and how to take care of yourself as a carer will not only help the person who is ill, but also you and other family members and friends.

This is a big ask on you as a carer but, with the help of this information pack, it is anticipated that you will be in a position to stand up for your own rights as a carer and for the rights of the person you are supporting, and to become involved in the care and treatment of the person you support.

4. Carers & Carers' Rights

Who is a Carer?

A carer is anyone who is involved with, who supports or is concerned in some way about a person who may be receiving care, treatment and support from forensic mental health services, whether that be in a secure hospital or ward, or in the community.

A carer may be a family member, friend or neighbour and does not necessarily have to live with the person who is receiving care, treatment and support. As a family member, friend or neighbour you are an 'informal carer' in the sense that you are not paid to support that person.

The Carers (Scotland) Act 2016 defines a 'carer' as "an individual who provides or intends to provide care for another individual (the 'cared for person')".

What Carers Need to Know About the Mental Health Act

The Mental Health (Care and Treatment) (Scotland) Act 2003 sets out how a person can be treated if they have a mental illness or disorder, a learning disability or a personality disorder, and what that person's rights are.

The Act determines:

- When a person can be given treatment against their will
- When a person can be taken into hospital against their will
- What a person's rights are, and how their rights and safety are protected

The main principles that carers should be aware of under the Act are:

Reciprocity: Where society imposes an obligation on an individual to comply with a programme of treatment or care, it should impose a parallel obligation on the Health and Social Care authorities to provide safe and appropriate services, including ongoing care following discharge from compulsion.

Informal care: Wherever possible, care, treatment and support should be provided to people with a mental illness without the use of compulsory powers.

Benefit: Any intervention under the Act should be likely to produce a benefit for the service user that cannot reasonably be achieved other than by the intervention.

Least restrictive alternative: Service users should be provided with any necessary care, treatment and support, both in the least invasive and least restrictive manner, and in an environment that is compatible with the delivery of safe and effective care, taking account of the safety of others.

Respect for carers: Those who provide care to service users on an informal basis should receive respect for their role and experience, receive appropriate information and advice, and have their views and needs considered.

Participation: Service users should be fully involved, so far as they are able to be, in all aspects of their assessment, care, treatment and support. Their past and present wishes should be considered. They should be provided with all the information and support necessary to enable them to participate fully, and information should be provided in a way which makes it most likely to be understood.

The Mental Health Act is complex in that it talks about carers, primary carers, nearest relatives and named persons; each has different rights under the Mental Health Act.

The Act states that the rights and views of carers must be taken into consideration wherever possible when decisions are made about a patient's care and treatment.

Carers (Scotland) Act 2016

Carers also have a right to information under the Carers (Scotland) Act 2016 (to be implemented in April 2018), which outlines that the local authority has a duty to provide information, and devise an Adult Carers Support Plan. The support plan should outline what it is that carers require to sustain their caring role and have a life alongside caring. The act places a statutory obligation on local authorities to provide carers with information about carer support services.

To view the Act, follow:
https://www.legislation.gov.uk/asp/2016/9/contents

Supporting People Accessing Forensic Mental Health Services

Caring for, and about, someone who is receiving care and treatment from forensic mental health services can be very demanding emotionally, physically and perhaps financially. Learning more about forensic mental health services, mental health law, your relative or friend's condition and treatment