

Electro-convulsive therapy (ECT)

Your rights about consent
to treatment

This booklet is for anyone detained in
hospital or on a community treatment
order under the Mental Health Act 1983.

August 2012

About this booklet

If you are detained ('sectioned') in hospital or are receiving treatment as part of a community treatment order (CTO) under the Mental Health Act and you are recalled to hospital, your doctor may advise that you need electro-convulsive therapy (ECT).

This booklet explains your rights in relation to ECT.

About us

We are the Care Quality Commission, the independent regulator of health and adult social care in England. We protect the interests of people whose rights are restricted under the Mental Health Act. We make sure that mental health law is used correctly and that patients are cared for properly while they are detained in hospital or are on a community treatment order.

ECT and your rights

The letters ECT are short for 'electro-convulsive therapy'. ECT is a treatment used for a small number of mental disorders.

If your doctor thinks it will help you to have ECT, he or she will explain what it is and why they think you should have it.

Before your doctor can give you ECT, they must ask if you agree to receive it.

If you are well enough to decide for yourself, you will only be given ECT if you agree to it, or if it is an emergency. You don't have to agree to ECT if you don't want it. If you agree at first, you can change your mind later.

If you say that you don't want to be given ECT at any future date, this is called an 'advance decision to refuse treatment'. Although the Mental Health Act allows doctors to give ECT in an emergency to a person who has made an advance decision to refuse it, this would only happen in exceptional cases. If you don't want to be given ECT – even if it might save your life – you must make your 'advance decision' in writing and sign it yourself, and also ask a witness to sign it.

A Mental Health Advocate (see page 6) or a member of staff should be able to help you if you want more information about advance decisions or if you want to make an advance decision.

If you are too ill to give your consent and you have not made an advance decision to refuse ECT, your doctor must tell us if they think that you need to receive it.

We will arrange for an independent doctor called a Second Opinion Appointed Doctor (or SOAD) to visit you.

Your doctor can only give you ECT if the Second Opinion Appointed Doctor agrees that you need it. If they don't agree, your doctor cannot give you ECT.

If you are under 18 years of age, you may only be given ECT if a Second Opinion Appointed Doctor agrees that you should receive it. This applies even if you have already given your consent.

What to expect from the Second Opinion Appointed Doctor (SOAD)

If you need to be examined by a Second Opinion Appointed Doctor, they will do the following:

- check that you are being lawfully detained and cared for;
- meet with you to discuss the treatment and hear your views. Normally this will be in private unless you want someone else there as well. If you need an interpreter or signer, the hospital will provide one;
- speak to your doctor and two other professionals who have been involved in your care and treatment;
- decide whether ECT is appropriate for you and will help you recover.

If the Second Opinion Appointed Doctor agrees that you should have ECT, they must fill in a certificate confirming this and stating the number of treatments they think you should have. They must send a copy of the certificate to us.

Your own doctor will tell you what the Second Opinion Appointed Doctor decides.

The Second Opinion Appointed Doctor is independent of the hospital, and the decision he or she makes is a personal clinical decision. You cannot appeal to us if you disagree with the decision.

Very urgent situations

In some very urgent situations, the rules about consent to treatment do not apply. The Mental Health Act allows ECT to be given to a patient without their consent if the treatment is needed to:

- save their life; or
- stop their condition from getting much worse.

Although the Mental Health Act allows ECT to be given in an emergency to a person who has made an advance decision to refuse it, this would only happen in exceptional cases.

Other sources of help

Independent Mental Health Advocates

While you are detained under the Mental Health Act, you have a legal right to support from an Independent Mental Health Advocate.

Independent Mental Health Advocates can help you find out more about your rights and how to use them.

If you would like to talk to an Independent Mental Health Advocate, please speak to your treating team.

Making a complaint

We have published the following booklets that explain what to do if you want to make a complaint about something that happened during your care and treatment under the Mental Health Act.

‘How we support the rights and interests of people who are detained in hospital’

‘How we support the rights and interests of people on community treatment orders (CTOs)’

If you would like a copy of the booklet that applies to you, ask the ward staff or community care staff or go to our website at

www.cqc.org.uk.

How to contact us

If you would like to contact us, you (or a friend or relative on your behalf) can:

- write to our office in Newcastle (the address is on the back page of this booklet); or
- speak to someone in our office between 8.30am and 5.30pm from Monday to Friday by phoning **03000 616161** (choose option 1).

If the office is closed, leave a message on our telephone answering service. Please leave your name, address and phone number so that someone can contact you on the next working day.

Get in touch

Write to us at:

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

Phone: **03000 616161 (choose option 1)**

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

Website: **www.cqc.org.uk**

If you would like this booklet in a different language or format (for example in large print or easy-read or on audio CD) please visit our website www.cqc.org.uk or contact us using the details above.



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