

EASY READ

# Role of the Designated Medical Practitioner

# Designated medical practitioners

Protecting you when you have treatment

**This booklet is for people who are having treatment under Part 16 of the Mental Health (Care and Treatment)(Scotland) Act, 2003.**

It explains:

- when you can be made to have treatment you don't want
- how your rights are protected
- what **Designated Medical Practitioners (DMPs)** are
- what they do
- what happens if your psychiatrist and the DMP disagree
- what to do if you don't like the DMP's decision
- what happens if the DMP agrees to a treatment you have refused in an advance statement
- who the Mental Welfare Commission are, and what we do.

If you would like a more detailed version of this leaflet, please contact us on 0800 389 6809.

We have included a glossary to explain some of the words.

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

### **What is the Mental Health Act?**

The Scottish Parliament made the Mental Health (Care and Treatment) (Scotland) Act part of the law in 2003.

This is sometimes called the MHA or the Act.

The Act says how you can be treated if you have a mental illness, a learning disability or a similar condition.

This leaflet explains what the law says about:

- when you can be made to have treatment you don't want; and
- how your rights are protected.

A doctor who works in mental health is called a psychiatrist.

Under the Act the psychiatrist in charge of your treatment is called the **responsible medical officer. We will call them your psychiatrist in this leaflet.**

## Can you be treated if you do not want the treatment?

Yes, but there are rules to protect you when this happens.

There are special rules about some treatments:

- Any medication for your mental health that you have to take for more than two months.
- Feeding through a tube. (This is called artificial nutrition)
- ECT. (This is electroconvulsive therapy)
- Medication to bring down your sex drive.

If you can understand and agree to have the treatment, your psychiatrist will ask you to fill in a form, called a T2. This is known as **giving consent**.

If you **do not agree** to have the treatment, your psychiatrist will ask for an opinion from a designated medical practitioner (also called a DMP).

Your psychiatrist will contact the Mental Welfare Commission. We will contact a DMP who will come to see you.

**If you would like more information about giving consent to treatment, please read the Scottish Government publication “The New Mental Health Act:- A Guide to Consent to Treatment Information for Service Users and their Carers”.**

## Who are designated medical practitioners (also called DMPs)?

DMPs are experienced psychiatrists.

The DMP who comes to see you will work for a different hospital from the one where you are having your treatment. This means they can give an opinion which is independent from your psychiatrist.

The Mental Welfare Commission gives DMPs special training to make sure that they understand consent and the Mental Health Act.

We try to make sure that the DMP has special knowledge of the treatment you have been offered.

You have a right to access advocacy services. The advocacy worker can help you to express your views.

## About DMPs

### What does the DMP do?

Your own psychiatrist will make a plan for treating you.

The DMP will decide if the treatment your psychiatrist wants to give you is in line with the law and is in your best interests.



The DMP will say yes or no to the treatments with special rules (see page 3).

The DMP cannot give what is known as a second opinion on anything else.

If you want a second opinion on your illness or other treatments, you must tell your own psychiatrist and they can arrange it.

Your solicitor can also arrange an independent medical opinion.

Even if you have your own second opinion, the DMP must still say yes or no to the special treatments.

## What will happen

Before saying yes or no, the DMP will:

- talk to you and listen to what you think about your treatment
- assess your mental health
- look at your case notes
- look at an advance statement if you've made one (an advance statement is a signed written statement about how you would like to be treated)
- ask others about your care (including your named person, nurses and other people involved in your treatment), if they need to.

If the DMP agrees with the treatment plan, they will tell you and your psychiatrist.

## More about the DMP role

The Mental Health Act says that the DMP must also take into account:

- your wishes about your care and treatment
- the views of your named person and any carer, guardian or welfare attorney you have
- the different options available for your care and treatment
- whether the care and treatment will be the best for you
- your abilities and background
- other important things about you, like your age, gender, sexual orientation, religion, race or membership of any ethnic group.



The DMP should also make sure that:

- you are given the information and help you need to make decisions about your care and treatment
- you are not treated differently than anyone else because you are being treated under the Act
- if you are under the age of 18, they must pay extra attention to your welfare.

## What if you don't like the DMP's decision?

You cannot appeal against a DMP's decision.

You have the right to appeal to the Mental Health Tribunal about your overall treatment.

There are **independent advocacy services** that may be able to help you with this.

The staff involved in your care or the Mental Welfare Commission can give you information about how to access this.

It is important that you keep talking with your own psychiatrist about your treatment.

If you, or anyone else, are seriously worried about what a DMP has decided, it is important that you let the Mental Welfare Commission know.

We can also talk to you about your rights under the Mental Health Act.

## What happens if your psychiatrist and the DMP disagree?

The DMP is completely independent of the psychiatrist who is treating you.

The DMP will only agree to the treatment if they believe it is legal and in your best interests.

If the DMP thinks your treatment plan could be improved, or they do not think your own psychiatrist has chosen the right treatment, they will talk more about this and your treatment plan might be changed.

If they cannot agree, another DMP or a psychiatrist who works for the Mental Welfare Commission will come to visit you and try to resolve the problem.

When the DMP and the psychiatrist agree on a treatment plan, your treatment will be given the go-ahead.

## What if my advance statement says I do not want the treatment?

The Mental Welfare Commission pays special attention to cases where the DMP agrees to treatment that goes against your advance statement.

Advance statements are a very important part of the Mental Health Act.

Nobody should give you treatment that goes against what you said in your advance statement without thinking very carefully about what is best for you.

If you have made an advance statement it is important that a copy is kept with your medical notes so that the DMP can read it and take your views into account.

If the DMP agrees to treatment that goes against your advance statement, they will provide you with information, in writing, explaining their decision.

The DMP must also send this information to the Mental Welfare Commission and to your named person. We also advise the DMP to send a copy of the decision to your psychiatrist.

If we are not happy with the decision, or we don't think a treatment is in your best interests, we will look into your case.

If you would like more information about advance statements please read the Scottish Government publication “**The New Mental Health Act: A Guide to Advance Statements**”.

# About the Mental Welfare Commission

## Our aim

We aim to make sure that everyone's care, treatment and support is allowed by the law, respects the rights and promotes the welfare of people with mental illness, learning disability and related conditions.

We do this by empowering people and their carers and guiding service providers and those who make the rules.

## Why we do this

People might be at risk because they are not able to look out for their own interests. Someone else might have to decide they need care and treatment.

When this happens, we make sure it is allowed by law and is the right thing to do.

## Who we are

We are an independent organisation set up by the Scottish Government. We are experienced health and social care staff, service users and carers.

## What we stand for

People with mental illness, learning disability and related conditions should have the same rights and respect as anyone else. They have the right:

- to be treated with dignity and respect
- to have treatment that is allowed by law and is the right thing for them
- not to be abused, neglected or discriminated against
- to have care and treatment that is best for their needs
- to get well and have as full a life as possible.

## What we do

We work to get the balance right between the person's rights, the law and the care the person gets. We work across all areas of health and social care.

- We find out if a person's care and treatment is allowed by the law.
- We ask service providers to give the very best mental health and learning disability care they can give.
- We follow up on individual cases where we think something is wrong, and may investigate further.
- We give information, advice and help to people, carers and service providers.

- We help to develop services and we help to make new laws about them.
- We help service providers to understand what the mental health and incapacity law says about people's care and treatment.

## How to contact the Commission

If you have any questions or would like information in another language or format, please get in touch with us.

Our contact details are:



**Mental Welfare Commission for  
Scotland**

**Thistle House**

**91 Haymarket Terrace**

**Edinburgh**

**EH12 5HE**



**Service user and carer freephone**

**0800 389 6809**

**Office 0131 313 8777**



**[www.mwscot.org.uk](http://www.mwscot.org.uk)**

## Your views

We want to know what you think about our service. So if you have a complaint, a comment or a compliment, please ring us on 0800 389 6809.

We will listen to what you have to say and use it to help us improve our service in future.

# Glossary

**Advance Statement** – a document where you can say what care and treatment you want.

**Advocacy worker** – this is someone independent who can help you to give your opinion and will always explain what your wishes are. They do not give their own or anyone else's opinion.

**Artificial nutrition** – this is when you are fed with fluid diet through a special tube.

**Designated medical practitioner (DMP)** – this is an independent psychiatrist who will come to review your treatment plan and give an opinion on it.

**Electro-convulsive therapy (ECT)** – this is a special treatment which uses electricity to cause a fit which can help people with serious depression.

**Mental health tribunal** – this is an independent organisation which will make decisions about whether you should be treated under the Mental Health Act.

**Named person** – this is a family member or friend who you would like to be consulted about your care and treatment.

**Psychiatrist/responsible medical officer**

**(RMO)** – this is your doctor who looks after your mental health. The psychiatrist becomes the RMO if your treatment is under the Act.

**Solicitor** – this is a person who will help you if you want legal advice and assistance.



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