



Remand to Hospital for Treatment

(Section 36 of the Mental Health Act 1983)



Sussex Partnership
NHS Foundation Trust

Why am I in hospital?

You are being kept in this hospital because you have been remanded here by the Court. The Court has said you can be kept here under section 36 of the Mental Health Act 1983.

This means that the Court, on the advice of two doctors, thinks that you have a mental disorder and you need to be treated in hospital while you are on remand.

How long will I be here?

You can be kept here for the period specified by the Court. This may be up to 28 days at first, starting on the date on which you were remanded.

You must not leave during this time unless the Court decides that you may. If you try to leave the staff can stop you, and if you do leave you can be brought back. You may also be arrested by a police officer and taken back to Court.

What happens next?

At the end of the 28 days (or the period specified by the Court), the person in charge of your care (your responsible clinician) will tell the Court whether or not they think you need further treatment.

You can only be kept in hospital on remand for longer than 28 days if the Court says so. The Court can renew your remand, but for no more than 28 days at a time and not for more than 12 weeks in total. It can renew your remand without you being in court so long as you are represented by a lawyer to speak on your behalf.

The Court can decide, at any time, that you should not be kept here any longer.



Can I appeal?

You can ask the Court to remand you to prison or on bail instead. To help you, you can ask another doctor or approved clinician to examine you, to see if they will write a report saying that you do not need to be kept in hospital. (An approved clinician is a mental health professional with special training in looking after people kept in hospital under the Mental Health Act.) You will have to pay for this yourself, and it will be for the Court to decide whether or not you must stay in hospital when it has considered all the reports on your case.



What treatment will I be given?

Your responsible clinician and other hospital staff will talk to you about any treatment that you need for your mental disorder. In most cases you will have to accept their advice.

There are different rules for some special treatments, like electro-convulsive therapy (ECT). If the staff think you need one of these special treatments, the rules will be explained to you and you will be given another leaflet.

Help from an independent mental health advocate

You are entitled to help from an independent mental health advocate if you want it. These advocates are independent of people involved in your care.

They can help you get information about your care and treatment, why you are being kept in hospital, what it means and what your rights are. They can come to see you and

help you understand what you are told by people involved in your care and treatment. If you want, they can help you talk to these people or they can talk to them for you.

You can contact the independent mental health advocacy service yourself. There should be a telephone where you can contact the advocacy service and talk to them in private. You can ask a member of staff where this telephone is.

Your letters

All letters sent to you while you are in hospital will be given to you. You can send letters to anyone except someone who has said they do not want to get letters from you. Letters to these people can be stopped by the hospital staff.

Code of Practice

There is a Code of Practice that gives advice to the staff in the hospital about the Mental Health Act and treating people for mental disorder. The staff have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.

How do I complain?

If you want to complain about anything to do with your care and treatment in hospital, please speak to a member of staff. They may be able to sort the matter out. They can also give you information about the hospital's complaints procedure, which you can use to try to sort out your complaint locally. They can also tell you about any other people who can help you make a complaint, for example an independent mental health advocate (see above).

If you do not feel that the hospital complaints procedure can help you, you can complain to an independent Commission. This is called the Care Quality Commission and it monitors how the Mental Health Act is used, to make sure it is used correctly and that patients are cared for properly while they are in hospital. The hospital staff can give you a leaflet explaining how to contact the Commission.

Further help and information

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 leaflet has not answered. Please ask if you would like a printed copy of this leaflet.



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