



YOUR RIGHTS AS AN INFORMAL PATIENT

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Rights for informal patients

If you are an informal patient you have agreed to go into or stay in hospital voluntarily. This means you are not being detained under the Mental Health Act (MHA) 1983.

This information aims to explain the rights and responsibilities you have as an informal patient.



Rights for informal patients

Observation

All patients, whether detained or informal, are subject to a stated level of observation. Nursing staff should have told you about the level of observation you are under and why; if this changes you should be informed and an explanation provided. This is done to ensure your wellbeing and safety whilst you are on the ward.

If you find observations intrusive or have any concerns about the observation procedures you should discuss this with a member of the nursing staff.

Your right to leave the ward

Informal patients are not subject to any restrictions on leaving the ward. You may wish to leave the ward for a few hours, overnight or for longer. Whilst there are no restrictions to prevent you leaving the ward, staff continue to have a duty of care towards you as an inpatient, so you should inform a nurse if you are leaving the ward and tell them what time you expect to be back.

Please be aware that, even if the door of the ward has a locking system, the nurse will be able to open the door for you to leave.



Your rights concerning treatment

Your rights concerning treatment

The care team will always involve you in discussions about the care and treatment you receive. You should be provided with information including why the proposed care or treatment is thought to be in your best interests. As an informal patient who has capacity to make treatment decisions you have a right to refuse proposed treatment. This includes any medication that might be prescribed to you while on the ward.

Despite this right, it is hoped that you would discuss the reasons for this refusal with a member of your care team. Some patients who are not detained under the Mental Health Act but have difficulty making decisions may be subject to the provisions of the Mental Capacity Act (MCA) 2005.

Having mental capacity means being able to make your own decision about something. If staff think you are unable to make a decision and the result of the decision might cause you harm then the MCA allows them to take steps in your best interests to prevent this. Your family and friends are not able to give or refuse consent on your behalf without having authority from the Court of Protection.

If you have registered a Court Appointed Deputy or Lasting Power of Attorney for personal welfare decisions, the care team are required to seek their consent before treatment can be given. If you have a valid and applicable advance decision to refuse a treatment then the doctor must abide by your decision. If you are made subject to the Mental Health Act and the refused treatment is medication for your mental disorder, then the advance decision does not have to be followed, but your refusal must be taken into consideration before it may be overruled.

Any decision relating to your physical health must still be followed. If the treatment refused is electroconvulsive therapy (ECT), you cannot be given the treatment unless you are detained under the Mental Health Act and your life is at risk or it is necessary to prevent a serious deterioration in your condition, which would then put your life at risk.

If an emergency arises and there is a need to give you medication for your mental disorder, it may only be done if it is immediately necessary to prevent harm to you or others. You should talk to a member of the nursing staff if you have any questions about this information or if you have any concerns around any part of your care or treatment.



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*The information in this document is correct as of May 2020**