

**Meeting the
challenge**

**Easy
Read**

Guide 2:

Your rights if you are in an Assessment and Treatment unit



Know your rights guides for people with a learning disability



Introduction

Guide 1: Your rights when you are living in the community

This is about your rights when you are living in the community. This might be with your family, in supported living or in a care home.

Guide 2: Your rights if you are in an Assessment and Treatment unit

This is about your rights if you are in an Assessment and Treatment unit. This is a special type of hospital where you might go for treatment if you have a mental health problem or if people are worried you might hurt yourself or someone else.



What are the guides for?

These guides are to help you understand your rights.

We hope these guides will help you speak up for your rights and get good support.



This is Guide 2.

Meeting the challenge

Your rights if you are in an Assessment and Treatment unit

Guide 2: Easy Read



Guide 2:

Your rights if you are in an Assessment and Treatment unit

Guide 2 is about your rights if you are in an **Assessment and Treatment unit**. This is a special type of hospital where you might go for treatment if you have a mental health problem or if people are worried you might hurt yourself or someone else.

Rights are things you should get or things that should happen.



This guide should help you:

- Understand your rights and what they mean for you
- Understand what you can do when you are not happy about where you live or the support you are getting.

What is this guide about?

In 2011 Winterbourne View was closed down after a television programme showed staff hurting the people staying there.



Winterbourne View was a special type of hospital called an **Assessment and Treatment unit**.



Too many people with a learning disability are being sent to Assessment and Treatment units.

They are staying there too long.

They are often far from home.



This is happening because there is not the right support available in the community.

The Government and NHS have said this must change.

The right support must be there for people in the community.



People must only be sent to **Assessment and Treatment units** if they **really need** to be there.

If they get sent to one, they should not be there for a long time.

Your Human rights



The Human Rights Act is a special law.

It says what rights every person should have. This includes things like:

- The right not to be hurt by people or treated badly



- The right to a family life – like being able to talk to your family, write letters to them and see them
- The right to be able to be yourself and make decisions for yourself
- The Human Rights Act should be followed by the people who support you and look after you.



What other laws do I need to know about?

The Mental Capacity Act

The Mental Capacity Act is another important law.

It says you should get the support you need to make your own decisions.



This might mean getting easy read information or someone explaining something to you in a different way.

People should always support you to make your own decision if you can.



If a decision is too big or difficult for you to make, then a **best interests** decision will be made for you.

Best interests means a decision that is best for you.



The person making a **best interests** decision for you must listen to you, your family and supporters.

If you or your family are not happy with the decision, there are different ways you can challenge it.

The Mental Health Act



The Mental Health Act is another law.

It means you can be detained for **assessment and treatment** of a mental health problem.

Detained means you have to stay in an Assessment and Treatment unit.

Detained is also called **being sectioned**



You must get information about your rights when you are detained. If you don't get information in a way you understand you should ask for it.

It is very important you understand your rights like being able to have an **advocate** and a **lawyer**.

Assessment and Treatment units

An Assessment and Treatment unit is a **special type of hospital**.

You might be at a unit because:



- You have a mental health problem that is serious and you need help to feel better
- People are worried you might hurt yourself
- People are worried you might hurt someone else
- You have broken the law and the courts have sent you here to get help
- There are not the right support and services in the community.



The Assessment and Treatment unit look at if you have a mental health problem.

The Assessment and Treatment unit look at what treatment you might need to help you.



You might have chosen to come to an Assessment and Treatment unit to get help.

Or you might have been **told you have to** go to a unit.

What is being 'sectioned'?

Being sectioned is also called **detained**.

It is where you are told you have to stay in an Assessment and Treatment unit for a while. You should always be told:



- If you have been sectioned
- Why you have been sectioned.



Good support

Good support means you are getting the support you need to live a safe and healthy life.

If you are in a unit you should be able to:

- Go outside and get fresh air
- Do exercise
- Eat healthy food
- Do activities.



Your care should be as **least restrictive** as possible.



Restrictive means stopping you from doing things. So this should happen as little as possible.

Restrictive could mean '**being restrained**'. This means people holding you to stop you doing something or stop you going somewhere.

You should **only get medication if you need it**. And **not get more than you need**.



The Assessment and Treatment unit should help you **keep in contact with your family**.

The doctor should **include you** in meetings about your care in the unit. Your family and advocate should be included as well.

Tell your advocate or lawyer if there is anything you are not happy about.

What is an advocate and how can they help?



An advocate is someone who helps you to speak up for yourself.

If you are sectioned under the Mental Health Act you have a right to get a special advocate called an **Independent Mental Health Advocate (IMHA)**.

If you have not got an advocate, ask for one.

If you are not sectioned you should still be able to get an advocate to support you and help you speak up. Ask for an advocate if you have not got one.



What is a lawyer and how can they help?

If you don't think you should be in a unit, you have the right to say, and challenge them. A lawyer can help you to do this.

If you are being held because of a section, you have a right to a Mental Health lawyer. They can help you challenge being in the unit.



What if I am not getting good support?

Good support will help keep you happy, healthy and safe.

If you don't feel safe, happy or healthy something might need to change. If you don't think you are getting the right support you could talk to:

- Your family
- Your advocate
- Your doctor in the unit
- Somebody else who is supporting you in the unit
- Your social worker from home.



If things don't get better for you, you could make a complaint.

What should I do if I experience abuse?

What is abuse?

Abuse is when you are treated badly by someone. This could happen anywhere.





There are different types of abuse. For example:

- Being hit or hurt
- Being called names
- Being forced to have sex with someone
- Having your money or things that belong to you taken away without asking
- Having your health or care needs ignored by people who are meant to be caring for you.

How can I get help?



If you are being abused now:

- Talk to **someone you trust**. This could be a family member, your advocate, a service manager or social worker or someone else
- Explain what has happened and ask them to help
- They could call social services and speak to someone who works in the **Safeguarding** team. This team is there to make sure people are safe.
- Remember if you are **in danger right now** you should contact the police.





If you have been abused before:

- Talk to **someone you trust**. This could be a family member, your advocate, a service manager or social worker or someone else
- You could ask to see a **counsellor**
- You could talk to a charity called **Respond** who could help to get you the right support
- You could report it to the **police**
- You could talk to a **lawyer**.



Can I leave the Assessment and Treatment unit now?



You should only be in the unit for as long as you need to be there.

Units are not meant to be homes.

If you are in the unit because you decided to go there you can leave at any time.

If you are being held because of a section and you want to leave you should speak to the hospital managers. They are the people who run the Assessment and Treatment unit.

Ask your advocate to support you.

The **hospital managers** will make a decision about if you can leave.



If you are not happy with the decision speak to your advocate or lawyer about what you can do next.



What is a tribunal?

A tribunal is a group of people who can decide if you still need to be in an Assessment and Treatment unit.



The decision is made in a special meeting called a '**hearing**'.

You or your lawyer can ask the Tribunal for a hearing.

You might want to ask for these people to be at the hearing:

- You
- Your family
- Your lawyer
- Your advocate
- Your social worker or doctor from home.



The Tribunal will decide if you have to stay in the unit for longer or if you can leave.

What the tribunal decide **has to happen**.

If the tribunal says you cannot leave, talk to your lawyer about what you can do next.



It might be that professionals from your home area need to do more to get the right support in the community for you.



Getting help from a lawyer

A **lawyer** can help you challenge being in the unit. If you are being held because of a section you have a right to a Mental Health lawyer.

The Assessment and Treatment unit should have a list of lawyers you could contact to be your lawyer.

If you get a lawyer and you are not happy with them, you can make a complaint or ask to change lawyers. Ask your advocate to support you.



What will happen when I leave the Assessment and Treatment unit?

The first day you go to the unit, people looking after you should start making a **'discharge plan'**.

The plan should say:

- Where you should live
- Who you should live with, if anyone
- What support you will need



- What help you will need for your mental health or behaviour.

Different people will help with writing the plan. You have a right to be involved in making the plan and you can ask for your family to be involved too.

If you don't have a **discharge plan**, ask the doctor at the unit to start one straight away.



Do my rights ever change?

Your rights will change when you leave the Assessment and Treatment unit and go back to the community.

Look at **Guide 1** to find out about your rights when **living in the community**.



Always remember:

You have the same human rights as everyone else and should always be treated in the right way.

You can read Guide 1 here:

www.mencap.org.uk/meetingthechallenge

For more information visit
www.mencap.org.uk/meetingthechallenge

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