

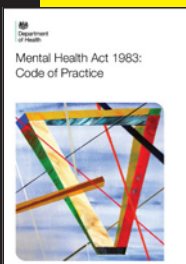


Department
of Health

An easy read fact sheet

Your Nearest Relative

This fact sheet tells
you about Your
Nearest Relative
and their rights. .



Know your rights

The Mental Health Act
Code of Practice

Your Nearest Relative

Key facts.

- * Nearest Relative is a term used in the **Mental Health Act**.
- * The Mental Health Act tells you who your Nearest Relative should be.
- * Their job is to look out for you, and make sure your wishes and choices are heard and understood.



Mental Health
(Discrimination)
Act 2013



Who has a Nearest Relative?

You will have a Nearest Relative if you are:

- Detained in hospital under **sections 2, 3 or 4**
- Being treated in the community under a **Community Treatment Order**
- Under a **guardianship**.

Nearest Relative is **not the same as the next of kin** but they can be the same person.

Who is my Nearest Relative?

Your Nearest Relative is usually a relative.

The Mental Health Act has a list of people from which your Nearest Relative will be identified.

Family relationships can be complicated. It is not always easy to see who your Nearest Relative would be.



Choosing my Nearest Relative?

Your **Approved Mental Health Professional** has to choose who your Nearest Relative should be.

You can ask your Approved Mental Health Professional to tell you why they chose someone as your Nearest Relative. You can also get help to understand from your Independent Mental Health Advocate.

What happens if I don't have or I don't want someone to be my Nearest Relative?

- The local County Court can appoint someone as Nearest Relative if you do not have one or in some other cases, for example, if the Nearest Relative is not suitable to protect your interests.
- You can tell the court who you would like to be replace the Nearest Relative.
- The Court will then decide if they think the person is the right person to take on this role.
- Your Nearest Relative can ask somebody else to do the things they should do.



The rights of your Nearest Relative

- Your Nearest Relative has certain rights in relation to your care and treatment under the Mental Health Act.
- Their rights should help to protect you.

Your nearest relative has the right to:

- Information
- Ask for you to be given an assessment because they are worried about your mental health
- Ask for you to be detained in hospital
- Ask for you to leave (**discharge**) hospital or end your treatment in the community. Your doctor or Responsible Clinician can stop this from happening. If this happens your Nearest Relative can then ask a **Tribunal** if you can leave.



Your Nearest Relative can also:

- ask the **Independent Mental Health Advocacy Service** to contact you and offer their support. You **do not have to agree to this support**, but they can help you to understand the information you are being given, and to say what your wishes and choices are.



Lots of people can support you

- Your Nearest Relative.
- Independent Mental Health Advocate.
- Your family, friends and carers.

If you want them to, these people can look out for you, and make sure your wishes and choices are heard and understood.



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Where in the code?

This easy read fact sheet comes from:

- DH Mental Health Act 1983: Code of Practice, Chp 5 'The nearest relative' pages 49-53

Download the code:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/396918/Code_of_Practice.pdf

Download the easy read fact sheets:

www.nhs.uk/easy-mentalhealthact

Download the easy read glossary:

www.nhs.uk/glossary

More information:

Mind

www.mind.org.uk/information-support/legal-rights/nearest-relative/#.VPWv-9hyaUk

Rethink

www.rethink.org/carers-family-friends/what-you-need-to-know/nearest-relative-rights-information