

Your rights under the Mental Health Act : Section 48

Transfer to hospital of an unsentenced prisoner (with or without restrictions)

Leaflet reference: L803E
Version: V3
Date last updated: 07/06/2019
Archive date: 06/06/2022

Information for service users, families, carers and supporters



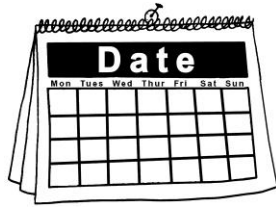
Your name:



Your doctor's name:



Hospital name:



Date you came to hospital

Why am I in hospital?



You have been admitted to hospital under Section 48 of the Mental health Act.



This is because two doctors think you need to be in hospital.



Section 47 allows a sentenced prisoner to be moved from prison to hospital for treatment.



You have also been given a restriction direction.

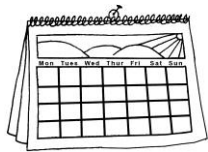
What is a restriction direction?



A restriction direction is made under Section 49 of the Mental Health Act. This means you cannot leave the hospital unless the Secretary of State for Justice, the Tribunal or Parole Board says that you can.



How long will I stay in hospital?



You will be kept in hospital until your transfer direction ends.



You must not leave during this time unless you have been told you can.



If you try to go you can be stopped

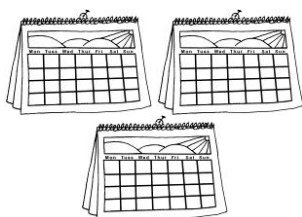


If you leave you can be brought back.



If your doctor says you no longer need treatment you will be returned to prison.

What treatment will I be given?



The doctors may give you treatment; they can give you treatment even if you don't want them to for three months.

After three months they may get another doctor to see you.



You may have to take tablets or medicine which will help to make you better.



Your doctor and nurse will talk to you about any treatment they think you will need.

What will happen if I go back to court?



If you have not yet stood trial you may have to go back to court.



If two doctors say you have a mental disorder you may need to continue treatment under the Mental Health Act.



If so, this will be under a different section of the Mental Health Act.



Your nurse will talk to you and give you another leaflet.



The Court may decide to release you on bail.



This means that you will be released until your next Court date.

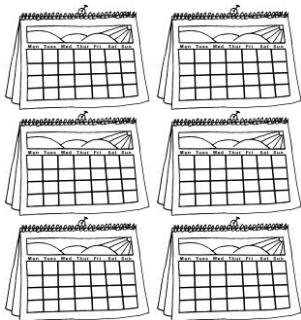


There may be conditions attached to the bail and you may be told where you should stay.

or



Can I appeal?



You can ask the Tribunal to let you leave the hospital.

You can ask this once in the first 6 months you are in hospital.

You can ask this once in the first 6 months you are in hospital.

What is a tribunal?



The tribunal is made up of 3 people who do not work for the hospital.



The tribunal will have a meeting with you and the staff who know you.

Before the meeting the members of the tribunal will read reports written by your doctor, social worker and nurse.

The tribunal doctor will talk to you.



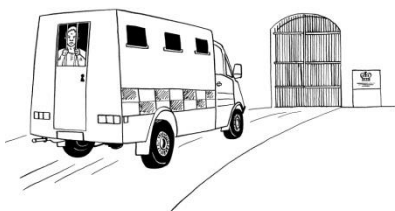
You can ask someone to go to the meeting with you.



This could be:

- solicitor
- family member
- friend
- advocate

What happens if the tribunal says I should not be kept in hospital?



You may be returned to prison to serve the rest of your sentence.

If you have not been given a restriction direction you can ask the hospital managers to let you leave hospital.



Your nurse will help you do this.



The hospital managers will read reports written by your doctor, social worker and nurse.

They will speak to you.

You can ask someone to go to the meeting with you.

This could be:



- solicitor
- family member
- friend
- advocate.

Help from an independent mental health advocate

You can ask an advocate for help. An advocate is a person not involved in your case who will help you:

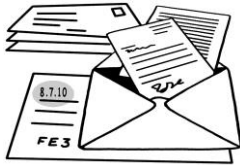


- get information
- help you to understand your treatment
- help you tell your doctor or nurse how you are feeling
- talk to other people for you, on the Ward or in meetings.



If you would like to speak to an advocate please tell your nurse.

Your letters



You can get letters while you are in hospital.

You can send letters to anyone except someone who has said they do not want to get letters from you.

How do I complain?



Speak to your nurse who will help you complain to the right person.



You can also write to the Care Quality Commission.



Your nurse will give you a leaflet explaining more.

If you are unhappy about our services...



Please tell a member of staff.



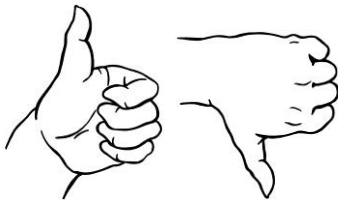
Freephone 0800 052 0219 or



Email tewv.pals@nhs.net.

Feedback

We'd like to know if you thought this information was



- good or bad
- if anything was missing you wanted to know
- if there was anything you didn't understand.



You can tell us by email.

tewv.communications@nhs.net

Please do not use these contact details to contact us about your care, instead use the contact details given to you by your care team.

Staff can find this information at:

T:\Patient and Carer Information\Trustwide

Service users and carers can also view this information on our website:

www.tewv.nhs.uk > About us > How we do it > Mental health act