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# Community treatment order for part 2 patients

(Section 17A of the Mental Health Act 1983)

Shining a light on the future



|  |  |
|--|--|
| 1. Patient's name  |  |
| 2. Name of the person in charge of your treatment (your "responsible clinician") |  |
| 3. Date your community treatment order begins                                    |  |

### Why am I on a community treatment order?

You are on a community treatment order under section 17A of the Mental Health Act 1983 because the person in charge of your care (your responsible clinician) thinks you are well enough to leave hospital but is concerned that you may not continue with your treatment, or may need to be admitted to hospital again at short notice for more treatment.

A community treatment order means that your care team will do their best to help you to stay well after you are discharged from hospital, but if your responsible clinician thinks you need hospital treatment again, you can be told to come back to hospital for the treatment you need.

Your responsible clinician will talk to you about the arrangements for the treatment and care you need for your mental disorder following your discharge from hospital.

### What is a community treatment order?

The community treatment order is a form that your responsible clinician and an approved mental health professional must fill in to say that you should be on a community treatment order.

An approved mental health professional is someone who has been specially trained to help decide whether people need to be kept in hospital under the Mental Health Act.

### What if I have a comment, suggestion, compliment or complaint about the service?

If you want to make a comment, suggestion, compliment or complaint you can:

- talk to the people directly involved in your care
- ask a member of staff for a feedback form, or complete a form on the Trust website [www.ntw.nhs.uk](http://www.ntw.nhs.uk) (click on the 'Contact Us' tab)
- telephone the Complaints Department Tel: 0191 245 6672
- We are always looking at ways to improve services. Your feedback allows us to monitor the quality of our services and act upon issues that you bring to our attention.
  - **Points of You** - available on wards or from staff. Some areas of the Trust have electronic feedback touch screens, staff can help you to use these.
  - **Friends and Family Test** - available from staff or online at [www.ntw.nhs.uk/fft](http://www.ntw.nhs.uk/fft)

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, your responsible clinician or another member of staff will try to help you. Please ask them 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 another copy of this leaflet for someone else.

In your case, we have been told that your nearest relative is:

If you do not want this person to receive a copy of the leaflet, please tell your responsible clinician, another member of staff or the person who gave you this leaflet.

### **Changing your nearest relative**

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead. The hospital staff can give you a leaflet that explains this.

### **Code of Practice**

There is a Code of Practice which gives advice about the Mental Health Act to your responsible clinician and other people involved in your care and treatment. They 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.

### **What happens after I leave hospital?**

Your responsible clinician will talk to you about what happens on a community treatment order.

You will probably be asked to keep to certain arrangements for your treatment, or to other arrangements to help you live safely in the community and to stay well. These are called “conditions”, and are allowed under section 17B of the Mental Health Act.

Your responsible clinician and an approved mental health professional must agree that these conditions are appropriate, and will arrange any help you need to keep to them. You should talk to your responsible clinician if you are worried for any reason about anything you are asked to do, or not to do, while you are on a community treatment order.

### **What happens if I don't keep to the conditions?**

If you don't keep to a condition your care team will need to think about whether you need to come back to hospital for treatment.

You can be told to come back to hospital if your responsible clinician thinks this is the only way to ensure you get the treatment you need. Sometimes this may be necessary even if you have kept to all the conditions. This is called being “recalled” to hospital.

If your responsible clinician thinks you need to be recalled to hospital, your responsible clinician will tell you in writing that you need to come to hospital either straight away, or at a particular time. If you don't come when you are told to, you could be brought to the hospital against your will.

If you are recalled to hospital, you can be kept there for up to 72 hours. If your responsible clinician thinks you need to stay in hospital for longer, an approved mental health professional will be asked to talk to you. This will all be explained to you at the time.

## What treatment must I have while on a community treatment order?

Your responsible clinician will discuss your treatment needs with you and will work out when and how you will be treated in the community.

## Can I refuse to be treated?

You have the right to refuse treatment if you do not want it, but this could mean that your responsible clinician will need to consider recalling you to hospital.

If you do not want the treatment that is being suggested, you should talk to your responsible clinician as soon as possible.

## What if I am too ill to decide whether to agree to my treatment?

If the people treating you think you lack capacity to decide for yourself whether to have treatment, they can give you the treatment they think you need.

But they cannot force you to accept treatment if you are objecting to it, unless it is an emergency.

“Lack capacity” means that, because of your mental disorder, you cannot do one or more of the following four things:

- Understand information given to you about the treatment
- Retain that information long enough to be able to make a decision
- Weigh up the information given to you to make a decision
- Communicate your decision by any possible means, such as talking, using sign language, or even simple movements such as blinking an eye or squeezing a hand

Unless it is an emergency, you also cannot be given a treatment if you have made a legally binding advance decision to refuse it under the Mental Capacity Act 2005, or someone

## 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 on a community treatment order, 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. They can also help you with the Tribunal.

You can contact the independent mental health advocacy service yourself.

The telephone number for the advocacy service is:

01434 600 599

If you do not want to contact the advocacy service yourself, you can ask the person who gave this leaflet to contact the advocacy service for you. You can also ask your nearest relative to contact the advocacy service for you.

## Letting your nearest relative know

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative.

There is a list of people in the Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. The hospital staff can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

## **What is a Tribunal and what happens?**

The Tribunal is an independent panel which can decide whether your community treatment order should end. The Tribunal will hold a meeting with you and with staff who know you. This meeting is called a "hearing". You can ask someone else to come to the hearing to help you, if you want. Before the hearing, the members of the Tribunal will read reports from the hospital about you and your community treatment order. One of the members of the Tribunal will also come to talk to you.

## **When can I apply to the Tribunal?**

You can apply to the Tribunal once at any time during the first six months you are on a community treatment order. You can then apply once in the next six months and then once during every year that you stay on a community treatment order after that.

If your nearest relative told the Hospital Managers that they wanted your community treatment order to end, but your responsible clinician said it should not end, your nearest relative can also apply to the Tribunal. Your nearest relative must do this within 28 days of being told that your responsible clinician did not think your community treatment order should end.

If you want to apply to the Tribunal you can write to:

The Tribunals Service  
PO BOX 8793  
5th Floor  
Leicester, LE1 8BN  
Tel. 0300 123 2201

You can ask a solicitor to write to the Tribunal for you and help you at the hearing. Your responsible hospital and the Law Society have a list of solicitors who specialise in this. You will not have to pay for help from a solicitor with this. It is free of charge under the Legal Aid scheme.

else who is allowed to take decisions on your behalf under that Act has said that you should not have it. This could be someone to whom you have given a lasting power of attorney, a deputy appointed for you by the Court of Protection, or the Court of Protection itself. The hospital staff can give you more information about the Mental Capacity Act 2005.

## **Special rules about medicine and drug treatment**

Once you have been on a community treatment order for more than a month, some special rules about medicine and drug treatment apply.

If you are being given medicine or drug treatment for your mental disorder and it is more than three months since you were first given this kind of treatment while you were in hospital or on a community treatment order, a CTO Treatment Certificate will be required. There are two different CTO Treatment Certificates. If you have capacity to consent to the treatment and do so, form CTO12 should be completed. The form CTO12 certificate will generally be completed by the doctor responsible for your treatment in the community.

If this is not the case you will be asked to allow an independent doctor (who is not from the hospital treating you) to examine you.

This independent doctor is called a SOAD (Second Opinion Appointed Doctor) and is appointed by an independent Commission which monitors how the Mental Health Act is used.

This doctor will check the treatment is right for you, and will talk to you before deciding what treatment you should continue to have.

You can only be given medicine or drug treatment that this independent doctor has said is right for you, unless it is an emergency.

You will be told when and where the independent doctor wants to examine you. Seeing the independent doctor is one of the conditions of a community treatment order. If you do not see the independent doctor at the time and place you are told, your responsible clinician may have to recall you to hospital to see the independent doctor.

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

### **How long must I stay on a community treatment order?**

Your community treatment order will last for up to six months at first, unless your responsible clinician decides it is no longer necessary.

You will be asked to allow your responsible clinician to examine you towards the end of the six months, to see if you need to stay on a community treatment order. You will be told when and where your responsible clinician wants to examine you.

Seeing your responsible clinician for this examination is one of the conditions of a community treatment order. If you do not see your responsible clinician at the time and place you are told, your responsible clinician may have to recall you to hospital in order to examine you.

If your responsible clinician thinks you need to stay on a community treatment order for longer, they can extend it for up to another six months, and then for up to a year at a time. Your responsible clinician will talk to you about this towards the end of each period.

### **Can I appeal?**

Yes. You can ask the Hospital Managers of your responsible hospital to end your community treatment order. You can do this at any time. The Hospital Managers are a special committee of people set up within the hospital to decide whether people still need to be on a community treatment order.

Your responsible hospital is usually the hospital you were in before going onto a community treatment order. If your responsible hospital changes you will be told.

If you want the Hospital Managers to end your community treatment order, you can write to them at:

|   |
|---|
| Mental Health Act Office<br>St George's Park<br>Morpeth<br>Northumberland<br>NE61 2NU |
|---|

The Hospital Managers may want to talk to you before deciding whether to end your community treatment order.

Your nearest relative can also tell the Hospital Managers that they want your community treatment order to end. This leaflet explains further down who your nearest relative is.

If your nearest relative does this, your community treatment order will end after 72 hours, unless your responsible clinician tells the Hospital Managers that you might be a danger to yourself or other people if you stop being on a community treatment order. If this happens, it will be another six months before your nearest relative will be able to tell the Hospital Managers again that they want to end your community treatment order.

You can also ask a Tribunal to say that your community treatment order should end.