



Independent



Free



Confidential

Nearest Relative Rights

SELF HELP TOOLKIT

Supporting you to be listened to



Introduction

This booklet is here to help you know what it means when someone is on a section under the Mental Health Act.

It will tell you about the rights a person has, how the treatment works, and who is involved.

QUESTIONS YOU MAY HAVE:

What is a CPA?

Who is a responsible clinician?

How long is a section in place for?

Do I have rights as a nearest relative?

What are the different sections?



In this booklet you will find:



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Being in hospital

ON ARRIVAL TO THE WARD A PERSON SHOULD BE:

1) Given information about their admission:

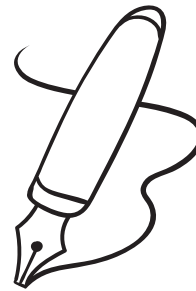
- When a person arrives on the ward, they should get information that is easy to understand.

2) Given information about how to speak with an Independent Mental Health Advocate (IMHA):

- An IMHA is specially trained in the Mental Health Act and can support a person free of charge if they are under certain sections.

3) Given a copy of their section papers:

- A person should have a copy of their section papers and the reason for their hospital admission.



**Use this space
for your own
notes/questions**

 Department
of Health

Mental Health Act 1983:
Code of Practice



Rights whilst in hospital

A PERSON IN HOSPITAL UNDER A SECTION OF THE MENTAL HEALTH ACT HAS THE RIGHT TO:

APPEAL

their section with a Tribunal or a hospital managers' hearing

COMPLAIN ABOUT THEIR CARE OR TREATMENT

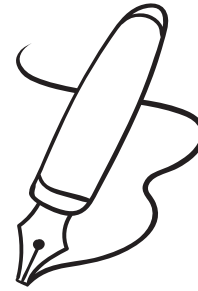
if they are not happy with anything. An IMHA can help with this.

LETTERS AND VISITS

from family or friends.

VOTE

They have the right to vote in general and local elections if they wish to do so.



Use this space
for your own
notes/questions

Treatment whilst in hospital



In most cases a person needs to agree before receiving treatment.

SAYING YES TO TREATMENT:



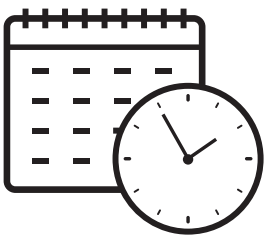
- A person should be told about their treatment.
- A person should be given a clear explanation as to what it is, the reasons for it and be happy with it.
- A person should be told what can happen if they aren't given the treatment.

SAYING NO TO TREATMENT:



- The doctor can still give treatment without a person's consent within the first 3 months of their hospital admission.
- The doctor should carefully consider whether to continue with the treatment, offer an alternative or stop the treatment. This can be discussed in Care Programme Approach (CPA) meetings with the support of an Independent Mental Health Advocate (IMHA).

AFTER 3 MONTHS:



- The doctor must get an opinion from another doctor called a Second Opinion Appointed Doctor (SOAD).
- Only when the two doctors agree with the treatment being given to a person, can it continue without the person agreeing.

Informal/voluntary admission

IF A PERSON IS IN HOSPITAL AS AN INFORMAL PATIENT, THIS MEANS THEY ARE AGREEING TO STAY IN HOSPITAL FOR TREATMENT FOR THEIR MENTAL HEALTH.

Being an informal patient means a person cannot appeal against this, as they are voluntarily staying in hospital.

A person can be discharged at any time by their doctor.

A PERSON'S RIGHTS WHEN IN HOSPITAL INFORMALLY:

GET INFORMATION

When a person arrives on the ward, they should be given information they can read and understand.

AGREEING TO TREATMENT

A person has the right to refuse treatment.

THE RIGHT TO LEAVE

A person has the right to leave but is still expected to follow their treatment plan. If the hospital staff feel the person's mental health is getting worse, they may detain them under the Mental Health Act.

LETTERS AND VISITORS

A person has the right to see their letters and have visits from family or friends.

ACCESS TO A PHONE OR INTERNET

A person can use their mobile or the hospital computer.

Informal/voluntary admission

LEAVING THE HOSPITAL

- A person can leave hospital at any time. They should talk to the staff on the ward before they leave so they know what their plans are.
- If a person decides that they want to be discharged, then it might be a good idea to talk to their care team about their decision beforehand, this will make sure the correct support is in place.

There could be times where the doctor may have to complete an assessment to section a person. The person's nearest relative will be contacted for their views about this.

THE ASSESSMENT WOULD TAKE PLACE ON THE WARD TO DECIDE IF:

- A person needs to be assessed and treated for their mental health in hospital.
- A person's health would be at risk of getting worse if they do not get treatment.
- Their safety or someone else's safety would be at risk if they do not get treatment.

Sometimes a doctor will use section 5(2) – emergency section that can be used for up to 72 hours.

Sometimes a nurse will use a section 5(4) – emergency section that can be used for up to six hours.

Who is the nearest relative?

LEGALLY, A NEAREST RELATIVE WILL FOLLOW THIS ORDER:

(Nearest relative will be the eldest person who comes highest on the list)

- Husband, Wife or Civil Partner
- Son or Daughter
- Father or Mother
- Brother or Sister
- Grandparent or Grandchild
- Uncle or Aunt
- Nephew or Niece

If the person's mother and father were not married when the person was born, the father (and his relatives) will only be included in the list above if the father gained parental responsibility under the Children Act 1989.

If the person is under 18, their nearest relative is as above, but it should be noted that:

- for children on care orders, the Local Authority is the nearest relative.
- those appointed as legal guardians will be the person's nearest relative.

NEAREST RELATIVES CANNOT:

- Be under the age of 18.
- Be told everything about the person, this will depend on whether the person is happy for information to be shared with their nearest relative.

Who is the nearest relative?

NEAREST RELATIVES CAN:

- **Ask for a Mental Health Act assessment:** If a person is in a situation where their mental health is a concern, a nearest relative can request an assessment by a doctor to see if a hospital admission is necessary under the Mental Health Act.
- **Apply to hospital managers for admission:** A nearest relative can ask the hospital managers to have a person admitted to hospital under the Mental Health Act.
- **Talk to the Approved Mental Health Professional (AMHP):** The AMHP is a specially trained social worker. The AMHP must speak with a nearest relative during the assessment and treatment process (if the person has agreed for information to be shared with them).
- **Ask for discharge:** a nearest relative has the right to request a person be discharged from certain sections of the Mental Health Act, if they think this is appropriate. Sometimes, however, a doctor can stop the discharge. A doctor has 72 hours to decide if they will discharge a person. If a doctor does not agree with the nearest relative's request for discharge, then a Tribunal will be held for a nearest relative within 28 days.
- **Be informed about the person's discharge:** when a person is going to be discharged from hospital, nearest relatives should be informed in advance.
- **Be informed about the renewal of detention, extension of Community Treatment Orders (CTO), and transfers:** A nearest relative has the right to be informed about the renewal of a section, extension of a CTO, and if a person is being transferred from one hospital to another.

Who is the nearest relative?

- **Contact the Independent Mental Health Advocacy service (IMHA service):** A nearest relative can contact the IMHA service for information and guidance. The nearest relative can request that an IMHA visit the person detained and explain the service to them.

Other friends and family can also be involved in a person's care, decisions whilst in hospital and discharge plans. However, this must be agreed, and the person must agree to them being involved.

NEAREST RELATIVE AND THEIR RIGHTS

"Nearest relative" is a legal term in the Mental Health Act. If a person is on certain sections of the Mental Health Act, a nearest relative has some legal rights. This is different from the next of kin, who does not have any rights under the Mental Health Act.

A nearest relative can ask for a Mental Health Act assessment to see if a person needs to stay in hospital longer. They also have the power to apply for a person's section to be removed if they feel it is no longer needed.

A nearest relative's rights differ for the different sections. In the case of some sections, the nearest relative has no rights.

It is important to know that a nearest relative does not automatically get all the details about a person's situation, like what treatment they are receiving. Health professionals are not allowed to share information with a nearest relative, next of kin, or caregiver unless the person gives consent.

**NEAREST RELATIVE'S TEMPLATE LETTER TO ASK FOR DISCHARGE
UNDER SECTION 23 OF THE MENTAL HEALTH ACT**

My name is:

My address is:

To the best of my knowledge and belief, I am the nearest relative (within the meaning of the Mental Health Act 1983) of

I give you notice of my intention to discharge the person named above from their Section on date

at the time of

Signed

Name

Date

What is a Section 2?

If a person is in hospital under Section 2 of the Mental Health Act, a doctor thinks that a person needs to be in hospital for an **assessment**.

HOW LONG WILL IT LAST?

- A person can remain in hospital for **up to** 28 days.
- A doctor may decide that a person needs to be in hospital for longer than 28 days. If they do, the person will have another assessment and may be placed on a section.
- A doctor can discharge a person at any time.

How can a person appeal their section?

A person can only appeal a Section 2 within the first 14 days by Tribunal. The Tribunal meeting should take place within seven days of completing the request being made.

The person's nearest relative can also apply for discharge.

TO DO THIS, A PERSON CAN:

- Fill out the form themselves.
- Ask the Mental Health Act administrator in hospital.
- Call a solicitor **–free of charge**.
- Speak to an IMHA for help **–free of charge**.

What is a Section 3?

If a person is in hospital under Section 3 of the Mental Health Act, a doctor thinks that a person needs to be in hospital for **treatment**.

A person cannot be placed on a section 3 if their nearest relative disagrees. If the Approved Mental Health Professional (AMHP) disagrees with the nearest relative, they can make an application to change the nearest relative (this is called displacement).

HOW LONG WILL IT LAST?

- A person can remain in hospital for **up to** six months.
- If a doctor thinks a person needs to stay in hospital for longer than six months, they can renew it by a further six months, then yearly.
- A person can be discharged at any time by a doctor.

How can a person appeal their section?

A person can apply for **one** Tribunal in their detention period (six months or yearly) or more than one hospital managers' hearing throughout their detention.

The person's nearest relative can also apply for discharge.

TO DO THIS, A PERSON CAN:

- Fill out the form themselves.
- Ask the Mental Health Act Administrator in hospital.
- Call a solicitor - **free of charge**.
- Speak to an IMHA for help - **free of charge**.

What is a section 37 or 37/41?

A section 37 is an order made by the Crown or Magistrates' Court to send a person to hospital instead of prison. The court might do this if it thinks a hospital is a better place to manage the person's situation.

If the court thinks the person is a high risk to the public, it may add restrictions to the hospital order. This is known as a section 37/41. Only the Crown Court can add restrictions.

HOW LONG WILL IT LAST?

- A section 37 initially lasts for six months.
- If a doctor thinks a person needs to stay in hospital for longer than six months, they can renew it by a further six months, then yearly.
- A person can be discharged at any time by a doctor.
- A section 37/41 will last until the person is discharged by the Tribunal or by their responsible clinician. The responsible clinician needs to get permission from the Ministry of Justice to discharge.

How can a person appeal their section?

Section 37:

A person can appeal a section 37 to the Court within 21 days, if the Magistrates' Court made the hospital order, or to the Court of Appeal with 28 days if the Crown Court made the order. They should speak to their solicitor for legal advice around this.

A person on a section 37 can apply to the Tribunal when they are in the second six months and then yearly. They cannot appeal to the Tribunal in the first six months. The hearing should take place within two months of appealing.

What is a section 37 or 37/41?

A person can ask the hospital managers to discharge them. This can be done at any time, including in the first six months.

The person's nearest relative can also apply to the Tribunal for the person on a section 37 to be discharged.

Section 37/41:

A person can appeal a section 37/41 to the Court of Appeal if they do not think they should have been given a hospital order. This must be done within 28 days of the court making the order. They should speak to their solicitor for legal advice around this.

A person on a section 37/41 can apply to the Tribunal when they are in the second six months and then yearly. They cannot appeal to the Tribunal in the first six months. The hearing should take place within four months of appealing.

A person can ask the hospital managers to discharge them when they are in hospital. This can be done at any time, including in the first six months. The Secretary of State for Justice must agree if the panel decide the person should be discharged.

THERE ARE NO RIGHTS FOR THE NEAREST RELATIVE FOR APPEALS FOR SOMEONE ON A SECTION 37/41.

If you are concerned that someone under a S37/41 does not understand their right to a Tribunal, you can contact a solicitor who may be able to help. You can find solicitors who specialise in this field on the Law Society website.

www.solicitors.lawsociety.org.uk

To appeal, a person can:

- Fill out the form themselves.
- Ask the Mental Health Act Administrator in hospital.
- Call a solicitor – **free of charge**.
- Speak to an IMHA for help – **free of charge**.

What is a community treatment order (CTO)?

If a person is detained in hospital under certain sections (section 3 or a section 37 for example) and are well enough to live in the community, they may be placed on a community treatment order (CTO). This is where conditions can be put in place by the responsible clinician to try and keep the person well. Conditions for each person will look different. If a person becomes unwell again whilst in the community, they may be recalled to hospital.

HOW LONG WILL IT LAST?

- A person can be on a CTO for up to six months.
- If a doctor thinks a person needs to stay on a CTO for longer than six months, they can renew it by a further six months, then yearly.
- A person can be discharged at any time by a doctor.
- An Approved Mental Health Professional (AMHP) must agree that the CTO needs to continue.

How can a person appeal their CTO?

A person can apply for **one** Tribunal in their detention period (six months or yearly) or more than one hospital managers' hearing throughout their detention. The person's nearest relative can write to the hospital managers to discharge a person from a CTO (but only if they were detained under a section 3 to begin with). The responsible clinician can stop this from happening if they do not think it is safe.

TO DO THIS, A PERSON CAN:

- Fill out the form themselves.
- Ask the Mental Health Act Administrator in hospital.
- Call a solicitor – **free of charge**.
- Speak to an IMHA for help – **free of charge**.

What is a guardianship?

A guardianship is to help people live outside of hospital. The guardian (sometimes this is a Local Authority) can decide certain things, like where a person should live. A guardianship cannot restrict a person's liberty, such as when they come and go from the place they are living.

A person cannot be placed on a guardianship if their nearest relative disagrees. If the Approved Mental Health Professional (AMHP) disagrees with the nearest relative, they can make an application to change the nearest relative (this is called displacement).

HOW LONG WILL IT LAST?

- A person can be on a guardianship for **up to** six months.
- If a doctor thinks a person needs to stay on a guardianship for longer than six months, they can renew it by a further six months, then yearly.
- A person can be discharged at any time by a doctor.

How can a person appeal their CTO?

A person can apply for **one** Tribunal in their detention period (six months or yearly) or more than one hospital managers' hearing throughout their detention. The person's nearest relative can also apply for discharge.

TO DO THIS, A PERSON CAN:

- Fill out the form themselves.
- Call a solicitor – **free of charge**.
- Speak to an IMHA for help – **free of charge**.

Independent Mental Health Advocacy Service (IMHA Service)

A person can get free support from an Independent Mental Health Advocate (IMHA) when they are under certain sections of the Mental Health Act. These are:

- Section 2.
- Section 3.
- Section 37 or 37/41.
- Section 47 or 47/49.
- Conditionally discharged.
- Community Treatment Order (CTO).
- Guardianships.
- Informal patients being considered for electroconvulsive therapy (ECT) or, under 18s being considered for ECT.

A referral can be made by anyone on behalf of a person; however this needs to be with consent from the person.

An IMHA will visit and talk to a person if a nearest relative asks them to.

AN IMHA CAN:

- help a person to understand what their rights are whilst under the Mental Health Act.
- talk to staff on their behalf if the person consents to this.
- help healthcare professionals to understand any concerns that a person has.

A person can get help from an IMHA and solicitor at the same time.

A person does not have to have support from an IMHA if they do not want it.

Appealing a section

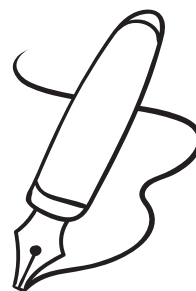
TRIBUNAL

A Tribunal is an independent group of people that can discharge a person from their section. The Tribunal must decide if they meet certain criteria for being in hospital on a section. **A person only gets one Tribunal per section period.**

TRIBUNALS CAN

- Make suggestions to the doctor about a person's treatment, their stay in hospital, plus leave and discharge plans.
- The hospital does not need to follow their suggestions.

If a person does not apply for a Tribunal during the first six months of being on a section, an automatic Tribunal will be arranged. A person does not need to attend unless they want to, or they can ask a family member/friend to attend on their behalf.



**Use this space
for your own
notes/questions**

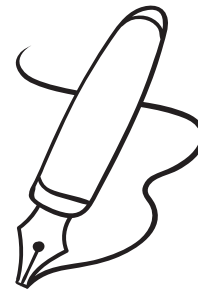


**To help you to prepare for meetings,
use the handy self-help tool on page
26. Find a Tribunal Form on page 27.**

Tribunal

WHAT TO EXPECT AT A TRIBUNAL:

- The Tribunal is normally held in a private meeting room.
- The doctor, nurse and care coordinator will complete a report that a person can read before the meeting. (Consent must be gathered from the person if the nearest relative wants a copy).
- The care team need to explain why a person should stay on a section.
- The person will meet with a solicitor and IMHA (if they want one) prior to the meeting.
- A person does not have to prove their case at a Tribunal meeting.
- During the Tribunal, three **independent** people (panel members) will ask the care team questions about the person's admission.
- A solicitor can also ask the professionals questions.
- A person will also have the chance to explain their views and wishes to the professionals, which can be done through a solicitor or on their own.
- The three independent people (panel members) will then come to a decision if the section needs to stay in place.



**Use this space
for your own
notes/questions**

If a person does not apply for a Tribunal during the first six months of being on a section, an automatic Tribunal will be arranged. A person does not need to attend unless they want to, or they can ask a family member/friend to attend on their behalf.

Hospital Managers' Hearing

A hospital managers' hearing is a panel of three people that can discharge a person from their section.

The hospital may refuse this request if a person has had a hospital manager hearing recently. Hospital managers' hearings are similar to a Tribunal.

HOSPITAL MANAGERS' HEARINGS CAN:

- Review the person's detention but they cannot renew it.
- Discharge a person from their section.

If the doctor is applying to renew the person's section, or extend their CTO, a hospital managers' hearing must be arranged. A person does not need to attend unless they want to.

WHAT TO EXPECT AT A HOSPITAL MANAGERS' HEARING:

- The hospital managers' hearing is normally held in a private meeting room.
- The doctor, nurse and the care coordinator will complete a report that a person can read before the meeting. (Consent must be gathered from the person if the nearest relative wants a copy).
- The care team need to explain why a person should stay on a section.
- The person does not have to prove their case at a hospital managers' hearing.
- A person will have the chance to put forward their views and wishes to the three independent people.
- At the end of the hearing, the hospital managers will decide if the section should stay in place.
- There are times where solicitors attend hospital managers' hearings, but this is their choice. If you want the help of a solicitor - you may need to pay if you are not eligible for legal aid.
- An IMHA can support you in a hospital managers' hearing to tell the panel what you want to happen. This is a free service.

Ward Rounds or Patient Meetings

All hospitals will have some kind of meeting, usually weekly, where the person can talk about their treatment and stay in hospital. Family and friends can usually attend these meetings if the person wants them to.

The person may wish to talk about:

- Medication, its side effects, how they feel about it and changing it.
- Having visitors.
- Money.
- Any complaints they might have.
- Asking to look at their records.
- Being discharged.

PEOPLE WHO USUALLY ATTEND A WARD ROUND AND PATIENT MEETINGS:

- Doctor.
- Care coordinator/ social worker.
- Family/ friends (if a person is happy for them to attend).
- IMHA if the person has one and wants them to attend.

Each hospital's meetings are different, so it might be a good idea to ask what day and how often the meetings happen, especially if the person wants help in them.



Care Programme Approach (CPA)



To help you to prepare for meetings, use the handy self-help tool: 'Preparing for meetings' on page 26.

A Care Programme Approach (CPA) is a meeting which will take place to discuss a person's care, treatment, and discharge plans. Sometimes these discussions are held at the same time as ward rounds. You can ask the ward staff, doctor or care coordinator to invite you to meetings where this planning is taking place.

THE CPA WILL:

- Assess the person's needs.
- Make a plan with a person about treatment needed (both physical and mental health), risks and crisis plans.
- Put a plan into action.
- Review the plan.

PEOPLE WHO USUALLY ATTEND A CPA MEETING:

- Doctor.
- Care coordinator/ social worker.
- Family/ friends (if a person is happy for them to attend).
- IMHA if the person has one, and wants them to attend.

An IMHA will support a person before a meeting to make sure they are fully prepared.

THINGS COMMONLY ASKED ABOUT IN CPAS:

- Going out on their own (unescorted leave).
- Going out with care staff (escorted leave).
- Medication, its side effects, how they feel about it, and changing it.
- Having visitors.
- Their discharge plan after their section has finished or asking for discharge from their section.
- Their money.
- Complaints about their care.

This meeting is focused on the person, and it is important for the person's views and wishes to be heard.

Section 17 Leave

When a person is in hospital, they can ask for leave from the hospital. A doctor is the only person who can give leave and **MUST** sign a form before a person can have section 17 leave. They can take leave away, but they must tell a person why. A person might only get short periods of leave at the start of their time in hospital, but this can become longer if things go well.

THIS CAN BE:

- On the hospital grounds
- With family or staff
- On their own
- Off the hospital grounds
- Overnight leave
- Home leave

HOW TO APPEAL A SECTION?

To appeal your Section, you can have a meeting called a **Tribunal** or a **Hospital Managers' Hearing**.

REMEMBER YOUR RIGHTS

- You have the right to **1 Tribunal** per detention.
- You have the right to **more than 1 Hospital Managers' Hearing**.
- You are entitled to a Solicitor free of charge.



To help you find a Solicitor, there is a list on page 41.



Preparing for meetings

WHAT IS THE MEETING

Date _____

Time _____

Place _____

WHAT I WANT TO ASK OR SAY

NOTES



Application to First-tier Tribunal (Mental Health)

Mental Health Act 1983 (as amended)

The Tribunal Procedure (First-tier Tribunal) (HESC) Rules 2008

An application must be completed according to the Procedure Rules.

The Tribunal may return an application form that is not complete.

A copy of the Procedure Rules can be found here:

www.gov.uk/government/publications/health-education-and-social-care-chamber-tribunal-rules

Do not complete this form if the patient is subject to guardianship, you must complete form T116 - Guardianship - Application to First-tier Tribunal.

www.gov.uk/government/publications/form-t110-guardianship-guardianship-application-to-first-tier-tribunal-mental-health-mental-health-act-1983-as-amended

1. What type of application are you applying for?

- Application for a Section 2 patient
- Application for a community patient (community treatment order or conditional discharge)
- Application for a non-restricted inpatient
- Application for a restricted inpatient
- Application by the patient's nearest Relative
- Other application by a non-restricted patient

2. What is the patient's full name?

3. What is the patient's date of birth?

--	--	--	--	--	--	--	--

4. Under what section is the patient detained?

5. What is the date of the original section?

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6. Where does the patient currently live?

- in hospital
- in the community

7. What is the name and address of the hospital responsible for care of the patient?

Name of hospital

Address

Postcode

8. What is the patient's full address?

Address

Postcode

9. What is the full name and address of the community supervisor or care co-ordinator?

Name

Address

Postcode

Nearest relative details – Non-restricted cases only

10. Full name of nearest relative?

11. Full address of nearest relative?

Address

Postcode

12. What is the relationship to the patient?

13. Does the patient object to the nearest relative being informed about the case?

Yes

No

Legal representative's details

14. Do you have a legal representative acting for you?

Yes – **complete questions 15 – 17**

No

I intend to appoint a legal representative

I would like a legal representative to be appointed on my behalf

I do not wish to appoint a legal representative

Legal advice and representation is available free of charge for any person applying to the Tribunal. Hospital staff should be able to help you find someone if you would like to appoint your own legal representative.

If you have ticked that you would like a legal representative appointed on your behalf, a legal representative will be chosen and appointed for you by the Tribunal. The legal representative will contact you to help you with your case after they have been appointed.

15. What is the legal representative's name?

16. What is the name and address of the legal representative's firm?

Name of legal representative's firm

Address

Postcode

17. What is the legal representative's secure email address?

Special requirements

18. Do you require an interpreter?

Yes – I need an interpreter for

language

dialect

No

19. How would you like your hearing to be conducted?

I would like my hearing by video

I would like my hearing face to face

I have no preference which type of hearing I have

Declaration

20. This application is

submitted by the

- Patient
 Nearest relative

Or

submitted on behalf of the

- Patient
 Nearest relative

who has personally authorised me to submit this application on their behalf.

Signature

Date

--	--	--	--	--	--	--	--	--	--

Print name

What to do when you have completed your application

- Check the form is complete and the information given is correct
- If you are unsure, you can contact our Customer Support team on 0300 123 2201
- Only information given on this form will be registered

Where to send your completed application

By Email

Section 2 Application to:

mhtsection2applications@justice.gov.uk

All other applications to:

mhtapplications@justice.gov.uk

By Post

You can post all applications to

send by DX to:

HM Courts & Tribunals Service,
First-tier Tribunal (Mental Health)
DX: 743090 Leicester 35

Or send by first class post to:

HM Courts & Tribunals Service
First-tier Tribunal (Mental Health)
PO Box 8793
5th Floor
Leicester
LE1 8BN

Please do not submit the form more than once.

APPLICATION FOR A HOSPITAL MANAGERS' REVIEW

Please complete this form as far as you are able. If you are unsure how to complete it, you can ask anyone at the hospital, a relative or friend, to help.

I wish to apply for a Hospital Managers' Review.

My full name is _____

The ward I am detained on is (If not on a CTO) _____

I would like you to notify and invite my nearest relative to the review hearing

Yes

No

My nearest relative's name is _____

I would like the Advocacy Service to be informed of my appeal so that they might support me during this process

Yes

No

I would like to be legally represented at the hearing.

Yes

No

My solicitor is _____

Please ask a member of staff for a list of Solicitors in the area

I would like to discuss the appointment of a Solicitor with a nurse or the mental health law administrator

Yes

No

I would like my hearing to be conducted:

Face to face

By video

I have no preference which type of hearing I have

Signed: _____ Dated: _____

**Please send your completed form to the Mental Health Law Administrator
who will process your appeal**

Application to First-tier Tribunal Guardianship

Mental Health Act 1983 (as amended)

The Tribunal Procedure (First-tier Tribunal) (HESC) Rules 2008

Office stamp
(date received)

Please complete all information requested in this part of the application form.

- An application should contain all the information requested
- If you cannot provide the information required below, please give reasons
- Parties must co-operate with the tribunal
- If your application form is incomplete, the tribunal may return it

1. What type of application are you applying for?

- Application by or on behalf of a patient subject to a guardianship order
- Application by the patient's nearest relative when guardianship order has been made by a criminal court pursuant to Section 37 Mental Health Act 1983

2. What is the patient's full name?

3. What is the patient's date of birth?

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4. Date(s) of initial guardianship order and most recent renewal date

5. What are the contact details of where the patient lives under a guardianship order?

Address

Postcode

Contact person

Phone numbers

6. Give details of the Local Social Services Authority

Name of professional contact

Address

Postcode

Phone number

Secure email address

**7. Give the name and address of the Guardian
(if not the Local Social Services Authority)**

Name

Address

Postcode

Professionals responsible for the patient's care

8. Responsible Clinician

Full name

Job title

Address

Postcode

Phone number

Secure email address

9. Care co-ordinator from Local Social Services Authority

Full name

Job title

Address

Postcode

Phone number

Secure email address

10. Other

Full name

Job title

Address

Postcode

Phone number

Secure email address

Nearest relative details – Non-restricted cases only

11. Full name of nearest relative?

12. Full address of nearest relative?

Address

Postcode

13. What is the relationship to the patient?

14. Does the patient object to the nearest relative being informed about the case?

Yes

No

Legal representative's details, if known

15. What is the legal representative's name?

16. What is the name and address of the legal representative's firm?

Name of legal representative's firm

Address

Postcode

17. Phone number

18. What is the legal representative's secure email address?

19. If unrepresented

- I intend to appoint a legal representative myself
- I would like a legal representative to be appointed on my behalf
- I do not wish to appoint a legal representative as I am able to represent myself at the hearing, and wish to do so

Legal advice and representation is available free of charge for any person applying to the Tribunal.

If you have ticked that you would like a legal representative appointed on your behalf, a legal representative will be chosen and appointed for you by the Tribunal. The legal representative will contact you to help you with your case after they have been appointed.

Special requirements

20. Is an interpreter required?

Yes

language

dialect

No

21. Please tell us of any other special requirements

22. How would you like your hearing to be conducted

- I would like my hearing by video
- I would like my hearing face to face
- I have no preference which type of hearing I have

Declaration

23. This application is submitted by the

- by the patient or nearest relative
- patient or nearest relative, who has personally authorised me to submit this application on their behalf

Signature

--

Date

--	--	--	--	--	--	--	--

Print name

--

Where to send your completed application

Completed forms should be sent

by secure email to:

mhtapplications@justice.gov.uk

Or

by first class post to:

HM Courts & Tribunals Service
First-tier Tribunal (Mental Health)
PO Box 8793
5th Floor
Leicester
LE1 8BN

Or

by DX to:

HM Courts & Tribunals Service
First-tier Tribunal (Mental Health)
DX: 743090 Leicester 35

Please do not submit the form more than once.



List of solicitors

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756 Whalley New Road,
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Switalski's Solicitors

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Bradford BD1 3HH
Tel: 01274 720314

BRADFORD

Alastair Bateman Solicitors

46 Westgate,
Bradford BD1 2QR
Tel: 01274 739973

BURNLEY / BLACKPOOL

Southerns Solicitors

6 A Hargreaves Street,
Burnley BB11 1ES
Tel: 01282 422711
01282 438446

BURNLEY

John Black Solicitors

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Cow Lane
Burnley BB11 1NN
Tel: 01282 502656

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HARROGATE

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Harrogate HG1 1LT
Tel: 01423 562121

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8 Market Street
Hoylake CH47 2AE
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Broudie, Jackson & Canter

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Tel: 0151 227 1429

LIVERPOOL

RMNJ Solicitors

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Wirral CH41 5JF
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Merseyside
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LIVERPOOL

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Tel: 0151 255 2286

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AGI Solicitors

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Tel: 0161 226 2070

MANCHESTER

Clifford Johnston & Co

434 Burnage Lane, Burnage,
Manchester
M19 1LH
Tel: 0161 975 1900

MANCHESTER

Robert Lizar Solicitor

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M14 4RB
Tel: 0161 227 7777

MANCHESTER

Rowlands Otten Penna

339 Palatine Road, Northenden,
Manchester M22 4HH
Tel: 0161 945 1431

MANCHESTER

Donovan Newton Solicitors

Manchester Business Park
3000 Aviator Way
Wythenshaw
Manchester M22 5TG
Tel: 0161 266 1082

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Bison Solicitors Manchester

Earl Mill Business Centre, Dowry
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T: 0161 710 2368

MANCHESTER

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Bloom Street,
Salford, M3 6AJ,
Tel: 0161 834 3039

OLDHAM

Quality Solicitors Gruber Garratt

King Street Buildings,
Manchester Street,
Oldham OL8 1DH
Tel: 0161 665 3502

PRESTON

O'Donnells Solicitors

68 Glovers Court, Preston PR1 3LS
Tel: 01772 881000

Common terms

AMHP

Approved Mental health Professional

BIM

Best Interest Meeting

CC

Care coordinator

CMHT

Community Mental Health Team

CPA

Care Programme Approach

CTO

Community Treatment Order

NR

Nearest relative

RC

Responsible Clinician

S117

Section 117 aftercare

S17 leave

Leave when in hospital.

ECT

Electroconvulsive Therapy

IMHA

Independent Mental Health Advocate

MHLA

Mental Health Law Administrator

People who may be involved in a person's care:

Approved Mental Health Professional (AMHP) – trained to work with the Mental Health Act but isn't a doctor. Most AMHPs are social workers, but they can also be nurses, occupational therapists, or psychologists.

Care Coordinator – can work with the different services and act as a point of contact for the person, their carers and family. This support helps to keep the person engaged with services. They also help with the development and review of the person's care plan and ensure that the person is seen by the right service at the right time.

Independent Mental Health Advocate (IMHA) – support the person to be heard and make sure they know their rights while under a section of the Mental Health Act.

Occupational health therapist – will support a person with day-to-day skills whilst in hospital. They may even complete assessments to recommend support in the community.

Psychologist – offer psychological assessments, therapy, and support. They focus on understanding the person's thoughts, feelings, and behaviours. They may help come up with a plan to help them manage their thoughts and feelings.

Responsible Clinician – also known as doctor or psychiatrist.

Social worker – might be involved to see what needs the person might have and help come up with a plan for how these needs can be met in the community. They might be able to help arrange care for the person if they need it.

Ward staff – these are nurses, healthcare assistants, and other support staff who provide day-to-day care and support to the person while they are in hospital.

THIS INFORMATION BOOKLET AND SELF HELP TOOLKIT HAS BEEN CREATED BY:



advocacy
focus

If you have any comments, compliments or complaints about Advocacy Focus or our Advocates, please get in touch.



Tel: 0300 323 0965



Live chat: www.advocacyfocus.org.uk

We hope that this information booklet has been useful. If you have any ideas how to make this booklet any better, please email us at:



admin@advocacyfocus.org.uk

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Version 1 - August 2024



Notes

Space for notes, drawing or things you want to remember.



Notes

Space for notes, drawing or things you want to remember.