

Review Service for Mental Health and its Work

Healthcare Inspectorate Wales
Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ

Phone: 0300 062 8163
Email: RSMH@gov.wales
Website: www.hiw.org.uk

An Introduction to the Review Service for Mental Health (RSMH)

What is the Review Service for Mental Health for?

- the role of the Review Service for Mental Health, based within Healthcare Inspectorate Wales, is to keep the use of the Mental Health Act 1983 under review and check that the Act is being used properly
- the Review Service for Mental Health is independent of all staff and managers of hospitals and mental health teams
- Mental Health Act Reviewers include doctors, nurses, social workers, lawyers, psychologists, service users and other people with knowledge of the Act and mental health services
- reviewers visit all places where patients are detained under the Mental Health Act, and meet with them in private
- in certain circumstances, the Review Service also arranges for an independent doctor to provide a second opinion if you are not able or willing to consent to your treatment
- the Review Service may investigate certain types of complaints relating to the proper administration and application of the Mental Health Act
- the Review Service publishes a report of its activities and findings every year.

How do the Reviewers do it?

Reviewers visit all wards where patients are detained under the Mental Health Act 1983 and may also visit other settings to meet with patients subject to guardianship or Community Treatment Order (CTO) to check:

- that such patients are lawfully detained and well cared for
- that such patients are informed about their rights under the Act
- that such patients are given respect for their qualities, abilities and diverse backgrounds as individuals, and that account is taken of their needs in relation to age, gender, sexual orientation, social, ethnic, cultural and religious backgrounds
- that the Mental Health Act Code of Practice for Wales is being followed (ask the ward staff to let you see a copy of the Code)
- that the right plans are made for patients before they are discharged from hospital.

During visits, Reviewers meet and talk to detained patients in private.

Reviewers also meet with managers and other staff to talk about things that affect patients' care and treatment, and to raise issues on behalf of patients.

What the Review Service for Mental Health cannot do

The Review Service:

- cannot discharge you from your section under the Mental Health Act 1983
- cannot discharge you from hospital
- cannot arrange for you to have leave
- cannot transfer you to another hospital
- cannot offer individual medical advice
- cannot offer individual legal advice
- cannot help informal patients.

This is because the law is very clear about what we can and cannot do, not because we don't want to help you. Reviewers can advise you where else you might get this help from.

Information about Consenting to Treatment

The consent to treatment rules for medication

These rules only apply to medication for your mental disorder. They do not allow your clinician to force you to have treatment for physical illnesses. However:

- Certain treatments need your consent or the agreement of an independent doctor who provides a second opinion
- The consent to treatment rules for medication in the Mental Health Act 1983 apply after the first three months
- The rules also apply to the administration of electro-convulsive therapy (ECT).

The first three months of medication

When you are detained (sectioned) the three-month period starts from the date when medication for your condition is first given. During this time your clinician should:

- Explain what the medication is for
- Explain what the side-effects (if any) are likely to be
- Ask your consent before prescribing the medication.

If you do not consent, or are too ill to give your consent, and your clinician decides that it is necessary for you to receive the medication, you must take it for up to three months.

After the first three months of medication WITH your consent

- After the first three months of medication, your clinician must get your consent to continue taking the medication
- If you give your consent, your clinician will fill in a form (Form CO2) on which she/he describes the medication. The clinician also certifies that the medication has been explained to you and that you have agreed to take it
- Form CO2 and your consent should be regularly reviewed by your clinician
- Reviewers will also check Form CO2 when they visit your hospital.

If I agree to take the medication can I later change my mind?

- Yes – you can change your mind and withdraw your consent at any time, but it is always best to talk to your clinician before you do so
- If, after talking to them, you still want to stop taking the medication after the three month period has passed, and your clinician does not agree, she/he must inform the Review Service for Mental Health who will then arrange for a Second Opinion Appointed Doctor (SOAD) to visit you.

After the first three months of medication WITHOUT your consent

- If you do not consent or are too ill to give your consent after the first three months of medication, your clinician must inform the Review Service for Mental Health
- The Review Service for Mental Health will then arrange for a SOAD to visit you
- Until the SOAD has visited you and made a decision, your clinician may continue to require you to take the medication.

What does the Second Opinion Appointed Doctor (SOAD) do?

- The SOAD first checks that you are lawfully detained
- The SOAD will then discuss the medication with you, usually in private. The hospital will provide an interpreter or signer if you need one
- The SOAD speaks to the clinician in charge of your treatment and to a registered nurse who has been involved in your care and treatment
- They will also consult one other person who has been professionally involved in your care, such as a social worker, a hospital pharmacist or an occupational therapist
- The SOAD will then consider whether you need to continue taking the medication prescribed for you
- If the SOAD agrees that you should continue taking the medication she/he completes a Form CO3, which includes a description of the medication the SOAD has agreed you should take. The SOAD is an independent doctor and may not agree with some or all the medication proposed
- The Clinician in charge of your treatment will tell you about the SOAD's decision, and will show you the reasons for this decision

- The opinion given by the SOAD is their personal clinical decision. The SOAD sends a copy of the completed Form C03 to the Review Service for Mental Health, where it is checked very carefully.

You cannot appeal to the Review Service for Mental Health if you disagree with that decision.

Urgent treatment

In exceptional circumstances, when treatment is required urgently, the normal rules on consent to treatment do not apply.

The Mental Health Act 1983 allows urgent treatment to be given to a patient if it is necessary to:

- Save the patient's life
- Reduce serious suffering
- Prevent the patient's condition from getting much worse
- Prevent the patient from behaving violently or being a danger to her/himself or to others.

Things to remember:

- If you have any concerns or questions about your medication or any other form of medical treatment, you should first talk to the nursing staff and the clinician in charge of your care about them
- After the first three months of medication, your clinician must have your consent, or the agreement of a SOAD, before continuing the medication
- In an emergency, the normal rules on consent to treatment do not apply
- If you have any concerns or questions about the SOAD service, you can talk to a visiting Reviewer or contact the Review Service for Mental Health office in Merthyr Tydfil
- The Mental Health Act Code of Practice for Wales provides more guidance on the consent to treatment rules. A copy should be available on every ward – ask the ward staff about this
- If you need further help to understand your right to refuse medication or any other form of medical treatment, you should speak to:
 - Your responsible clinician or another member of your care team
 - An independent mental health advocate, a user support group or a solicitor
 - The Review Service for Mental Health.

Electro-Convulsive Therapy (ECT)

What is ECT?

ECT is short for electro-convulsive therapy.

The hospital staff will help you understand what ECT is, its purpose and its effects.

The consent to treatment rules for ECT

- As with medication, once you are detained, the administration of ECT needs your consent, or if you are too ill to give your consent, the agreement of a Second Opinion Appointed Doctor
- If you are well enough to give your consent, but refuse to, you cannot be given ECT
- If you are under 18 years of age, ECT can only be given with the agreement of a Second Opinion Appointed Doctor
- In exceptional circumstances, when ECT is required urgently, this can be given (see Urgent Treatment on page 7 of this leaflet)
- If you are under 18 or are too ill to give your consent to receive ECT, the clinician in charge must inform the Review Service for Mental Health that she/he wishes you to receive it
- The Review Service for Mental Health will then arrange for a SOAD to visit you.

If you agree to receive ECT can you later change your mind?

- Yes – you can change your mind and withdraw your consent at any time, but it is always best to talk to your clinician before you do so.

What does the SOAD do?

- This is the same process as for medication (see What does the SOAD do? under Medication on page 6 of this leaflet).

Community Treatment Order (CTO)

If you are in the community on a Community Treatment Order (CTO) a SOAD will be asked to provide a certificate for any treatment for mental disorder (specifically medication or electro-convulsive therapy). This certificate will usually be provided within the first month of the CTO being in place.

The SOAD will follow a similar process as for medication (see page 6). After the visit the SOAD will, if appropriate, complete Form CO7.

You cannot appeal to the Review Service for Mental Health if you disagree with the SOAD's decision.

Information on the Complaints Procedure

What to do if you wish to make a complaint

- If you are, or were, subject to the Mental Health Act and you have a complaint about something that has happened, you must first ask the people who run the Hospital or responsible local authority to investigate the complaint for you. This is called “local resolution”
- You should write or speak to the Complaints Officer at the hospital or responsible local authority or ask somebody to do this on your behalf. If you find it difficult to make your complaint, an advocacy service will be able to help you through the process. Your local Community Health Council may also be able to assist you if you are complaining about the NHS
- If your complaint is about something very serious (for example, if you have been assaulted) you should raise this with staff as soon as possible so that this can be appropriately investigated
- The organisation will investigate your complaint and send you a letter or report setting out their findings and any action which they propose to take to remedy the situation.

What to do if you are still not satisfied after local resolution

If your complaint is about the service provided by the NHS and it is not resolved through Local Resolution, you can ask for an Independent Review. You should write to the Independent Review Secretariat within 28 days of the final letter you receive about your complaint.

South Wales Office
PO Box 21
Cardiff CF10 2ZR
Tel: 029 2040 2262
Fax: 029 2040 2398

Mid Wales Office
PO Box 2
Brecon LD3 0XR
Tel: 01874 712748
Fax: 01874 712756

North Wales Office
PO Box 125
Mold CH7 1WH
Tel: 01352 700227
Fax: 01352 754649

If you are still not happy you can contact the Public Services Ombudsman for Wales at:

1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ
Tel: 01656 641150

If your complaint is about the service provided by an Independent (private) Health Service that was funded by the NHS and it is not resolved through Local Resolution, you can contact your funding organisation who will apply the NHS complaints system described above.

If your complaint is about Social Services and it is not resolved through Local Resolution processes you can contact the Public Services Ombudsman for Wales at:

1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ
Tel: 01656 641150

Review Service for Mental Health and complaints

The Review Service may be able to help:

- if your complaint is about the way somebody used their powers or carried out their duties under the Mental Health Act in respect of a person subject to the Act.

In most cases the Review Service would expect complaints to be taken through the processes outlined above. The Review Service would however take note of concerns raised and use the information as part of its work in monitoring services. For example if a number of similar concerns are received this might trigger a visit to a service by the Review Service or colleagues in Healthcare Inspectorate Wales who are responsible for regulating independent hospitals.

The Review Service CANNOT help:

- If your complaint is not of the kind mentioned above
- If your complaint is, or is likely to be, the subject of legal proceedings
- If your complaint is simply that you disagree with your doctor's clinical decisions
- If your complaint is simply that you are being detained or treated against your will.

The Review Service has no power to discharge you. You should instead ask for your case to be considered by the Mental Health Review Tribunal.

You may also ask the hospital managers to discharge you. A nurse will help you do either or both of these; an advocacy or advice service can also help you.

Other organisations that could consider your complaint

There are a number of other organisations that may be able to assist or consider complaints. Each has its own powers, along with policies and procedures on what it will consider.

Social services and registered care homes

Care Inspectorate Wales
Welsh Government office
Sarn Mynach
Llandudno Junction
LL31 9RZ
Tel: 0300 7900 126
Fax: 0872 437 7301
Email: CIW@gov.wales

Services provided to people under 18 years of age

Contact details for children and young people

Children's Commissioner for Wales
Oystermouth House
Charter Court
Phoenix Way
Llansamlet
SA7 9FS
Tel: 01792 765600
Email: post@childcomwales.org.uk

Services provided to older people

Older People's Commissioner for Wales
Cambrian Buildings
Mount Stuart Square
Butetown
Cardiff CF10 5FL
Tel: 03442 640 670
Fax: 03442 640 680

How can I contact a Reviewer?

- You can ask the hospital staff to make an appointment for you to meet a Reviewer when they next visit the hospital
- You can ask to see the Reviewer when they visit the ward.

If the Reviewers have not planned a visit to your ward in the near future

- You can write to the Review Service for Mental Health office in Merthyr Tydfil (the address is shown on the back page of this leaflet). Letters to the Review Service are confidential and may not be stopped or opened by the hospital staff
- You can speak to someone in the office between 09.00 hrs and 17.00 hrs from Monday to Friday on 0300 062 8327
- When the office is closed there is a telephone answering service, from 17.00 hrs to 09.00 hrs on weekdays and all day on Saturdays, Sundays and Bank Holidays
- If you use the telephone answering service, please leave your name, ward/home address or telephone number so that someone can contact you on the next working day
- If you do not like using the answering machine, please call back during normal working hours, or ask a relative or friend to call on your behalf
- You can email the Review Service for Mental Health office on RSMH@gov.wales

Privacy Policy: General Data Protection Regulation (GDPR)

Under GDPR, we have a legal duty to protect any personal information we collect from you. We use leading technologies and encryption software to safeguard your data, and keep strict security standards to prevent any unauthorised access to it.

We do not pass on your details to any third party or other government department.

Your rights

Under GDPR, you have rights as an individual which you can exercise in relation to the information we hold about you. These are:

- a right of access to a copy of the information comprised in their personal data;
- a right to object to processing that is likely to cause or is causing damage or distress;
- a right to prevent processing for direct marketing;
- a right to object to decisions being taken by automated means;
- a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to claim compensation for damages caused by a breach of the Act.

Please refer to our website for further information on HIW's Privacy Policy hiw.org.uk/privacy-policy

If you have any queries about The Review Service for Mental Health and its work, or wish to pursue any of the rights outlined above please contact us at:

Healthcare Inspectorate Wales

Rhydycar Business Park

Merthyr Tydfil

CF48 1UZ

Tel: 0300 062 8163

Full details of how we comply with the Act are available on our website at hiw.org.uk, or by contacting us.