



Cumbria, Northumberland,
Tyne and Wear
NHS Foundation Trust

Patients on Section 42

(of Part 3 of the Mental Health Act 1983)



Caring | Discovering | Growing | **Together**

1. Patient's name	
2. Name of the person in charge of your treatment (your "responsible clinician")	
3. Name of social supervisor	
4. Name of mental health solicitor	
5. Name of independent mental health advocate	

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Why am I being given this leaflet?

You are given this leaflet because you were discharged from hospital to live in the community under **Section 42**.

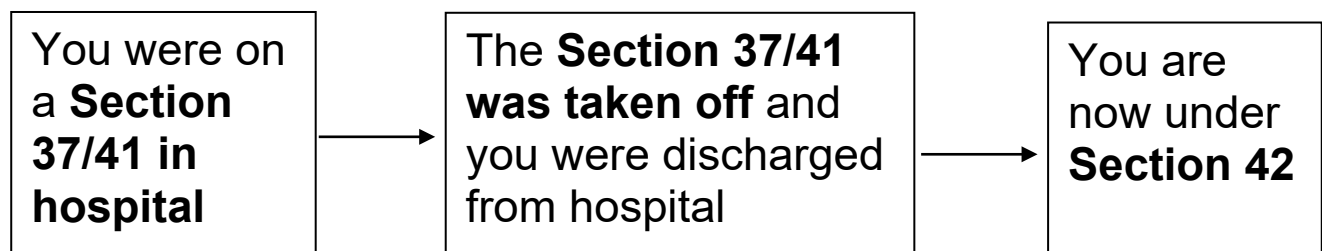
What is Section 42?

This is a restriction order in the community, called a “**conditional discharge**”. This means you are free to live in the community, but under some rules. These rules are called **conditions of your Section**.

Why am I under this Section?

The court put you under this Section as it is important for you to stay in good mental health and to keep others safe.

How did I end up on this Section?



What do “conditions” mean?

Conditions are rules that you have to follow. Examples include:

- Accepting medication for your mental health
- Living at an agreed address
- Not taking any illegal drugs
- Urine tests to look for drugs

You will be asked to meet with:

- Your social supervisor, who will usually be an approved mental health professional
- Responsible clinician

If you do not follow your conditions, you may become unwell.

What happens if I say no to my “conditions”?

If you say no to these conditions, your care team will meet with you. This will be to see if you are unwell and if you need to be in hospital again.

If your mental health or risks cannot be helped in the community, there is a chance that you could be recalled to hospital by the Ministry of Justice.

You will then be put back onto your old Section (37/41).

Will I be forced to take my medications?

No, but you may be asked to take medication as part of the “conditions” of your discharge.

How long does Section 42 last?

Your Responsible Clinician will tell you when they think you are ready to have it removed. They will then ask the Ministry of Justice to do so.

Can I ask to remove this Section?

Yes, you can ask the Mental Health Tribunal to look at your case again. This is called an “**appeal**”.

How can I appeal?

You can appeal by requesting a Mental Health Tribunal meeting.

What is a Mental Health Tribunal?

A **Mental Health Tribunal** is a group of people who do not know you personally and are responsible for deciding whether you can end your Section or not.

They will hold a meeting with you and your care team. This meeting is called a “**hearing**”.

The Mental Health Tribunal will read written reports about you and your care.

What can a Mental Health Tribunal do?

The Mental Health Tribunal have the following powers to choose from:

1. To end your Section, with absolute discharge
2. To continue with your current conditions
3. To request the Ministry of Justice to remove a condition or some conditions

When can I apply to the Mental Health Tribunal?

You **cannot** appeal in the first 12 months of discharge from hospital.

But you can appeal **after** this.

Under 1 year	No
After 1 year	Yes

If the Mental Health Tribunal does not discharge you, then you can apply again **every 2 years** from then on.

Who can help me appeal?

If you want to apply to the Tribunal, you can ask your mental health team or independent mental health advocate for a mental health solicitor. This help is free. Your care team must give you a list of solicitors who can help.

Your care team can give you a leaflet on what an independent mental health advocate is as well as a leaflet on the Mental Health Tribunal process.

How do I get discharged from Section 42?

There are 2 ways to **remove** this Section.

1. The Ministry of Justice can discharge you from Section 42
or
2. A Mental Health Tribunal tells your team that you must be discharged from Section 42.

This is called an “**absolute discharge**”, which means you don’t have to follow your “conditions” if you don’t want to. You will still have access to mental health care if you still need it.

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.cntw.nhs.uk (click on the ‘Contact Us’ tab)
- telephone the Complaints Department Tel: 0191 245 6672
- email complaints@cntw.nhs.uk Please note that information sent to the Trust via email is sent at your own risk
- 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.
You can provide feedback in the following ways:
 - the quickest way for you to do this is to complete our short online survey at www.cntw.nhs.uk/poy
 - complete a Points of You survey, available from staff.

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 another copy of this leaflet for someone else.



Further information about the content, reference sources or production of this leaflet can be obtained from the Patient Information Centre. If you would like to tell us what you think about this leaflet please get in touch.

This information can be made available in a range of formats on request (eg Braille, audio, larger print, easy read, BSL or other languages). Please contact the Patient Information Centre
Tel: 0191 246 7288

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