

NAMED PERSON

If someone you care about becomes unwell, they may need to be admitted, detained (or kept) and treated in hospital against their wishes under the Mental Health Act. If this happens, they can nominate a 'named person', who will look out for their interests.

For a Named Person nomination made after 30 June 2017 to be valid, the nominated person must consent in writing to be the Named Person and their signature needs to be witnessed. Nominations made prior to this date continue to be valid.

The Named Person has the right to:

- Be consulted when certain things happen - such as when a short-term detention, or an application for a compulsory treatment order (CTO), is being considered.
- Be notified of certain changes to circumstances, for example, if a short-term detention is revoked.
- Receive copies of certain records or information, including the record made if treatment has been given which conflicts with an Advance Statement.
- Make applications or appeals to the Mental Health Tribunal for Scotland (the Tribunal), receive documents and speak and give or lead evidence at a hearing.
- Agree to two medical examinations taking place at the same time, if the person who is ill is incapable of giving consent.
- Ask for an assessment of the ill person's needs from the local authority and / or health board.

When do these rights apply?

You can be nominated as a Named Person at any time, but your rights as a named person only apply if the person who is ill is being treated under the [Mental Health Act](#), or if there is an application for this to happen. If the person who is unwell is being treated informally Named Person rights do not apply.

What if I don't want to be a Named Person?

If someone nominates you as their Named Person, you should make sure you understand what this involves. If you do not want to be their Named Person, you can decide not to consent to this.

If you are already their Named Person, and decide you no longer want to be, you can refuse to continue to be the Named Person. If you gave your written consent, you can withdraw that.

Further information

- Social Work Service - Telephone 01555 842146 or email TSH.social-work@nhs.scot.
- Person Centred Improvement Team - Telephone 01555 842054 or email TSH.PersonCentredImprovementTeam@nhs.scot.
- Mental Welfare Commission for Scotland via www.mwcscot.org.uk.
- Scottish Government's guidance on named persons.

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