

## INDEPENDENT MENTAL HEALTH ADVOCACY - DISCHARGE BY NEAREST RELATIVE

### WHAT IS INDEPENDENT MENTAL HEALTH ADVOCACY?

If you are restricted or being detained under the Mental Health Act, you are legally entitled to help and support from an Independent Mental Health Advocate (IMHA).

An advocate is someone who will speak up for you, or support you to speak up for yourself, if you don't understand what's happening to you, want to challenge a decision about your care or support, express your preferences or assert your rights.

This applies to hospital patients and those who are on a Supervised Community Treatment Order (CTO) or under Guardianship.

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#### Discharge by your “nearest relative”

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If you are detained under Section 2, 3 or 4, or you are under a Community Treatment Order (CTO), or under Guardianship, your “nearest relative” can request that you are discharged.

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#### Who is my nearest relative?



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“Nearest Relative” is a role defined in the Mental Health Act 1983.

The Mental Health Act explains who is your Nearest Relative, there is a list in a set order and the person who is at the top of the list is your nearest relative.

Your “Nearest Relative” has certain powers and rights relating to your care and treatment under the Mental Health Act.






Also eligible for an IMHA includes:

-  Those being considered for Section 57 treatment
-  Those under 18 and being considered for Electroconvulsive Therapy (ECT)

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#### What else can my nearest relative do?

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-  Request that you are sectioned or placed under a Guardianship.
-  Object to you being sectioned or placed under a Guardianship.
-  Request that an Independent Mental Health Advocate (IMHA) is engaged to support you.
-  Be given information about you if you are sectioned and be consulted with about you.
-  Ask a different person to be your nearest relative.



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### Responsible Clinician Powers

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Your Responsible Clinician can refuse a request from your nearest relative to discharge you, if the clinician thinks that you are likely to be a danger to yourself or others, if you are discharged.

If discharge is refused, you can still request leave when you speak to your Responsible Clinician, or the nursing staff can ask on your behalf.

If a "barring report" is issued, your nearest relative will be informed and they cannot apply again for your discharge in the next six months.




If a barring report is issued and you are on a section 3 or a CTO, your nearest relative can apply to the Mental Health Tribunal for your discharge within 28 days of the barring report. The hospital managers should also consider a review after a barring report is issued.

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### How else can I be discharged?

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You can be discharged by:

-  your Responsible Clinician
-  the Hospital Managers
-  a Mental Health Tribunal







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### What do Independent Mental Health Advocates (IMHAs) do?




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You can also ask for an Independent Mental Health Advocate to support you.

An IMHA can support you to:

-  Be fully involved in your care planning
-  Access Mental Health Reviews and Tribunals, prepare for them and understand decisions made
-  Access other support or services
-  Discuss appropriate aftercare
-  Understand how to raise concerns about your experience/care
-  Exercise your rights

An IMHA will:

-  Listen carefully to what you tell them about your views and feelings
-  Support you to speak up or speak up on your behalf if needed
-  Make sure you are fully involved in decisions being made about you



## INDEPENDENT MENTAL HEALTH ADVOCACY

### What is the Mental Health Act?

The Mental Health Act is a law which tells people with a mental health disorder what their rights are and how they can be treated.

'Mental health disorder' means any disorder or disability of the mind.

It is important that you know what happens to you when you are detained, what your rights are and where you can seek help. The Mental Health Act Code of Practice tells everyone how to use this law and what they must do.

### How can I make a referral?

Mental Health professionals have a duty to inform patients in their care and their nearest relative about the IMHA services available to them. These measures ensure that each patient who is entitled to receive IMHA support is aware of their right to approach the service.

Referrals to the IMHA service are usually made by Health or Social Care professionals, however, n-compass will accept IMHA referrals from the person themselves or their family.



**TO LEARN HOW ADVOCACY  
CAN HELP PLEASE GET IN TOUCH**

**The n-compass Digital Advocacy Hub provides free and impartial information on a range of common advocacy issues.  
n-compass delivers several advocacy services across the north of England.**

**To find out if we deliver in your locality:-**

Website: <https://www.n-compass.org.uk/our-services/advocacy>

Sign video: <https://ncompass.signvideo.net>