- your rights about taking medicines



- how to complain if you need to.

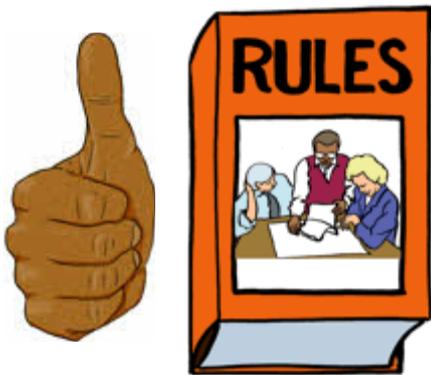
Mental Health Act Commissioners



We have Mental Health Act Commissioners who visit every hospital where people are made to stay to have care and treatment.



Our commissioners know a lot about the law and mental health services.



They check to make sure:

- the rules are being followed



- people are looked after properly.

When a commissioner visits your hospital

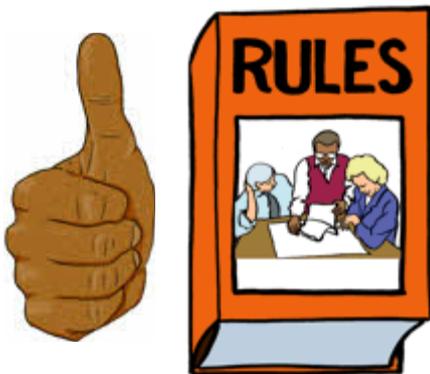


Ask a member of staff if you would like to speak to a commissioner when they visit your ward.

They will meet you in private.



The commissioner will also meet with managers and staff to talk about your care and treatment and any problems you have.



The commissioner will check that:

- the rules about you being kept in hospital have been followed



- you are being cared for



- you know what your rights are and they have been explained to you in a way you can understand



- staff respect your privacy and dignity



- staff respect you as an individual and think about your culture, sex, age, if your gay or lesbian, religion or belief, or any disability you have



- before you leave hospital you have the right type of plan for your care.

What a commissioner can and cannot do

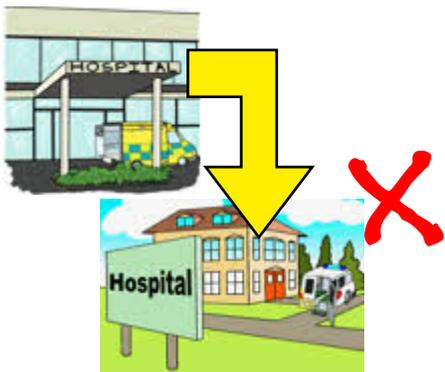


Commissioners cannot:

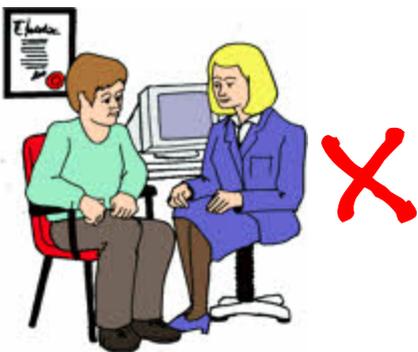
- take you off your treatment order



- let you leave hospital



- move you to another hospital



- give you medical advice



- give you legal advice



- arrange for you to leave hospital for a short time.



- Commissioners can tell you who to go to

Independent Mental Health Advocates

When you are being kept in hospital you can have an advocate. These are called Independent Mental Health Advocates.



These are special mental health advocates. They can help you find out more about your rights.

If you would like to talk to an advocate

If you want to complain about being kept in hospital ask a member of staff to tell you how to do this.



There is more information about how to complain later in this guide.

Your rights about taking medicine



When you are given medicines your doctor should:

- explain what your medicine should do



- tell you about any other problems you might have when you take the medicine. These are called side effects, they do not happen to everyone



- ask if you agree to take it.



For the first 3 months

For the first 3 months in hospital your doctor can make you take your medicine, even if you say no.



If you agree to take your medicine your doctor needs to keep a note to say they have explained about the medicine to you and what you think about that.



Your doctor has to make sure you are well enough and know enough about the medicine to say yes or no to taking it.



After 3 months

After 3 months, if you do not want to take your medicine or you are not able to say yes or no to it your doctor must tell us at CQC.



We will ask a second doctor to see you, they are sometimes called a SOAD.



You should carry on taking your medicine until you have seen the second doctor.

What does the second doctor do?



The second doctor will:

- check to see the rules are being followed about you being kept in hospital



- talk about your medicines with you, in private unless you want someone else with you



- talk to your doctor and 2 other people who know about your care, like your nurse



- think about whether you need to keep taking your medicine.



The second doctor will tell CQC and your own doctor what they have decided.



Your own doctor will tell you what the second doctor has said.



You cannot complain to the Care Quality Commission if you are not happy with this decision.



Your hospital should arrange for a signer or interpreter if you need one.



Urgent treatment

Sometimes, when it is urgent, you can be given medicine without you saying yes.



This is when it will:

- save your life



- stop really bad pain



- stop a problem getting much worse



- stop you hurting yourself or others.



How to complain

If you are, or were, being made to stay in hospital for treatment and you want to complain you need to do this at the hospital first.



You can send your complaint or speak to the complaints officer at your hospital.

Or ask someone else to do this for you.



Support with your complaint

If you need support:

- ask your hospital for details of the local advocacy service



- ask one of our visiting commissioners to help you.



What happens next?

The hospital managers will look at your complaint.



They should tell you what they have found and anything they plan to do to make things better.



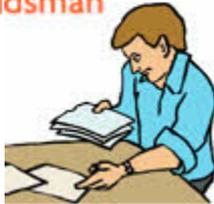
They will also tell you what you should do if you are not happy with what they have said.



If you are still not happy

You can ask us at CQC to think about doing a check, but see the next part for more details.

See how to get in touch with us at the end of this guide.



You can ask the **Parliamentary and Health Service Ombudsman** to look at it again.

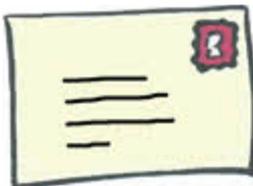
An **ombudsman** is someone who looks into complaints.



To get in touch:

Call: **0345 015 4033**

Or write to:



**The Parliamentary and
Health Service Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP**

What CQC can do about your complaint



The Care Quality Commission can look into complaints about your treatment under the Mental Health law.



We can look at a complaint about the way staff have done things under the Mental Health Act.



First we need to look at:

- has the hospital done everything they can to sort your complaint out?



- has the hospital looked at it properly?



- whether CQC should look into your complaint.



We will send you a letter telling you what we have found and what will change to make sure it does not happen again.



CQC cannot look at complaints that are:

- about services not meeting the rules about how good they should be



- about services that are not safe.



If you have a complaint about these things we really want you or anyone speaking for you to read our guide **“How to complain about a health or social care service”**.

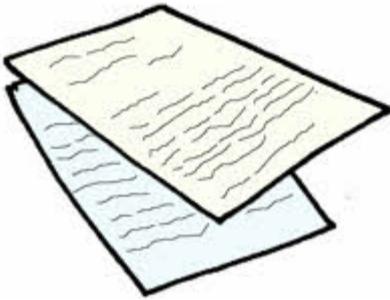


You can also tell us what you thought of the service on our website
www.cqc.org.uk

Your information



If you have been in touch with a commissioner we might have some information about you already.

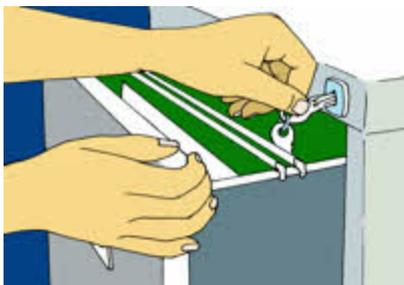


The law says you can ask us:

- what information we have



- who can see your information



- why we have your information and how it is used



- to change anything that is wrong.

To ask us about your information please write to us at the address at the end of this guide.

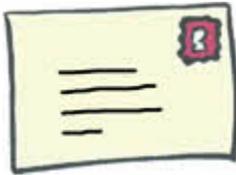
How to talk to a Mental Health Commissioner



Ask a member of staff at your hospital to let you know when a commissioner is next visiting your area.

If this is not for some time you can:

Write to
Care Quality Commission
Citygate
Gallowgate
Newcastle Upon Tyne
NE1 4PA



Call us on: **03000 61 61 61**
Choose option 1 when you are asked.

Or leave a message if we are closed and we will ring you back.



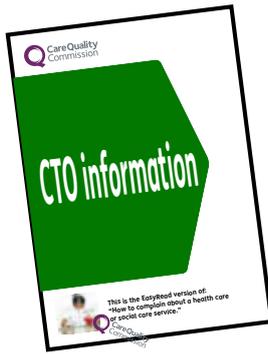
There will be a message machine on if the office is closed. Please make sure you tell us your name and number so we can call you back when the office opens.



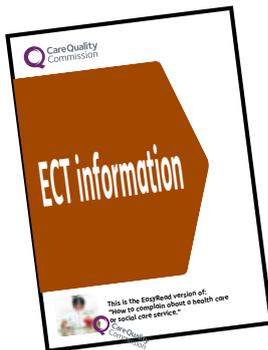
If you do not like answer phones call during the day or get someone else to call for you.

For more information

Please see these leaflets:



CTO leaflet



- How we support the rights and interests of people who need to receive Electro Convulsive Therapy (ECT)



- How to complain about a health or social care service



The Mental Health Act Code of Practice explains your rights about consent to treatment in more detail. If you would like to see it, ask you care coordinator for a copy or download from the Department of Health website at www.dh.gov.uk

How to contact us

If you, a friend or family member want to:



- talk to one of our **Mental Health Act Commissioners**.

These are the people who check services for people who are being treated under the Mental Health Act



- complain about your care or treatment



- find out more about what we do.

Write to:



**CQC Mental Health Act
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA**



Telephone:

03000 61 61 61

Choose option 1 when you are asked.

Or leave a message if we are closed and we will ring you back.



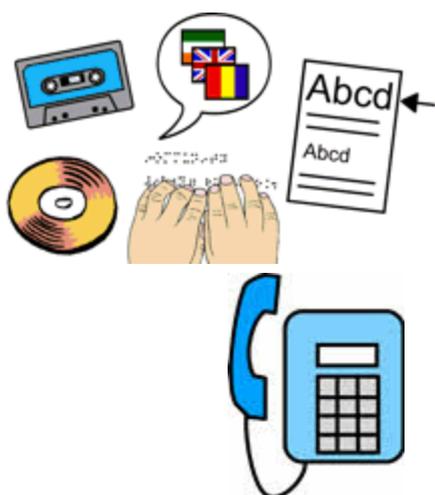
Email:

mhaenquiries@cqc.org.uk



Website:

www.cqc.org.uk



If you would like this information in a different language or format, please telephone:



Credits

This paper has been designed and produced by the EasyRead service at Inspired Services Publishing Ltd. Ref ISL392/11. September 2012.

www.inspiredservices.org.uk



Artwork is from the Valuing People Clipart collection and cannot be used anywhere else without written permission from Inspired Services Publishing Ltd.

www.valuingpeopleclipart.org.uk

Where we are

The Care Quality Commission's head office is at
CQC Mental Health Act
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA



How to contact us



Phone: **03000 616161 option 1**
(calls charged at normal rates)



Email: **MHAEnquiries@cqc.org.uk**



Please contact us if you would like a summary of this publication in other formats or languages.