

**Information Governance**

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20 March 2019  
Reference no. 18190441

Dear

**Request for Information: Freedom of Information Act**

Thank you for your email of 21st February making a request for information under the Freedom of Information Act. You requested the following information and the Trust is able to provide the information below in response:

**Request and Response:**

I am conducting research into the use of the Mental Health Act (MHA; 1983). This is a FOI request for the information relating to the implementation of the MHA (The time period is from February 2018-February 2019). Please can you send me information on the following:

1. How many voluntary and involuntary patients were informed by staff about independent mental health advocates?

1654 – informal and section 5 patients not included as they are not 'qualifying' patients.

2. How many voluntary and involuntary patients accessed independent mental health advocates?

The Trust does not hold this information.

3. How many involuntary patients that were unable or unwilling to consent to treatment because of their mental disorder were made aware that they have the right to a second opinion from an independent doctor?

All detained patients treated under the Mental Health Act section 58(1)(a) or (b) who then require treatment to be authorised under section 58(3)(b) do so under a certificate of second opinion issued by a Second Opinion Appointed Doctor provided by the CQC.

4. How many involuntary patients were informed about the role and function of a Mental Health Tribunal?

1647 – detained patients entitled to appeal to the Mental Health Tribunal.

5. How many involuntary patients were considered to not have capacity to consent to treatment?

a. Of these patients, how many had a capacity assessment to support this view?

245 patients treatment (medication for mental disorder or ECT) was authorised by a certificate of second opinion provided under section 58(3)(b) of the Mental Health Act.

6. How many times were voluntary and involuntary patients put into seclusion?

a. Of these, how many patients were offered an opportunity for debriefing?

169, all patients will be offered the opportunity for debrief and to record their own account.

7. How long did it take for a patient to be seen by a second opinion appointed doctor (SOAD) after requesting one?

17 day average.

8. Currently when a patient does not consent to treatment what professions does the SOAD consult?

Section 58(4) of the Mental Health Act applies.

<http://www.legislation.gov.uk/ukpga/1983/20/section/58>

9. What was the range and mean length of time voluntary and involuntary patients spent in hospital before their rights were read?

The Trust does not hold this information and to collate, derive and produce the information would exceed the appropriate limit set in regulation by section 12.

10. What information are patients given about their rights?

a. What format does this come in? Where possible, please attach any written information that are given to patients.

Detained patients are provided with information in accordance with section 132 and 132A of the Mental Health Act. Such information is published and publicly available, and can be accessed via the following URL:

[https://webarchive.nationalarchives.gov.uk/20130123195144/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_089275](https://webarchive.nationalarchives.gov.uk/20130123195144/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089275)

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to me and I will ensure the decision is reviewed. The Trust will consider undertaking a review if requested to do so within 40 working days of the date the response is received by the applicant, and will apply discretion if a longer period of time has passed.

Should you wish to make a complaint as a result of the outcome of such a review, you may apply directly to the Information Commissioner's Office (ICO) for a decision.

Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Trust for FoI Act matters.

The ICO can be contacted at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Please contact me if there are any further queries.

Kind regards,

Yours sincerely,

Mark Underwood

Head of Information Governance