

ECT

Your rights about consent to treatment

This leaflet is for patients detained in hospital or on a community treatment order under the Mental Health Act 1983

About the Care Quality Commission

The Care Quality Commission is the independent regulator of health care services and social care services. We also protect the interests of people whose rights are restricted under the Mental Health Act. This includes anyone detained in hospital, or on a community treatment order or under guardianship.

Protecting your rights

Our Mental Health Act Commissioners visit all mental health wards where patients are detained, as well as meeting with patients in the community, to make sure that staff are using the Act properly.

The Commissioners' backgrounds

Our Commissioners include lawyers, psychologists, nurses, social workers, doctors and people who have used mental health services themselves. They all have a very good knowledge of the Act and of mental health services, and are completely independent of the hospitals and nursing homes that they visit.

About ECT

What does ECT mean?

The letters ECT are short for “electro-convulsive therapy”.

If your doctor thinks that ECT would help you, the ward staff should give you a separate leaflet that will help you understand what ECT is, why it is used and the effects that it has.

This leaflet explains people’s rights to consent to ECT. These are sometimes referred to as “the consent to treatment rules”.

Your rights to consent to ECT

- Before you can be given ECT, you must have agreed to receive it. If you refuse, either at the time or through a written advance decision, the staff cannot give you ECT unless in an emergency.
- If you are too ill to give your consent, your doctor must inform the Care Quality Commission. We will then arrange for an independent doctor to visit you to give a second opinion. This independent doctor is known as the second opinion appointed doctor (SOAD). Your doctor cannot give you ECT if the second opinion appointed doctor does not agree that you need it.
- If you are under 18 years of age, ECT may only be given to you if a second opinion appointed doctor also agrees that you should receive it. This applies even if you have already given your consent.

If I agree, can I change my mind later?

Yes – you can change your mind and withdraw your consent at any time, but it is best to talk to your doctor first.

What does the second opinion appointed doctor do?

When visiting you, the second opinion appointed doctor will:

- Check that you are being lawfully detained in hospital, or that your community treatment order was made correctly.
- Meet you to discuss the treatment and hear your views, in private unless you want someone else there. If you need an interpreter or signer, the hospital will provide one.
- Speak to your doctor, and to a qualified nurse and one other person who has been involved in your care, such as an approved mental health professional, the hospital pharmacist or an occupational therapist.

- Decide whether ECT is appropriate for you and will help your recovery. This will be his or her personal, independent clinical decision.

What happens next?

Your own doctor will tell you what the second opinion appointed doctor decides.

If the second opinion appointed doctor agrees that you should have ECT, they must complete a form stating the number of treatments they think you should have, and send a copy to us. We will check this form very carefully.

Can I appeal against the decision?

No, you cannot appeal to the Care Quality Commission if you disagree with the second opinion appointed doctor's decision.

Treatment in urgent situations

In some very urgent situations, the rules about consent to treatment do not apply. The Mental Health Act allows ECT to be given to a patient without their consent if it is needed to save their life or to stop their condition from getting much worse.

Help with making a complaint

We have published two other leaflets about how we protect the rights and interests of people who are detained in hospital or on community treatment orders. They both explain what to do if you want to make a complaint about your care and treatment, or about the way staff have used their powers under the Mental Health Act in relation to you. If you would like to see a copy, ask the ward staff or community care staff.

How to contact us

Please contact us if you would like to:

- Find out how to make an appointment with one of our Mental Health Act Commissioners.
- Make a complaint about your care and treatment as a patient detained in hospital or on a community treatment order.
- Find out more about our work.

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