

Review Service for Mental Health and its work

Information for patients



About us

We are the independent regulator of healthcare and the inspectorate for NHS services in Wales. Our role is to check that healthcare is safe, effective, and meets the needs of people and communities.

Our purpose

We check the safety and quality of healthcare across Wales.

Our Vision

A future where healthcare in Wales is safe, effective, and high-quality for everyone.

Contact Us

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Merthyr Tydfil
CF48 1UZ

Phone: 0300 062 8163

Email: HIW.RSMH@gov.wales

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg. / This document is also available in Welsh.

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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 CO2** on which they describe 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, they 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 they complete 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 they wish 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 should first ask the organisation responsible for your care (the hospital, health board, NHS trust or local authority) to investigate the complaint. This is often referred to as local resolution [[olderpeople.wales](#)], [[hiw.org.uk](#)]
- You should write or speak to the complaints team within the organisation concerned, or ask somebody to do this on your behalf
- If you find it difficult to make your complaint, an advocacy service may be able to help you through the process
- If your complaint relates to NHS services or social services, Llais can provide free and independent complaints advocacy and support [[gov.wales](#)]
- 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 it can be investigated appropriately
- The organisation will investigate your complaint and provide a response setting out its findings and any action it proposes to take.

What to do if you are still not satisfied

If your complaint is about an NHS service and you remain dissatisfied after the organisation has responded to your complaint, you can contact the Public Services Ombudsman for Wales, who may consider whether the complaint has been handled properly and whether there has been maladministration or service failure.

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Telephone: 0300 790 0203

Website: www.ombudsman.wales

If your complaint is about a service provided by an independent (private) healthcare provider that was funded by the NHS, you should first raise your concerns with the provider. If the complaint remains unresolved, you should contact the NHS organisation responsible for funding your care.

If your complaint is about social services and is not resolved through the local authority's complaints procedure, you may also contact the Public Services Ombudsman for Wales.

Review Service for Mental Health and Complaints

The Review Service for Mental Health 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 who is subject to the Act.

In most cases, the Review Service would expect complaints to be considered through the complaints processes outlined above. However, the Review Service may take account of concerns raised as part of its monitoring of the use of the Mental Health Act and the quality of services. For example, where a number of similar concerns are identified, this may contribute to future monitoring activity or visits by the Review Service or Healthcare Inspectorate Wales.

The Review Service cannot help if:

- Your complaint is not of the kind mentioned above
- Your complaint is, or is likely to be, the subject of legal proceedings
- Your complaint is simply that you disagree with your doctor's clinical decisions
- 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 apply to the Mental Health Review Tribunal for Wales to consider your detention or Community Treatment Order.

You may also ask the hospital managers to consider your discharge. A nurse, advocate or advice service can help you to do either or both of these.

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

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, policies and procedures regarding the matters it can investigate.

Social Services and Registered Care Homes

Care Inspectorate Wales (CIW)

Telephone: 0300 790 0126

Email: CIW@gov.wales

Website: www.careinspectorate.wales

Services Provided to People Under 18 Years of Age

Children's Commissioner for Wales

Llewellyn House

Harbourside Business Park

Harbourside Road

Port Talbot

SA13 1SB

Telephone: 01792 765600

Freephone: 0808 801 1000

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

Telephone: 03442 640 670

Email: ask@olderpeople.wales

How Can I Contact a Reviewer?

- You can ask hospital staff to arrange 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 either write a letter to or email the Review Service for Mental Health at **HIW.RSMH@gov.wales**
- You can contact the office on **0300 062 8163**. HIW's telephone opening hours are 10:00am to 3:00pm, Monday to Friday (excluding public holidays)
- When the office is closed, an answering service is available
- If you use the answering service, please leave your name and ward/home address or a telephone number so that someone can contact you
- If you do not wish to use the answering service, you can call during normal opening hours or ask a relative, friend or advocate to contact us on your behalf.

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
- 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.