



Informal patients

Explains your rights if you're having treatment in hospital as an informal patient. This is also known as being a voluntary patient.

- This information applies to England and Wales.
- This information applies to adults. It doesn't apply to children unless specifically stated

If you want to contact us with any feedback, email contact@mind.org.uk.

Contents

Overview	1
About informal patients	2
Informal treatment.....	5
Can I leave hospital as an informal patient?.....	7
Useful contacts	9

Overview

If you want to get treatment for your mental health problem as an informal patient, you or someone caring for you might have questions about your rights.

Quick facts

- You're an informal patient (sometimes called a 'voluntary patient') if you've agreed to have in-patient treatment in a psychiatric hospital.
- Being an informal patient is different to being sectioned under the [Mental Health Act](#). Being sectioned is where you're kept in hospital even if you don't want to go and receive treatment. See our information on [sectioning](#) to find out more.
- As an informal patient, you have the right to get treatment for your physical health problems, as well as your mental health problems. You also have the right to refuse any treatment you don't want. You can leave the hospital when you want, but you are still expected to take part in your treatment plan.
- Some hospitals will have rules about what you can and can't do on the ward. But if the rules are too restrictive and unnecessary, it could breach the [Human Rights Act](#).
- You would only be sectioned if the care team is worried about the risks to yourself or others if you leave the ward.
- If you need support from different people, you should be given [community care](#) under the Care Programme Approach in England or the Care and Treatment Planning in Wales.

These pages contain general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your individual situation and needs. See our [useful contacts](#) page for organisations which may be able to help.

About informal patients

About informal patients

- [What is an informal patient?](#)
- [How can I be admitted to hospital as an informal patient?](#)
- [What rules will I have to follow as an informal patient?](#)
- [What are the advantages and disadvantages of being an informal patient?](#)

What is an informal patient?

Most people with mental health problems are able to get treatment and support at home, sometimes with the help of their GP. But there may be times when you need to go to hospital to get treatment.

You're an informal patient if you're having in-patient treatment in a psychiatric hospital voluntarily.

You should have capacity to understand that you're going into hospital and agree to treatment for your mental health problem.

Being an informal patient is different to:

- Being sectioned under the [Mental Health Act](#). Being sectioned means you're kept in hospital even if you do not want to go or do not want treatment. To find out more, see our information on [sectioning](#).
- [A deprivation of liberty](#) under the Mental Capacity Act. This might happen if you don't have capacity to consent, but don't meet the criteria to be sectioned. To find out more, see our information on the [Mental Capacity Act](#).

How can I be admitted to hospital as an informal patient?

If you're feeling unwell, and feel that you need treatment in hospital, you can get a referral from your GP or psychiatrist. If you need help more urgently, you can either phone for an ambulance or go to your local Accident and Emergency (A&E) department.

Sometimes, a local mental health team may come and assess you if they're worried about you. Depending on how unwell you are, you might then be admitted to hospital informally or sectioned under the [Mental Health Act](#). See our information on [sectioning](#) to find out more about how the sectioning process works.

There's a shortage of beds in some areas, so it may not be possible for you to get treatment in hospital unless you're sectioned.

You should be given information about your legal rights – for example, the right to leave the ward and consent to treatment as well as how to make a complaint. You should get this information in a language and format that you understand.

What rules will I have to follow as an informal patient?

Hospitals have rules about what you can and can't do that apply to everyone, whether you are an informal patient or you are sectioned – for example, meal times and acceptable behaviour. Policies about searching should include the rights of informal patients.

However, blanket restrictions shouldn't be used. These limit your freedom to do certain things without individual risk assessments. Some examples are:

- Access to the outside world
- Access to the internet
- Access to (or banning) your mobile phone and charger
- Incoming or outgoing mail
- Visiting hours
- Access to money or the ability to make personal purchases
- Taking part in preferred activities

If the rules are very restrictive and unnecessary, it could be a deprivation of liberty or a breach of [Article 5 of the Human Rights Act](#).

What are the advantages and disadvantages of being an informal patient?

There are advantages and disadvantages of being an informal patient, compared to being under section. Whether or not it's the right choice for you will depend on your individual circumstances.

Advantages

- You have greater control and say on your life. For some people this is very important and can improve wellbeing.
- You have more freedom. You're able to leave the ward when you want, within reason. You should also have less restrictions placed on you, like having your mail checked on the ward or having access to your possessions.
- You can refuse treatment, including medication. But having open discussions with your care team may lead to a better understanding of your treatment options.
- You are less likely to experience discrimination. People who are detained under the Mental Health Act are more likely to be discriminated against at work or when taking out insurance. The Equality Act could protect you from discrimination in some situations. See our information on [disability discrimination](#) to find out more.
- It's less likely to show up on a DBS check. If you're taken to a place of safety under section 136 of the Mental Health Act, it may show up on a DBS check when you're applying for a job because the police have been involved. So this could affect your ability to find a job, especially if you work with children or vulnerable adults. See our information on [DBS checks](#) to find out more. If you go voluntarily, the police are less likely to be involved.

- You're more likely to be allowed in foreign countries. If you want to travel to a country that needs a visa, some forms will ask you about mental health problems. If you disclose that you have been sectioned in the past, it may affect your chances of getting a visa. But there's limited evidence of this happening.

Disadvantages

- You may not feel like you're really in hospital voluntarily. Or that you can actually make choices over your treatment. You may feel like there's an imbalance of power between you and the staff.
- You don't have the right to get [section 117 aftercare](#). This means that you don't always get the same level of support in the community as you would if you were sectioned, and that you may have to pay for some services. Without the same rights to aftercare, sometimes your discharge plan won't be as detailed as it would be if you were under section.
- There is no right to review. This is different to if you're sectioned, where you would have the right to challenge your detention by applying for a mental health tribunal. To find out more see our information on [sectioning](#).
- It can sometimes be difficult to get a bed in hospital. There's currently a shortage of hospital beds in some areas. This may mean that you can't be admitted unless you are sectioned.
- (In England only) You don't have the right to an independent mental health advocate (IMHA). IMHAs are only available if you're sectioned. But there may be other advocacy services available in your area. See our information on [advocacy](#) to find out more. In Wales, you have the right to an IMHA even as an informal patient.

Informal treatment

- [Can I get treatment if I'm an informal patient?](#)
- [Can I be given treatment against my wishes?](#)
- [Can I get support from an advocate?](#)

Can I get treatment if I'm an informal patient?

Yes – you have the right to get treatment for your mental health problem. As with any type of in-patient stay, you can discuss your treatment plan with your [responsible clinician](#). And you still have the right to get treatment for other physical health problems, just as you would have in the community.

It's important to have regular physical health checks, because people with severe mental health problems are more likely to develop preventable conditions like diabetes and heart disease. Sometimes healthcare professionals think that physical health problems are symptoms of a mental health problem, and the concerns are ignored.

If you are worried about this, you could speak to the [Patient Advice and Liaison Service \(PALS\)](#) in your hospital.

Can I be given treatment against my wishes?

No – as an informal patient you have the right to refuse treatment, including medication. You can only be forced to have medical treatment for your mental health problem if you are [sectioned](#) under the Mental Health Act.

See our legal pages on [agreeing to treatment](#) for more information about your rights regarding treatment.

Can I get support from an advocate?

It can sometimes be hard to get your views across to healthcare professionals, especially when you're not well. Advocates can help you make your voice heard. See our pages on [advocacy](#) to find out more about what advocates do, and how to find an advocate.

If you are in Wales, you also have the legal right to an Independent Mental Health Advocate (IMHA) if you are a 'qualifying informal (voluntary) patient'. See our legal page on [IMHAS in Wales](#) for more information.

But in England you don't have a legal right to an IMHA as an informal patient unless certain treatments are being considered for you, such as [electroconvulsive therapy \(ECT\)](#) or [neurosurgery](#). See our legal page on [IMHAS in England](#) for more information.

Can I leave hospital as an informal patient?

- [Can I temporarily leave the hospital?](#)
- [What can I do if I don't want to stay in hospital?](#)
- [Will I be sectioned if I leave the hospital?](#)
- [Can I get support when I'm discharged?](#)

Can I temporarily leave the hospital?

Yes. As an informal patient you can temporarily leave the ward, including the hospital grounds. But you'll be expected to take part in your treatment plan. This might include creative or leisure activities, as well talking to staff. So, you'll need to spend some time on the ward.

You should talk to your care team about how much time they expect you to spend on the ward to make sure that you agree. You may want to go out for an hour, a day, or overnight, so it's important to be clear about how much time you want to spend on the ward.

You'll need to let ward staff know about your plans so that they know where you are. This is for health and safety reasons, for example if there is a fire drill.

Your ward may be locked, so you should be told who you can speak to if you want to leave. You must be able to leave at any time you want to.

What can I do if I don't want to stay in hospital?

You have the right to leave the hospital if you don't want to stay. Your care team must tell you if they believe leaving hospital could put you or others at risk. Or if they're considering stopping you by detaining you under the [Mental Health Act](#).

Health professionals can't threaten to section you to make you agree to treatment, or to stay on the ward if you don't want to.

You may be entitled to support in the community after you leave hospital. It's important to speak to your care team so that they can assess your needs. See our legal pages on [health and social care](#) for more information.

Will I be sectioned if I leave the hospital?

It depends – if the care team is worried about the risks to yourself or others if you leave the ward, they may decide to [section](#) you.

If that happens, your doctor may keep you on the ward for up to 72 hours while they decide whether you need to be detained and kept in hospital. If a doctor isn't available, a nurse can stop you from leaving the ward for up to 6 hours until one can be reached.

Health professionals can't threaten to detain you under the [Mental Health Act](#) to make you agree to stay in hospital. You can only be detained if two doctors and an approved mental health professional (AMHP) agree that:

- You need to be assessed or treated for your mental health problem in hospital
- Your health would be at risk of getting worse, or wouldn't get better, if you don't get treatment
- Your safety or someone else's safety would be at risk if you don't get treatment

To find out more about different sections and what they mean, see our information on [sectioning](#).

Can I get support when I'm discharged?

Yes – if you need support from different people, you should be given community care under the [Care Programme Approach \(CPA\)](#) in England, or the [Care and Treatment Planning \(CTP\)](#) in Wales.

Under the CPA or CTP, your needs should be assessed by your care team. You'll be given a [care coordinator](#) who is often a social worker or a nurse. You should be involved in this assessment.

After this assessment, you should receive a care plan that will explain how issues around your care and treatment will be addressed. You should be given a copy of this care plan and it should be regularly reviewed. For more information see our legal pages on [health and social care rights](#).

How can I make a complaint?

If you have a complaint about the way you've been treated as an informal patient, there are a number of things you can do. What's best for you will depend on exactly what has happened. But generally, it's best to try to sort it out informally if you can.

Speak to someone informally

Sometimes a problem can be sorted out by speaking with the person involved without having to follow a formal process. An [advocate](#) may be able to help you if you would like support in doing this.

Make a complaint to the hospital

If you can't resolve it informally, you can make a complaint to the complaints manager of the hospital. Every hospital will have a complaints procedure for you to access. You can ask for a copy. This will give you details of the complaints process, including how to appeal the decision.

You should report your concerns within 12 months of the incident or the treatment.

Make a further appeal

If you've followed the complaints procedure and are still not happy with the outcome, you can appeal the decision to the [Parliamentary and Health Service Ombudsman](#) in England or the [Public Service Ombudsman for Wales](#).

You could also write a letter or email to the [Care Quality Commission](#) (in England) or the [Healthcare Inspectorate](#) (in Wales).

For more information about making a complaint see our pages on [Complaining about health and social care](#).

Useful contacts

Mind's services

- [Mind's Legal Line](#) provides legal information and general advice by phone.
- [Local Minds](#) offer face-to-face services across England and Wales. These services include talking therapies, peer support and advocacy.

How to find an advocate

To find [advocacy](#) services and groups in your area, you could call Mind's Legal Line on [0300 466 6463](#) or contact your local Mind.

If you're in hospital, you can also contact the:

- [Patient Advice Liaison Service \(PALS\)](#) in England
- [Community Health Council](#) in Wales

In some situations, you may be legally entitled to the support of an advocate. For more information, see our page on [your legal rights to advocacy](#).

Other organisations

Care Quality Commission (CQC)

cqc.org.uk

Regulates and inspects health and social care services in England.

Carers UK

[0808 808 7777](tel:08088087777)

[029 2081 1370](tel:02920811370) (Carers Wales)

advice@carersuk.org

carersuk.org

Advice and support for anyone who provides care.

Civil Legal Advice (CLA)

gov.uk/civil-legal-advice

Can tell you if you're eligible for legal aid, and give you free and confidential legal advice if so.

Healthcare Inspectorate Wales (HIW)

hiw.org.uk

Independent regulator for healthcare in Wales, where you can make complaints and provide feedback.

Law Society

lawsociety.org.uk

Professional association for solicitors in England and Wales. Includes a searchable directory of solicitors.

© Mind 2022

This information was published in October 2022.

All content was accurate when published.

References are available on request. If you would like to reproduce any of this information, see our page on [permissions and licensing](#).