

Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards

Some people who are not detained under the MHA may have difficulty making decisions as they lack capacity to do so. If so, they may be subject to the provisions of the MCA Deprivation of Liberty Safeguards.

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 may cause you harm – then the MCA allows them to take steps in your best interest to prevent this.

If you do not have capacity and the unit would not allow you to leave then they need to apply for a MCA Deprivation of Liberty Safeguards authorisation. The law says we have to put these safeguards in place for you.

Staff are trained in issues of mental capacity and have information they will be happy to share with you and/or your family.

Hertfordshire Partnership University NHS Foundation Trust works toward eliminating all forms of discrimination and promoting equality of opportunity for all.

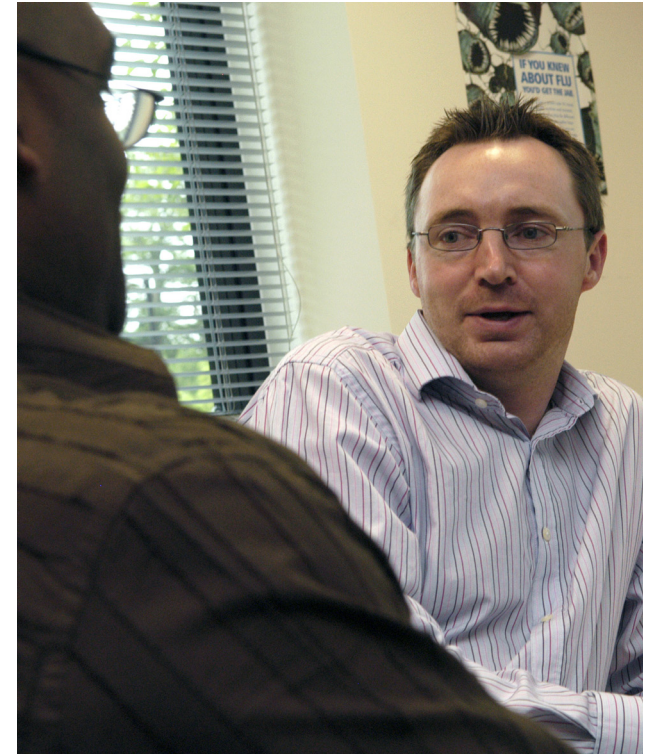
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Hertfordshire
Partnership University
NHS Foundation Trust



Your rights and responsibilities as an informal patient



Our values
Welcoming Kind Positive Respectful Professional

Why am I in hospital?

As an informal patient you have agreed to come into hospital voluntarily. This means you are not detained under the Mental Health Act 1983 (MHA).

It is likely that you know you are unwell and need to be given help and support.

Because of your informal status you have certain rights during your stay on the ward. Equally, you have some responsibilities as well.

Your Responsibilities

Agreeing to these responsibilities will ensure that your time on the ward is well spent and so enable you to return to your own private life as soon as possible.

On admission to the ward, every patient is encouraged to participate fully with their named nurse and other members of the clinical team in the development of their own treatment plan leading to a planned discharge.

Your Treatment

A member of the multi disciplinary team (a doctor, nurse or therapist) will talk to you about the treatment they think you need. If you agree you can accept this treatment.

As an informal patient you can refuse the treatment that is being offered to you. You cannot be given any treatment against your will, except in an emergency.

Your Rights

As an informal patient you are not subject to any restrictions about leaving the ward. It would be appreciated if you can co-operate with ward policy on entrance and exit to the ward or unit which will be explained to you by staff. While you are an inpatient we continue to have a duty of care towards you.

As an informal patient you are not subject to statutory powers and cannot be held on the ward or unit against your will. However, there are some important related issues.

Where ward or unit doors are locked there may be a number of reasons for this.

However, it is certainly not to prevent you from leaving and you have a right to request for them to be opened to allow you to leave. Please discuss this with a member of staff.

Clinical staff have a responsibility for ensuring that the whereabouts of all current inpatients are known at all times and will ask you to complete the signing in and signing out book.

Discharge

If you want to discharge yourself from hospital please discuss this with the staff team. They will advise you, based on how you are feeling and behaving, as to whether your discharge is wise or not.

If you are discharged you may be offered follow up care in the community. A copy of this plan will be given to you.

You also need to be aware that your family and carers may have to be advised that you are leaving so they can ensure support arrangements are in place.

Medication for you to take home may need to be organised, as well as other practical considerations such as food and money.

If there are concerns about you leaving

If clinical staff consider your decision to leave may be unwise they will explain their concerns to you so that you may take these into account.

If there are concerns about you leaving and the team are worried for your welfare then they can stop you from leaving. This would only happen if they believed that there needed to be an assessment of your mental health.

Under Section 5 of the MHA both doctors and nurses have the power to prevent you from leaving the ward if there are serious concerns and you insist on leaving.

Concerns include the possible harm that may occur to you or others and your overall welfare. This is to allow time for a MHA Assessment to be completed.

If these powers are implemented there are systems under the Act which are used to protect you and your rights and you will be informed of these if they are going to be applied to you.