

## 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.

**This leaflet has been prepared by  
the Welsh Assembly Government (March 2009)**

## MENTAL HEALTH ACT 1983

### SECTION 48 (and SECTION 49): TRANSFER TO HOSPITAL OF AN UNSENTENCED PRISONER FROM A REMAND PRISON OR REMAND CENTRE WITH OR WITHOUT RESTRICTIONS

You have been admitted to:
Your Responsible Clinician is:
Date your detention under section 48/49 began:

## Why am I in hospital?

You have been transferred to hospital because the Secretary of State for Justice is satisfied on the advice of two doctors that you have a mental disorder for which you are in urgent need of treatment and you need to be in hospital. The Secretary of State for Justice has signed a transfer direction under section 48 of the Mental Health Act 1983 to transfer you to hospital.

You may have also been made subject to a restriction direction.

## What is a restriction direction?

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

If you have been transferred here:

### from prison or remand centre:

- you will be kept in hospital until your responsible clinician says that you no longer need treatment or until your case has been
- decided by the court.

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

Welsh Government

Rhydycar Business Park

Merthyr Tydfil

CF48 1UZ

Email

[hiw@gov.wales](mailto:hiw@gov.wales)

Telephone

0300 062 8163

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.

## 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:

Cardiff and Vale University Local Health Board, Hafan Y Coed,  
University Hospital Llandough, Penlan Road, Penarth,  
CF64 2XX

## after being remanded by a Magistrate's Court

- the transfer order will end when your period of remand ends unless you are sent to the Crown Court for trial.
- The Magistrate's Court can order the transfer direction to end if your responsible clinician says that you no longer need medical treatment for a mental disorder in hospital. You would then return to prison or remand centre.

## as a civil prisoner or under the Immigration Act 1971

- detention will end on the date when your sentence or period of detention would end unless your responsible clinician says you need to stay in hospital for more treatment. If so, you will be given another leaflet telling what will happen.

## What will happen if I go back to Court?

If you have not yet stood trial you may have to go back to Court. The Court will look at your case and may make a hospital or guardianship order under section 37 of the Mental Health Act 1983 or it may give you a custodial sentence.

## 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 cannot appeal against the Secretary of State for Justice's decision to transfer you to hospital from prison or remand centre or remand by a Magistrate's Court but 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 could be sent back to prison 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 a solicitor to help you with the Tribunal. The hospital has a copy of the Law Society list of specialist solicitors, 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

### **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.