

# **The Mental Health Act**

**Know your Rights About  
Conditional  
and  
Absolute  
Discharge**



**People Who Might be Involved**

**Easy Read**



This is a leaflet about part of the Mental Health Act called conditional and absolute discharge.

There are 4 leaflets in this series which cover:

1. Know Your Rights About Conditional and Absolute Discharge.
2. People Who Might be Involved.
3. Meetings and Reports.
4. What Rights do I Have?

**This is leaflet number 2.**



It is a leaflet about the people who might be involved in your conditional or absolute discharge.



You may like to have someone to support you when you look at this leaflet.

## Some New Words



**Conditional discharge** means you no longer need to stay in hospital but there are conditions that you are expected to follow.



**Absolute discharge** means you do not have any conditions that you are expected to follow.

Any contact you have with the mental health team is voluntary and you cannot be recalled to hospital. If there are concerns about your mental health after absolute discharge, you would need to have a new assessment under the Mental Health Act.



### **The Secretary of State for Justice**

or **Ministry of Justice** They make decisions about conditional discharge. They can also make decisions about absolute discharge like if any of your conditions can be changed and if you should go back to hospital.

Tribunal



**A Mental Health Tribunal** is a meeting to decide if conditions should be changed and if you should be absolutely discharged.



**Responsible Clinician** This is usually a doctor, nurse, psychologist, social worker or occupational therapist.



**Social Supervisor** This is usually a social worker. Their job is to protect the public and support you to go back into the community from hospital, especially if you have been in hospital for a long time.



**Independent Mental Health Advocate** They help people understand their rights under the Mental Health Act.

# Who are the people who might be involved in your absolute or conditional discharge?

## The Professionals

### Clinical Supervisor



**Clinical supervisor  
or  
Responsible Clinician**

This is usually also your responsible clinician. This is usually a doctor, nurse, psychologist or occupational therapist. They are responsible for your mental health treatment. They may ask other health professionals to visit you.

They send reports to the Ministry of Justice keeping them informed of any changes.

### Social Supervisor



**Social supervisor**

This is usually a social worker.

Their job is to protect the public and support you to go back into the community from hospital, especially if you have been in hospital for a long time.

### Care Coordinator



**Care Coordinator**

This will be a mental health or learning disability nurse who supports your treatment in the community.

They also arrange Care Programme Approach (CPA) and Multi-Disciplinary Team (MDT) meetings.

These are meetings to discuss your care, treatment and discharge plans with you.

## The Secretary of State for Justice or Ministry of Justice



They decide things like if any of your conditions can be changed and if you should go back to hospital.

The decisions will be made by people working in the Ministry of Justice called case managers.

### Case Manager



### Case Manager

They work for the Ministry of Justice.

They make decisions about things like whether any of your conditions can be changed and whether you should be recalled back to hospital.

You can also apply to them for absolute discharge.



Case managers also look at the reports from your responsible clinician and social supervisor to see how well you are doing and if there is a risk to other people.

# Professionals who can help you to know your rights

## Independent Mental Health Advocate (IMHA)



**Advocate**

They are trained in the Mental Health Act. They are independent and do not work for social services, the NHS, the Ministry of Justice or Probation. They can help you to:

- understand the conditions you must follow;
- raise any worries you may have;
- support you with any important meetings you may have;
- make complaints;
- get a solicitor.

They will not:



- set the conditions of you leaving hospital;
- decide if you have broken rules;
- tell you what to do;
- give advice about things like whether you should take medication or apply for a Tribunal.



## Solicitor



**Solicitor**

You can get a Solicitor free of charge to help you apply to change your conditions or apply for absolute discharge.

You can get free legal advice from a solicitor if you are not sure whether to apply for a Tribunal.

You can look for a solicitor trained in the Mental Health Act on the Law Society website:



<https://www.lawsociety.org.uk/career-advice/individual--accreditations/mental-health-accreditation>



You can call the Law Society on 020 7320 5650 (Monday to Friday from 9:00 am to 5:00 pm, charged at local call rates).

You might have other advocates or people who help you with your conditional discharge:



- Independent Mental Capacity Advocate (IMCA).



- Deprivation of Liberty Safeguards (DoLS) Relevant Persons Representative.



- Health Commissioner.

## Other People Who Can Help



**Friends**

### Friends and Family

They do not have any rights in relation to the Mental Health Act and conditional discharge, but you may wish to have them support you to leave hospital.



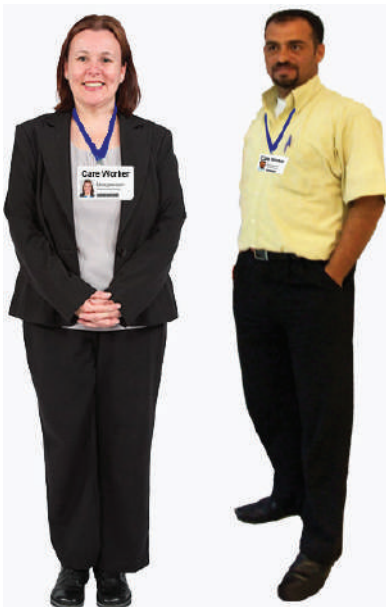
**Family**

They can attend meetings and Tribunals to support you if you wish.



Your responsible clinician and social supervisor may wish to speak with them to find out more about how you are managing after leaving hospital.

You would need to say it is OK to do this.



### Care and support staff

If you need more support with daily tasks, you can talk to your social supervisor about this.

Your responsible clinician and social supervisor may speak with your care and support staff to see how you are managing following your discharge.

**Care and Support Worker**



## Acknowledgements

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\*This document was published in December 2022, please be aware that there may have been legislative changes since publication.