



Mental Health Commission

Your Guide to the Mental Health Act 2001

ADDENDUM

04 JANUARY 2019

ADDENDUM DATED JANUARY 2019

Your guide to the Mental Health Act (known as the “*Blue Book*”)¹

Please note the following sections of the *Blue Book* have been amended and replaced by the following:

Pages 48 and 49 are amended and replaced as follows –

Medication

If you have been on medication for three months and your consultant would like you to continue taking it, they must ask for your consent.

As an involuntary patient, you will only be given medication without your consent if your consultant believes that you are unable to give consent.

You can ask your consultant psychiatrist any questions about your medication and its effects.

If you give your consent - You will be given your medication to take.

If you do not consent - Your consultant must decide if you are able to make that decision. To do this, they will meet with you and assess your ability to listen to, understand and weigh-up the information you are being given. This is referred to as a ‘capacity assessment’. When making their decision, your consultant psychiatrist must also believe the medication will help you to get better. After this meeting they will decide whether:

- **You are able to consent** - If your consultant believes you fully understand your decision then you will not have to take the medication if you do not consent. If you are able to give consent, it is important to know that you can withdraw your consent at any time.
- **You are unable to consent** - If your consultant believes that you are not able to consent, they must ask the advice of a second consultant psychiatrist. If the second consultant agrees with your consultant then you will be given the medication for up to three

¹ Please note a complete review of this booklet will be undertaken in 2019.

months. If the second consultant does not agree, you will not be given the medication.

If you remain an involuntary patient, your medication will be reviewed in the same way every three months.

Electro-convulsive therapy (ECT)

Electro-convulsive therapy is generally known as 'ECT'.

If you are an involuntary patient and your consultant psychiatrist thinks you need ECT, they must meet with you and fully explain the procedure. In this meeting they should explain the following:

- the benefits of ECT
- any alternatives to ECT
- the risks and effects of ECT
- why ECT is being proposed

You can ask your consultant psychiatrist any questions about ECT and its effects.

If you give your consent - The programme of ECT will start at an agreed time and date.

If you do not consent - Your consultant must decide if you are able to make that decision. To do this, they will meet with you and assess your ability to listen to, understand and weigh-up the information you are being given. This is referred to as a 'capacity assessment'. When making their decision, your consultant psychiatrist must also believe the medication will help you to get better. After this meeting they will decide whether:

- **You are able to consent** - If your consultant believes you fully understand your decision, you will not be given ECT. If you are able to give consent, it is important to know that you can withdraw your consent at any time during the treatment session.
- **You are unable to consent** - If your consultant believes that you are not able to make the decision, they must ask the advice of a second consultant psychiatrist. If the second consultant agrees

with your consultant then you will be given ECT. If the second consultant does not agree, you will not be given ECT.

Strict rules must be followed in relation to this treatment.

Page 60 is part amended and replaced as follows -

“What do mental health tribunals review?”

Mental health tribunals review:

- admission orders
- renewal orders
- additional reviews
- certain transfer orders, and
- proposal for psychosurgery

Page 62 the following additional text should be inserted as follows -

How do I ask for an additional review?

You can ask the Mental Health Commission to organise an additional review by a mental health tribunal, if your renewal order is for a period exceeding 3 months (and up to a maximum of 6 months), and you are still involuntarily detained after three months of that order.

The Mental Health Commission can only organise this review if you specifically ask them to do so. You can discuss this with your legal representative.

Page 64 the following additional text should be inserted as follows -

What about the additional review?

The tribunal will be sent:

- all forms relating to your renewal order; and
- a medical report from a consultant psychiatrist who has carried out an independent medical examination since your request for an additional review was received.

You have the right to be at the hearing, but you do not have to attend if you do not want to. You can discuss this with your legal representative and your care team. Your legal representative can present your case for you. If you do not attend the hearing, your legal representative will still be there to present your case, look after your interests and protect your rights.