

The New Mental Health Act

An Easy Read Guide

**healthier
scotland**
SCOTTISH EXECUTIVE

mental welfare commission for Scotland	SCOTTISH ASSOCIATION for MENTAL HEALTH	NSF SCOTLAND
PROMOTING•SUPPORTING• DEFENDING Scottish Independent Advocacy Alliance	Advocacy Safeguards Agency	NHS SCOTLAND

This guide was produced in collaboration with the Mental Welfare Commission for Scotland, the Scottish Association for Mental Health, National Schizophrenia Fellowship Scotland, the Scottish Independent Advocacy Alliance, the Advocacy Safeguards Agency, the State Hospital at Carstairs and the Scottish Executive.

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Scottish Executive
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EH1 3DG

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The New Mental Health Act

The Scottish Parliament has made a new law, the Mental Health (Care and Treatment) (Scotland) Act 2003.

The new law affects people with learning disabilities and people with mental health problems.

What the new law means for you

The new law sets out the rules for when you can be sent to hospital or kept in hospital even when you do not want to be there.

The new law also sets out the rules for when you can be made to have medical treatment.

Medical treatment

This means pills, medicine, counselling or anything else that will help you get better when you are ill.

These rules apply to you if

- You have learning disabilities or a mental health problem
- Medical treatment can make you better
- You might hurt yourself or someone else if you did not have medical treatment
- You cannot make decisions about mental treatment on your own
- There is no other way to help you

The new rules apply to Councils and Health Boards as well

- Councils and Health Boards must try to make sure that you understand what is happening to you.
- Health Boards will have to set up special services for children and young people.
- Local councils will have to provide more services in the community.
- The council will have to do an assessment of your needs. They will have to do it quickly.

Assessment

This is when someone like a social worker fills in a form about the help you need.

Your rights

- You have the right to have a named person.
- You have the right to get help from an independent advocate.
- You have the right to make an advance statement.
- You have the right to go to a Mental Health Tribunal.

Advance Statement

An advance statement is your statement about how you would like to be treated or not treated if you are ill. It is for the people who are looking after you to read. You can only make an advance statement when you are well enough to say what you want. The statement must be:

- in writing
- signed and dated by you
- witnessed.

Named person

A named person is someone who will support you. They can be a relative, a carer or someone else that you choose.

Advocate


An independent advocate is someone who will speak up for you. They will tell people what you want to happen.

Mental Health Tribunal


A doctor can say you need to go into hospital or need to have medical treatment. If you disagree they will ask a special panel for permission to treat you. The panel is called the Mental Health Tribunal.

The Mental Welfare Commission

The Commission checks that the new law is working for you. They visit people in hospitals and other places. They will look into things if they think there is a problem with how you are being treated.


 Mental Welfare Commission, K Floor, Argyle House
3 Lady Lawson Street, Edinburgh, EH3 9SH

 www.mwcscot.org.uk


 0131 222 6111 or

 service user and carer free phone 0800 389 6809

More information about the new act

 Mental Health Law Team, Scottish Executive Health
Department,
Room 3ER, St Andrew's House, Edinburgh EH1 3DG

 e-mail: mentalhealthlaw@scotland.gsi.gov.uk
Website www.scotland.gov.uk/health/mentalhealthlaw

 or by telephone on 0131 244 2591

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