

# The New Mental Health Act

A guide for people  
involved in criminal  
justice proceedings

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## **Disclaimer**

**While we have done our best to see that the information contained in this guide was accurate and up to date when it was published we cannot guarantee this. If you have any questions about how the information might apply to you, you should discuss your concerns with a solicitor, your independent advocate or other appropriate adviser.**

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A new law, the Mental Health (Care and Treatment) (Scotland) Act 2003 came into effect on 5 October 2005. It sets out how you can be treated if you have a mental illness including dementia, a learning disability or a personality disorder, and what your rights are.

The new Act covers issues like:

- when you can be given treatment against your will
- when you can be taken into hospital against your will
- what your rights are
- what safeguards there are to make sure that your rights are protected.

This guide is one of a series about the new Act, and it explains how you may receive treatment and be cared for after becoming involved in some way with the police and the courts. It should be read together with the Scottish Executive guide “The New Mental Health Act – What’s it all about?” Other guides have been written, such as “A Guide to Named Persons” and “A Guide to Advance Statements” which you may find helpful. For information on how to receive a copy of these guides, email the mental health law mailbox at [mentalhealthlaw@scotland.gsi.gov.uk](mailto:mentalhealthlaw@scotland.gsi.gov.uk) or phone 0131-244-2591.

This guide also refers to another law, the Criminal Procedure (Scotland) Act 1995, which gives the courts powers to ensure that you receive care and treatment under the new Act. The courts can use this law at any stage of criminal justice proceedings; from when you are first arrested up until the time when the court makes its final decision about your case.

Most of this guide is aimed at people who are themselves the subject of criminal proceedings. However, where appropriate, reference to the rights of carers and named persons has also been included. It may also be helpful when you are in discussion with others (e.g. independent advocate, legal adviser) about your circumstances.



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## 1 Guiding principles

The main aim of the principles is to ensure that you are treated with respect.

Anyone who is carrying out duties, or giving you treatment, under the Act, e.g. doctors, nurses and social workers, has to follow the principles set out in the Act. They must take account of:

- Your past and present wishes about your care and treatment, giving you information and helping you as much as possible to participate in decisions about this
- The views of your named person, carers, guardian or welfare attorney, if you have them
- The range of options available for your care and treatment
- What will ensure the maximum benefit for you
- Making sure that you are not treated any less favourably because you are being treated under the Act
- Your individual abilities and background, and other factors such as your age, gender, sexual orientation, religion, racial origin or membership of any ethnic group.

Any restrictions on your freedom should be the minimum necessary in the circumstances.

Where it is reasonable and practical, your carers' needs should be taken into account and your carers should receive information that might help them to care for you.

The services that you receive should be appropriate for your needs. Where you stop being treated under the Act, you should continue to receive care and treatment for as long as is necessary.

Where you are a child, under the age of 18, people carrying out duties under the Act must try to ensure that they do what is best for your welfare.

## 2 Some terms used in this guide

**The Act:** The Mental Health (Care and Treatment) (Scotland) Act 2003.

**Advance statement:** this is a written statement, drawn up and signed when the person is well, which sets out how he/she would prefer to be treated (or not treated) if he/she were to become ill in the future. It must be witnessed and dated. The Tribunal and any medical practitioner treating the person must take notice of an advance statement but is not bound by it. If the wishes set out in an advance statement have not been followed by the medical practitioner or the Tribunal, they must send to the patient, the patient's named person and the Mental Welfare Commission a written record giving the reasons for this. There is a separate topic guide that explains advance statements in more detail.

**Assessment Order:** an order made by the court which authorises hospital detention for up to 28 days so that the person's mental condition may be assessed.

**Compulsion Order:** an order made by the court which authorises compulsory measures (either hospital or community based) for a period of 6 months, if not otherwise renewed.

**Criminal Procedure (Scotland) Act 1995:** this act sets out the orders that a court can make when it is dealing with a case which involves a person with mental disorder.

**Hospital Direction:** an order made by the court in addition to a sentence of imprisonment. It allows the person to be detained in hospital for treatment of their mental disorder and then transferred to prison to complete their sentence once hospital treatment is no longer required.

**Independent Advocacy:** under the Act anyone with a mental disorder has the right to access independent advocacy services. An independent advocate is able to give support and help to enable a person express their own views about their care and treatment.

**Interim Compulsion Order:** an order made by the court which authorises hospital detention for 12 weeks (but can be renewed regularly for up to one year) so that the court can gather further specific evidence on the person's mental condition.

**Named Person:** this is someone who will look after the person's interests if he or she has to be treated under the Act.

**Mental Health Officer (MHO):** a social worker who deals specially with people with mental disorder. Mental Health Officers have particular duties under the Act.

**Restriction Order:** an order made by the court which can be added to a Compulsion Order. It means that the measures specified in the Compulsion Order are without limit of time and that the person cannot be transferred to another hospital or given leave from the hospital without the agreement of the Scottish Ministers.

**Transfer for Treatment Direction:** an order made by the Scottish Ministers to allow the transfer of a prisoner to hospital for treatment of a mental disorder.

**Treatment Order:** an order made by the court which authorises hospital detention for treatment of a person's mental disorder.

### 3 When might the powers in the Act be used?

There are strict conditions in the Act about when its powers might be used if you are involved with the criminal justice system. These vary depending on the circumstances but in general terms they are:

- that you have a mental disorder
- medical treatment\* is available which could stop your condition getting worse, or help treat some of your symptoms
- if that medical treatment were not provided, there would be a significant risk to you or to others
- that the use of the compulsory powers is necessary (i.e. taking into consideration all the circumstances of your case, there is no other way of providing you with care and treatment).

\* Medical treatment can include: drug treatments, nursing, care, psychological interventions, electro-convulsive therapy (ECT), habilitation and rehabilitation. 'Habilitation' and 'rehabilitation' cover things like education and training for work, and social and independent living skills.

## 4 How might the Act affect me?

The Act allows people to receive care and treatment for their mental disorder when they are, or have been, involved in criminal proceedings.

Where the police, prosecutor, court, defence solicitor, etc. are concerned about your mental health, they may request a mental health assessment. This will help decide whether treatment might be necessary and how best to deal with your case.

When you are involved in criminal justice proceedings you can have your own solicitor to help you and give you legal advice about your case. They might also be able to obtain independent psychiatric reports for you which you can ask the court to consider alongside other reports that the court or the prosecutor has obtained. Your solicitor can also tell you if you are entitled to legal aid.

If you are already in hospital and are not sure what kind of order you are on, your doctor should be able to explain this to you. An independent advocate might be able to help you find out (see page 21).

Your mental health officer (a social worker who deals specially with people with mental disorder) can advise you about independent advocacy services (and how to contact them) and explain your legal rights under the Act. If you are living in the community they can make sure that you get an assessment of your community care needs to which you are entitled. If you are in hospital they may also be able to assist you with important matters in your life which need attention. If you have children they can help you to keep in contact with them while you are in hospital. If you wish, they can speak to others who may be important to you such as relatives, friends or carers to help them understand what you are going through and/or ask them for their views on what might be helpful to you. You can ask your doctor or a nurse on your ward for the name of your mental health officer and how to contact them.

The Act provides for a number of different court orders which are detailed over the next 6 pages. You may find it helpful to consult the charts on the centre pages of this guide while you are following the explanations of the orders. The letters at the start of the explanations correspond to the relevant box(es) in the chart.

### **A. Assessment Order**

If you have been given bail or you have been remanded in custody (prison) before your trial the court may detain you in hospital for up to 28 days to allow a specially trained doctor (a psychiatrist) to carry out an assessment of your mental health.

The psychiatrist will prepare a report to help the court to decide whether you are fit to stand trial and if you need to stay in hospital for treatment in the meantime.

The court can only make this order if it is recommended by a doctor who has examined you. The police, the prosecutor or the court can arrange for this to be done.

The court can make this order at any time from before your trial begins right up until the court makes its final decision about your case.

The order can be extended for 7 days (on top of the 28 days) if your psychiatrist needs further time to decide whether you need to remain in hospital for treatment.

You have no right of appeal under the Act against this order. However your psychiatrist has a responsibility to notify the court at any time if your circumstances change and the order needs to be cancelled or changed in some way.

## **B. Treatment Order**

If you have been given bail or you have been remanded in custody (prison) before your trial the court may detain you in hospital for treatment of your mental disorder.

The court can only make this order if it has been recommended by two doctors who have examined you, one of whom must be a psychiatrist.

There is no fixed time limit on this order, it can last until the court makes its final decision about your case or possibly commits you to hospital under another order.

You have no right of appeal under the Act against this order. However your psychiatrist has a responsibility to notify the court at any time if your circumstances change and the order needs to be cancelled or changed in some way.

## **C. Temporary Compulsion Order**

If the court has decided that your trial cannot start or cannot continue because you are considered to be unfit to stand trial (because of your mental health), the court may detain you in hospital for treatment under this order.

The court can only make this order if it has been recommended by two doctors who have examined you.

Once the order is made the court would go on to examine the facts of your case by carrying out a procedure called an 'Examination of Facts'. This allows the court to find out if you carried out the act with which you have been charged.

There is no fixed time limit on this order, it can last until the court makes its final decision about your case or possibly commits you to hospital under another order.

There is no right of appeal under the Act against this order.

## **D. Acquitted but detained**

If, at the end of an Examination of Facts (see C) or a trial, the court is not satisfied beyond reasonable doubt that you did the act with which you were charged, the court must acquit you. (This means that you are cleared of the charge). However if the court has received recommendations from two doctors that you need care and treatment for your mental disorder, the court may then detain you for 6 hours so that a doctor can examine you.

The doctor's responsibility would be to determine whether you do require care and treatment and if you do, what needs to happen next. The examination should be carried out in hospital if possible but if not it could take place in the court holding cells.

If, at the end of an Examination of Facts (see C) or a trial, the court is satisfied beyond reasonable doubt that you did do the act with which you were charged but acquits you (i.e. clears you of the charge) on the grounds of insanity, the court may detain you in hospital for further assessment under an order called an Interim Compulsion Order (see G).

If the court considers that you require treatment in hospital it can detain you in hospital under an order called a Compulsion Order (see H) which might have a Restriction Order attached (see I).

## **E. Remand on bail for enquiry**

If you have been convicted of an offence for which the punishment is imprisonment, the court may grant you bail for 3 weeks, with the condition that you attend a hospital so that you can be examined by one or possibly two doctors. The court may make this order where it wants further information about your mental health before it makes a final decision about your case. It can only make the order if a doctor who has examined you has recommended it.

A condition of the bail might be that you must reside in hospital for a specific period for the examinations to be carried out. If you leave the hospital before you have been discharged, or before the period of bail

expires, you will be breaching the conditions of bail and be making yourself open to further criminal proceedings.

You have a right of appeal if you are refused bail and against any conditions of your bail.

### **F. Committal to hospital for enquiry**

If you have been convicted of an offence for which the punishment is imprisonment, the court may commit you to hospital for 3 weeks so that you can be examined by one or possibly two doctors.

The court may make this order where it wants further information about your mental health before it makes a final decision about your case. It can only make the order if a doctor who has examined you has recommended it. If you have been committed to hospital under this order and you leave, you will be committing an offence for which you could be arrested and returned to court.

The order can be extended once for a further 3 weeks.

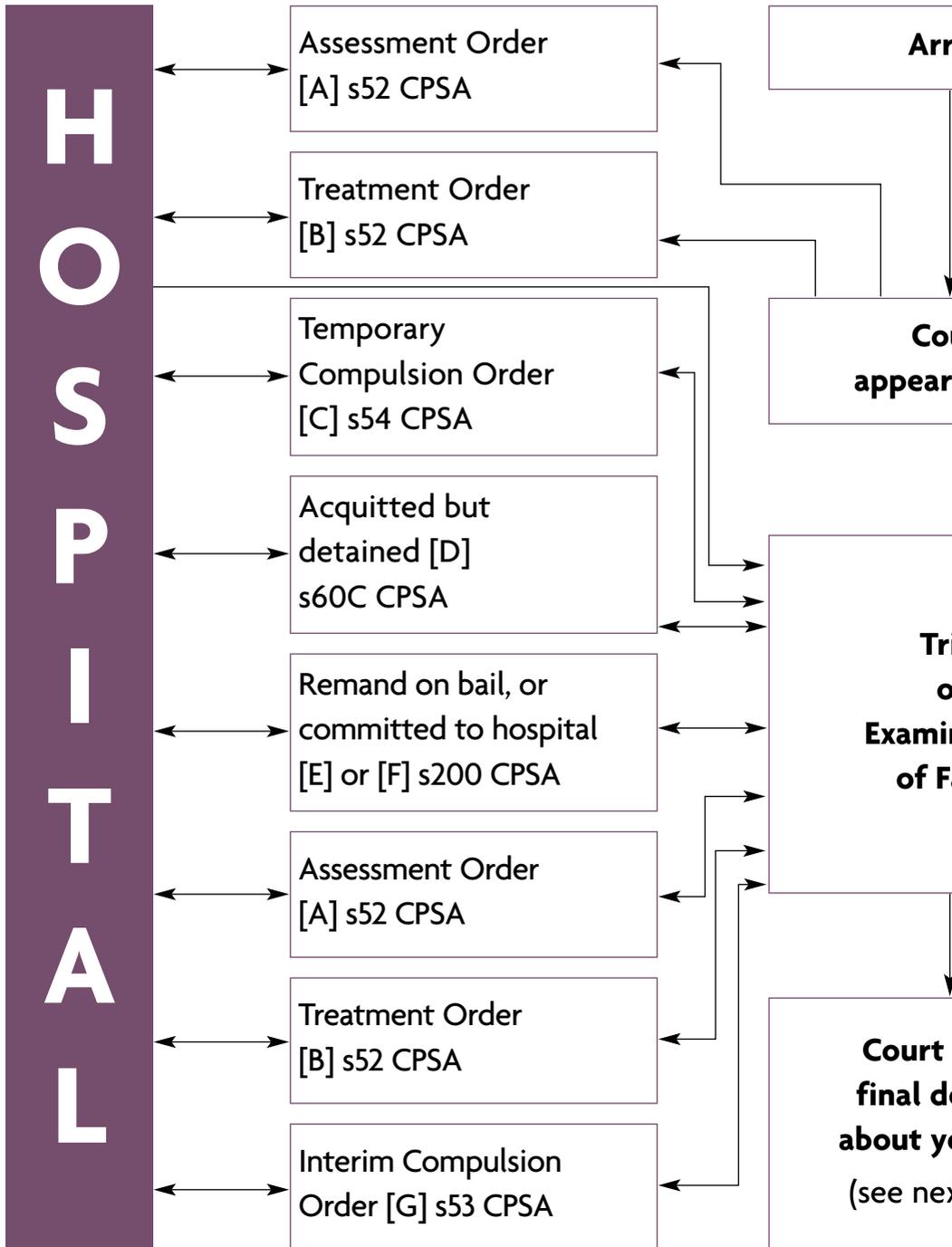
You have a right of appeal against being committed to hospital.

### **G. Interim Compulsion Order**

If you have been convicted of an offence for which the punishment is imprisonment, instead of imposing a prison sentence, the court can detain you in hospital for 12 weeks so that a thorough assessment of your mental health and possible treatments can be carried out before the court makes a final decision about your case.

For the order to be made the court must have reports from two doctors stating that it is necessary; it may be that the doctors have not been able to form a clear view of what, if any, mental disorder you may have and what treatment should be recommended.

This order can be extended every 12 weeks for up to one year.



CPSA – Criminal Procedure (Scotland) Act 1995

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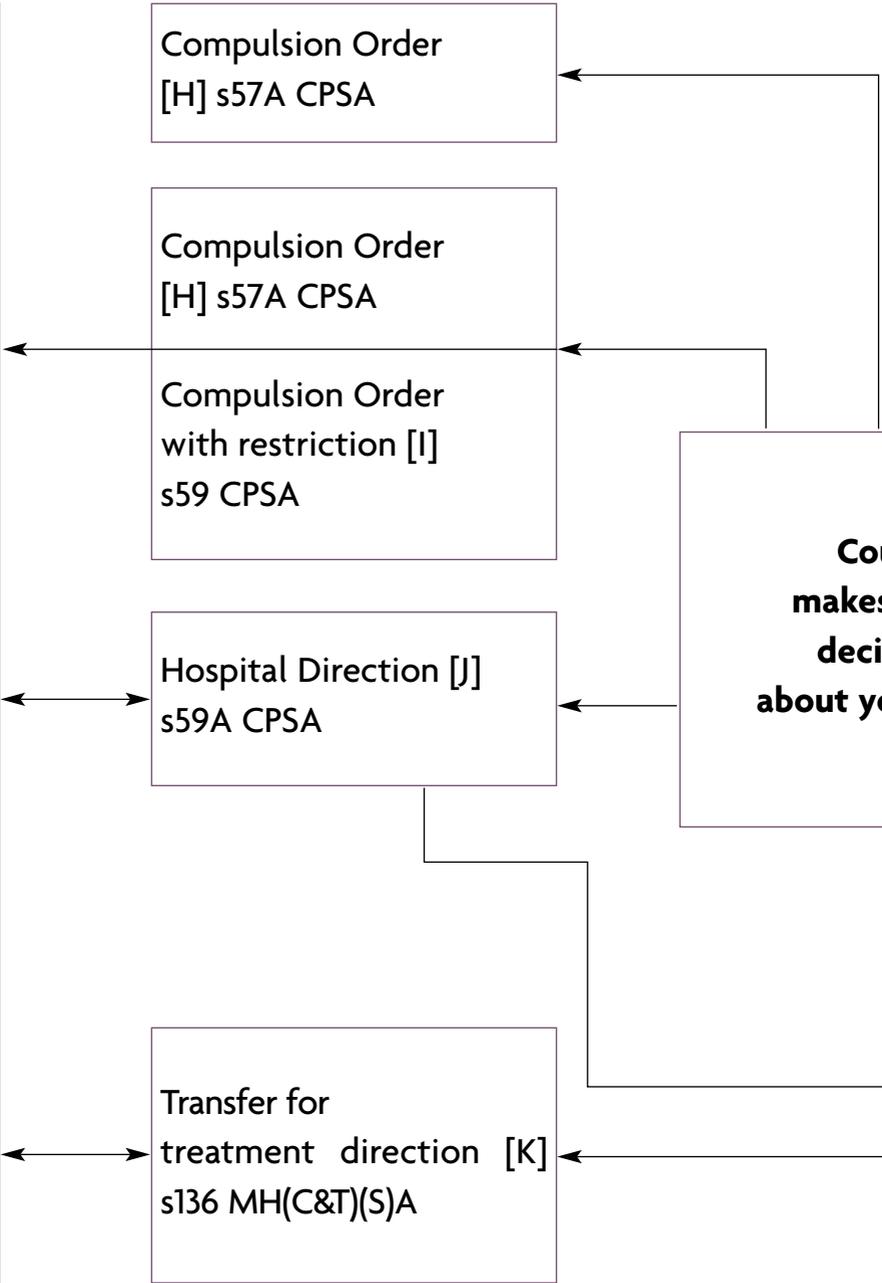
makes  
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our case  
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Remanded to prison

Remand Order  
(on bail or in custody)  
s200 CPSA

# P R I S O N

# HOSPITAL



MH(C&T)(S)A – Mental Health (Care and Treatment) (Scotland) Act 2003

CPSA – Criminal Procedure (Scotland) Act 1995

Court's final decision for case

Probation Order  
[L] s230 CPSA

Decision which does not involve prison or hospital, e.g. supervision and treatment order

Prison sentence

May go or return to prison to complete sentence

P  
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You have the right to appeal to the court against the order being made but not against it being renewed. Your psychiatrist has a responsibility to notify the court at any time if your circumstances change and the order needs to be cancelled.

## **H. Compulsion Order**

If you have been convicted of an offence for which the punishment is imprisonment, instead of imposing a prison sentence the court can, for a period of 6 months, detain you in hospital, or impose strict conditions on you which would allow you to receive treatment while living in the community. These conditions can include:

- you must attend a particular place (which may not necessarily be a hospital) on a regular basis so that you can receive treatment, care or other services
- you must reside at a specific address
- you must allow the following people access to where you live so that you can be given treatment, care or other services:
  - your mental health officer
  - your doctor
  - any person whom your doctor has authorised should give you treatment, care or other services
- you must inform your mental health officer if you wish to change address (this must be done **before** the date on which you wish to move) and you must obtain their consent to the move.

If you fail to keep to the conditions your case may be referred to the Tribunal (see page 21) to have the conditions of the order changed. You may be detained in hospital in the meantime if it is felt that this is necessary to safeguard your health.

The court can only make a Compulsion Order if it has been recommended by two doctors (one of whom must be a psychiatrist) who consider that you are suffering from a mental disorder that requires hospital treatment and that it is necessary for your own health and safety or for the protection of others that you receive the treatment.

Whether the Compulsion Order involves detention in hospital or necessary treatment in the community, your psychiatrist has a responsibility to keep the need for the order under review and if at any time your circumstances change he or she must apply to the Tribunal to have the order changed or cancelled.

At the 6 month stage your psychiatrist has the option to extend the order for a further 6 months, and after that it can be extended for 12 months at a time.

You have a right of appeal to the court against the order being made in the first place, and after that you and your named person (see page 22) can apply to the Tribunal at certain times to ask for the order to be cancelled or changed in some way. The Mental Welfare Commission for Scotland (see page 23) can also cancel the order or refer your case to the Tribunal for review if it considers this is appropriate.

### **I. Restriction Order**

If the court makes you subject to a Compulsion Order it can also add a Restriction Order if it considers it necessary. This order means that you cannot be transferred to another hospital or be granted leave from the hospital without the consent of the Scottish Ministers. It also means that the measures authorised in the Compulsion Order last without limit of time or until the Tribunal cancels the Restriction Order.

(An example of a 'measure' is that you must be detained in a specific hospital.)

In addition, the timescales for the Tribunal reviewing your case are slightly different than if you were subject to a Compulsion Order on its own. In general terms, the Tribunal will review your case every 2 years unless your psychiatrist or the Scottish Ministers have already referred your case to the Tribunal during that time.

Your psychiatrist and the Scottish Ministers must keep the need for the order under review and if at any time your circumstances change they must refer your case to the Tribunal.

You have a right of appeal to the court against the Restriction Order being made in the first place, and after that you and your named person can apply to the Tribunal at certain times to have your case reviewed. The Tribunal has powers to direct your absolute or conditional discharge in certain circumstances. The Mental Welfare Commission for Scotland can also refer your case to the Tribunal if it considers this is appropriate.

## **J. Hospital Direction**

If you have been convicted of an offence for which the punishment is imprisonment the court may, in addition to imposing a prison sentence, direct that you first be detained in hospital so that you may receive care and treatment for your mental disorder.

The court can only make this order if it has been recommended by two doctors (one of whom must be a psychiatrist) who consider that you are suffering from a mental disorder that requires hospital treatment and that it is necessary for your own health and safety or for the protection of others that you receive treatment.

The review procedures for this order are the same as for a Compulsion Order with a Restriction Order (see I). As with a Compulsion Order and a Restriction Order the Scottish Ministers must agree before you can be transferred to another hospital or granted leave from the hospital.

Your psychiatrist and the Scottish Ministers must keep the need for the order under review and in certain circumstances the Scottish Ministers may direct that you be transferred to prison to serve the remainder of your sentence. The time that you have been detained in hospital is taken into consideration.

You have a right of appeal to the court against the Hospital Direction being made in the first place, and after that you and your named person can apply to the Tribunal at certain times to ask for the direction to be cancelled. The Tribunal can, in certain circumstances, order that the direction is cancelled and that you are discharged from hospital. The Scottish Ministers can also cancel the direction and discharge you from hospital in certain

circumstances. The Mental Welfare Commission for Scotland can have your case referred to the Tribunal if it considers this is appropriate.

The Hospital Direction comes to an end at the same time as your sentence. If the direction is cancelled and you are discharged from hospital before the end of your sentence you will be taken to prison (or another institution) to serve the rest of your sentence. If you are in hospital at the end of your sentence and your psychiatrist is of the opinion that because of your mental disorder you should continue to be detained in hospital, he or she can apply to the Tribunal for an order so that this can happen. However, you would have the right to challenge this order being made.

### **K. Transfer for Treatment Direction**

If you are serving a prison sentence and two doctors (one of whom must be a psychiatrist) consider you are suffering from a mental disorder that requires hospital treatment and that it is necessary for your own health, safety or welfare, or for the protection of others that you receive treatment, the Scottish Ministers may direct that you be transferred to hospital for care and treatment.

The review procedures for this direction are the same as for a Compulsion Order with a Restriction Order (see I). The Scottish Ministers must authorise your being transferred to another hospital or being granted leave. Your psychiatrist and the Scottish Ministers must keep the need to be detained in hospital under review and in certain circumstances the Scottish Ministers may direct that you be transferred back to prison to serve the remainder of your sentence. The time that you have been detained in hospital is taken into consideration.

You and your named person can appeal to the Tribunal against the direction being made and after that, you and your named person can apply to the Tribunal at certain times to ask for the direction to be cancelled. The Tribunal can in certain circumstances order that the direction is cancelled and that you are discharged from hospital. The Scottish Ministers can also cancel the direction and discharge you from hospital in certain circumstances. The Mental Welfare Commission for Scotland can have your case referred to the Tribunal if it considers this is appropriate.

The direction comes to an end at the same time as your sentence. If the direction is cancelled and you are discharged from hospital before the end of your sentence you will be taken to prison (or another institution) to serve the rest of your sentence. If you are in hospital at the end of your sentence and your psychiatrist is of the opinion that because of your mental disorder you should continue to be detained in hospital, he or she can apply to the Tribunal for an order so that this can happen. However, you would have the right to challenge this order being made.

### **L. Probation Order with Requirement of Treatment**

If the court makes you subject to this order you are required to attend a particular place (such as a clinic, a surgery or a hospital) for treatment either as an in-patient or as an out-patient.

The court cannot make you subject to this order unless you agree to it. It must be recommended by a psychiatrist and the doctor or psychologist who will be giving you the treatment, and if your local authority has agreed to provide a supervising officer, that supervising officer. The order can last for up to 3 years.

If you are being treated as an out-patient and do not keep your medical appointments, or if you are residing in hospital for treatment as an in-patient and you leave the hospital without permission, or if you attend for appointments and refuse treatment, your supervising officer would be informed and you may be returned to court for breaching the conditions of the order.

You may also be required to keep to other conditions such as being of good behaviour and not offending. If you fail to keep to any of the conditions of your order your supervising officer is required to notify the court and you may receive an alternative sentence.

## 5 Can I be given medical treatment without my consent?

The term 'medical treatment' in the Mental Health (Care and Treatment) (Scotland) Act 2003 may include drug treatments, nursing, care, psychological interventions, electro-convulsive therapy (ECT), habilitation and rehabilitation. 'Habilitation' and 'rehabilitation' cover things like education and training for work, social and independent living skills. There are special safeguards in the Act for some treatments such as neurosurgery for mental disorder, ECT and drug treatments given for more than 2 months.

You can be given medical treatment in accordance with the Act if you are subject one of the following orders:

- an Assessment Order
- a Treatment Order
- an Interim Compulsion Order
- a Compulsion Order (with or without a Restriction Order)
- a Hospital Direction
- a Transfer for Treatment Direction.

If you do not consent to medical treatment and you are subject to an Assessment Order, your psychiatrist must obtain a second opinion from another psychiatrist who is not involved in your case. For you to be given the treatment the second psychiatrist must consider that it is in your best interests. If you are subject to any of the other orders in the list above and you do not consent to medical treatment, the second opinion must be from a doctor appointed by the Mental Welfare Commission. For you to be given the treatment the second doctor must consider that it is in your best interests.

If you have been acquitted but detained by the court for 6 hours so that a doctor can examine you (see page 8), you **cannot** be given treatment during those 6 hours without your consent.

If you are subject to a probation order with a requirement of treatment for mental condition (see page 18), you **cannot** be given treatment under this order without your consent. However if treatment is a condition of your probation and you refuse to accept it, this would be a breach of the conditions and may result in your being taken back before the court.

If, following conviction, you have been remanded on bail for enquiry into your mental condition (see page 8), you **cannot** be given treatment without your consent.

If, following conviction, you have been committed to hospital for enquiry into your mental condition (see page 9), you **cannot** be given medical treatment without your consent unless it is an emergency when you can be given treatment under the Act. If it is not an emergency and your doctor considers that it would be in your best interests for you to be given the treatment but you do not consent to it, he must obtain a second opinion from another psychiatrist who is not involved in your case.

## 6 What safeguards does the new Act contain to protect my rights?

### **The new Mental Health Tribunal**

A new Mental Health Tribunal will take on some of the powers currently held by the courts and the Scottish Ministers such as making decisions about whether orders should be extended, cancelled or changed in some way.

Each Tribunal will have three members: a legally qualified person, a doctor with experience in mental health, and a third person with other relevant skills in health or social care and/or experience in caring for someone with a mental disorder.

If you are subject to a Compulsion Order (with or without a Restriction Order), a Hospital Direction or a Transfer for Treatment Direction you and your named person have the right within certain timescales to apply to the Tribunal to have the order or direction cancelled or changed in some way.

### **Independent Advocacy**

If you have a mental disorder, you have a right of access to independent advocacy. Independent advocacy can be about you getting together with a group of people with a common interest to have your say about the services you receive, or about you having someone called an independent advocate with no ties to any of the people who provide services to help you have your say about what happens to you.

An independent advocate under mental health law, is not the same as a legal advocate who might be representing you in court proceedings. An independent advocate under mental health law is someone who can help you get all the information you need to make a decision about what you want and can also help you to get your point of view across. They are there to support you and nobody else, they can't make decisions for you and they can't express their opinion about what should happen to you. They can, for example, be with you at a Tribunal.

Your mental health officer will be able to let you know what independent advocacy services can work with you and help you to get in touch with them.

### **Named Person**

If you are aged 16 or over, you will be able to choose someone, a ‘named person’, to support you and to protect your interests in certain proceedings under the Act. Although they do not have a right to be involved in your court proceedings, your named person has the same rights as you do to be told about and be represented at Tribunal Hearings.

If you do not choose anyone to be your named person then your primary carer will be your named person. (Your primary carer is the person who provides most or all of your care and support.) If you have no primary carer then your nearest relative will be your named person. Your mental health officer will be able to fully explain to you the role, the status and the rights of a named person and discuss with you who you would like yours to be.

For more information, please see, ‘A Guide to Named Persons’ from this series.

### **Advance Statements**

If you have a mental disorder the Act gives you the right to make a written statement setting out how you would like to be treated, or not like to be treated if you become too unwell in the future to make decisions yourself.

The Tribunal, and any person who is responsible for giving you treatment under the Act, will have to take account of what you have written in your statement. However, you can be given treatment that conflicts with the wishes you have set out in your advance statement.

For more information, please see, ‘A Guide to Advance Statements’ from this series.

## **The role of the Mental Welfare Commission**

The Mental Welfare Commission for Scotland is an independent organisation set up by Parliament with responsibility for protecting the welfare of people with mental disorder (including learning disabilities and dementia) in Scotland. See page 24 for contact details.

It has a duty to anyone with a mental disorder whether they are in hospital, in prison, in local authority, voluntary-run or private accommodation, or in their own homes. It enquires into cases of alleged ill-treatment or deficiency of care and treatment, and visits patients in hospital or in the community.

You may contact the Mental Welfare Commission at any time while you are receiving care and treatment under the Act. In particular the Mental Welfare Commission can, where it considers it appropriate, arrange for your case to be referred to the Tribunal if you are subject to any of the following orders: Compulsion Order, Compulsion Order and a Restriction Order, Hospital Directions and Transfer for Treatment Directions.

## **Appeal against levels of security**

If you are subject to a Compulsion Order (with or without a Restriction Order), a Hospital Direction or a Transfer for Treatment Direction you will have the right to appeal to the Tribunal against the level of security in which your care is being provided. You will have this right whether you are a patient in the State Hospital or any other hospital. The 'level of security' may be to do with your physical environment (e.g. a locked ward, or a hospital with a security fence) or it may be to do with the level of freedom you have, to walk in the grounds with or without supervision or to spend time in your local community.

**This right of appeal will not be available in 2005 but will come into force no later than 1st May 2006.**

## 7 Further information contacts

### **Bipolar Fellowship Scotland**

Studio 1016, Abbeymill Business Centre, Seedhill Road, PAISLEY PA1 1TJ  
telephone: 0141 560 2050  
website: [www.bipolarscotland.org.uk](http://www.bipolarscotland.org.uk)

### **Depression Alliance Scotland**

3 Grosvenor Gardens, EDINBURGH EH12 5JU  
telephone: 0131 467 7701  
website: [www.depressionalliance.org](http://www.depressionalliance.org)

### **Enable**

6th Floor, 7 Buchanan Street, GLASGOW G1 3HL  
telephone: 0141 226 4541  
website: [www.enable.org.uk](http://www.enable.org.uk)

### **Mental Health Tribunal for Scotland**

1st Floor, Bothwell House, Hamilton Business Park, Caird Park,  
HAMILTON ML3 0QA  
telephone: 01698 390000  
website: [www.mhtscot.org](http://www.mhtscot.org)

### **Mental Welfare Commission for Scotland**

Floor K, Argyle House, 3 Lady Lawson Street, EDINBURGH EH3 9SH  
telephone: 0131 222 6111  
service user & carer freephone: 0800 389 6809  
website: [www.mwscot.org.uk](http://www.mwscot.org.uk)

### **National Schizophrenia Fellowship (Scotland)**

Claremont House, 130 East Claremont Street, EDINBURGH EH7 4LB  
telephone: 0131 557 8969  
website: [www.nsfscot.org.uk](http://www.nsfscot.org.uk)

### **People First (Scotland)**

77-79, Easter Rd, EDINBURGH EH7 5PW  
telephone: 0131 478 7707  
website: [www.peoplefirstscotland.com](http://www.peoplefirstscotland.com)

**Scottish Association for Mental Health (SAMH)**

Cumrae House, 15 Carlton Court, GLASGOW G5 9JP

telephone: 0141 568 7000

website: [www.samh.org.uk](http://www.samh.org.uk)

**Scottish Commission for the Regulation of Care**

11 Riverside Drive, DUNDEE DD1 4NY

telephone: 0845 60 30 890

website: [www.carecommission.com](http://www.carecommission.com)

**Scottish Consortium for Learning Disability (SCLD)**

The Adelphi Centre, Room 16, 12 Commercial Road, GLASGOW G5 0PQ

telephone: 0141 418 5420

website: [www.sclld.org.uk](http://www.sclld.org.uk)

**Scottish Independent Advocacy Alliance**

138 Slateford Road, EDINBURGH EH14 1LR

telephone: 0131 455 8183

website: [www.siaa.org.uk](http://www.siaa.org.uk)

**Scottish Public Service Ombudsman**

4 Melville Street, EDINBURGH EH3 7NS

Telephone: 0870 011 5378

Website: [www.scottishombudsman.org.uk](http://www.scottishombudsman.org.uk)

**The Office of the Public Guardian**

Hadrian House, Callendar Business Park, Callendar Road, FALKIRK FK11 XR

telephone: 01324 678 300

website: [www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)

Your local area social work department is listed in the telephone directory under council services.

## 8 Acknowledgements

We wish to thank Karen Nelson for this guide.

## 9 Other guides in this series

- The New Mental Health Act – A guide to advance statements
- The New Mental Health Act – A guide to compulsory treatment orders
- The New Mental Health Act – A guide to consent to treatment
- The New Mental Health Act – An easy read guide
- The New Mental Health Act – A guide to emergency and short-term powers
- The New Mental Health Act – A guide to independent advocacy
- The New Mental Health Act – The role of the Mental Welfare Commission
- The New Mental Health Act – A guide to named persons
- The New Mental Health Act – A guide to the roles and duties of NHS Boards and local authorities
- The New Mental Health Act – What's it all about? A Short Introduction

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