# What are my rights in hospital? – for 11-18 year olds

A guide for young people on what your rights are when you're in hospital as an informal patient or have been sectioned.

## Why do I need rights in hospital?

Our rights in hospital help to keep us and other people safe. We can use our rights to make sure that hospital staff treat us fairly and provide the things we need.

We have different rights in hospital depending on whether we're:

* **An informal patient.** This means we've agreed to stay in hospital to get treatment and support. To find out more about what this means, go to our page on [informal patients](https://www.mind.org.uk/for-young-people/hospital/informal-patients/).
* **Sectioned.** This means we have to stay in hospital for treatment and support, even if we don't want to be there. To find out more about what this means, go to our page on [being sectioned](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/).

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“Very little information was given to me about my rights, it was ‘you go here or we'll make you go here’ – Martha”

## Rights for all young people in hospital

**This information is for both** [**informal patients**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#InformalPatient) **and people who have been** [**sectioned**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Sectioned)**.**

While most rights we have as informal patients will stay the same if we're sectioned, we'll also get some extra rights, and others will change a bit. To find out more, go to [rights for people who have been sectioned](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#RightsIfYoureSectioned).

“I had no idea who was informal and who was sectioned on the ward because there wasn't really much of a difference. We were all treated exactly the same – Martha”

### Your right to carry on with your studies

You may find that studying helps things feel more normal or helps to distract you. But it's also important to try not to worry about school or college work and focus on getting better.

If you do want to keep studying, speak to your [care team](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CareTeam) or an [advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Advocate) to find out about options for continuing your school or college work. You should also be able to continue training rather than education, if you were doing this before you went into hospital.

### Your right to stay in touch with family, friends and partners

You should be able stay in touch with people in different ways, like being able to:

* Have visitors
* Make calls
* Message people on your phone

When visitors come to see you, the hospital should provide an area for you to spend time with them, like a visitor's room. They probably won't be allowed to visit you in your bedroom.

The hospital may have visiting hours, so it's best to check when these are.

“Most hospitals have visiting hours and will encourage family and friends to visit you as they know how important it is for your mental wellbeing!”

You should still have this right if you're on an **‘out of area placement’**. This is when you have to stay in a hospital far away from where you normally live, because there are no beds in your local area.

Some people close to you might not have the time or money to visit you in a hospital far away. This can feel really hard for you and for them. If they're struggling with travel costs, they can ask for some support. You can get more information from your [care team](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CareTeam).

**Remember**, there's no pressure to say yes to seeing people, or to keep in touch if you're not feeling up to it. Saying no can be helpful sometimes.

You might not always want to see someone who comes to visit you, and that's okay – staff should always ask you first.

### Your right to be on a ward with people your own age

You should be put on a mental health [ward](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Ward) for under 18s when you go into hospital. But there are some reasons why you could be put on an adult ward as an [informal patient](https://www.mind.org.uk/for-young-people/hospital/informal-patients/#WhatWillHappenWhenIGoIntoHospital) or if [you have been sectioned](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#WillIGoIntoHospitalIfImSectioned).

Meeting new people in the ward can feel scary, especially when you're in a new place and you're not feeling well. But talking to people who are going through similar experiences can help you feel less alone.

“The best thing from my time in hospital was meeting my best friend. She made life in the hospital a little less scary and gave me friendship in my loneliest times – Lucy”

### Your right to have privacy

Staff should let you have some privacy while you're in hospital. **You should always be allowed to:**

* Wash and dress in private
* See your visitors in private
* Send emails, messages or get post without staff reading it

But if your [care team](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CareTeam) are worried about the safety of you or someone else, you may have less privacy.

This might mean they check on you more often or need to watch you all the time. If this happens, they should still treat you with respect and listen to your views.

Some hospitals might use cameras to make sure you're safe in your room. If you're not sure if this is happening, or you don't want to be filmed, you can speak to your care team. An [advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Advocate) can also help you do this.

**How can advocacy help me?**

[**In Wales**](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#AdvocatesInWales), all young people staying in hospital have the right to an [Independent Mental Health Advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#IndependentMentalHealthAdvocateIMHA) (IMHA).

[**In England**](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#AdvocatesInEngland), only young people who have been sectioned have the right to an IMHA.

[Go to page on advocates](https://www.mind.org.uk/for-young-people/your-rights/understanding-advocacy/)

[Go to page on self-advocacy](https://www.mind.org.uk/for-young-people/your-rights/advocating-for-yourself/)

“Hospitals are designed to be a safe space, so although it might feel enclosed at times, remember it won't be forever and staff want what's best for you.”

### Your right to have some internet and phone access

You should be able to have some access to your phone, social media and the internet while you're on the ward. But there might be some places in hospital where you're not allowed to use your phone.

**There might also be times when you're not allowed to use your phone at all.** For example, if your care team are worried that it's affecting your mental health. If they take your phone away from you, they can only do this for a short time and they should keep it somewhere safe.

“I'd had the assessment but the phone rules on the ward meant I couldn't even ring my parents to tell them – Martha”

### Your right to keep your information confidential

When you're in hospital, everything you say will normally be kept [confidential](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Confidentiality) between you and your [care team](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CareTeam).

Your hospital should have a [policy](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Policy) about the confidentiality rules they have to follow. **Usually, they'll only share what you've told them if:**

* You want them to share it
* It will help you to get better care
* They're worried that you or someone else could be in danger

If they need to tell someone else what you've told them, they should always try to tell you first.

“It puts me at ease knowing they genuinely want what is best for you and will only share information to protect yourself and others around you.”

**Understanding confidentiality**

Find out more about what it means to keep information private.

[See page on confidentiality](https://www.mind.org.uk/for-young-people/your-rights/understanding-confidentiality/)

### Your right to have leave from the ward

You should expect to spend most of your time on the ward, but you should also be able to have some time away. In hospital, you'll hear this called ‘having leave’, ‘being on leave’ or ‘going on leave’.

If you're [sectioned](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Sectioned), you might also hear this called [section 17 leave](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Section17Leave).

When you're not on leave, your ward should normally have an outdoor area where you can get some fresh air. Being in an open space with natural light can improve your mood and make you feel less stressed or [angry](https://www.mind.org.uk/for-young-people/feelings-and-experiences/dealing-with-anger/). It can also give you something else to focus on and help you feel calmer.

**Getting leave when you're sectioned**

While all young people in hospital should have the right to go on leave, there are extra rules about leave if you're sectioned.

[Jump to page info](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#RightToHaveLeaveWhenSectioned) (online)

**Or go to page 12 of this document**

“When one of the patients asked if I had leave, and I didn't know what it meant, I panicked as I thought I couldn't go out – Sarah”

#### How do I go on leave from hospital?

If you have **been sectioned**, go to our information on [going on leave when sectioned](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#RightToHaveLeaveWhenSectioned) (on page 12).

If you want to go on leave as an **informal patient**, you should ask a nurse or doctor. They will decide if it's safe for you and might need to check with your parent, carer or guardian.

At first, you might only get leave for a short time during the day. They might also ask that you go on leave with someone. Over time, your leave should build up and you might be able to leave the ward overnight.

If your care team are worried about you, they might ask you to stop going on leave for a while. It's important to remember that **they can only stop your leave for a short time – it shouldn't be permanent.**

#### Will I have different rights if child services are involved in my care?

**This information is for both** [**informal patients**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#InformalPatient) **and people who have been** [**sectioned**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Sectioned)**.**

[Child services](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#ChildServices) are part of [local authorities](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#LocalAuthority). Child services can provide extra help for you while you're in hospital if you live:

* With foster parents
* In a children's home
* In a secure unit or a residential school

A [care order](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CareOrder) means that a court has given child services the power to make decisions about you. This means child services can limit your parent, carer or guardian's ability to:

* Have contact with you in hospital
* Make decisions for you while you're in hospital

Child services will also arrange for someone to act in place of your parent, carer or guardian, and to visit you on the ward.

“I didn't know much about my own rights as an informal patient, they never really explained how it all works – Lucy”

## Rights you might not have in hospital

**This information is for both** [**informal patients**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#InformalPatient) **and people who have been** [**sectioned**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Sectioned)**.**

When we're in hospital for our mental health, there might be times when we have less or different rights than we have in everyday life.

“When you're in hospital with some rights stripped from you, it's really hard – Lucy”

### You might be searched at hospital

Each hospital has rules about when staff can search you, your things or people visiting you.

For example, if they think a visitor has brought you something that's not allowed on the ward, like a sharp object or alcohol. If someone visiting you doesn't want to be searched, staff might not allow them on the ward.

**Before searching anyone or their things, staff should check if it's okay with them.** They should also explain what's happening and why, and answer any questions they have.

If you don't want staff to search you, they should talk with you and try to reach an agreement. If you still don't agree to being searched, but they think you have something that's a risk to yourself or others:

* If you're an **informal patient**, they might ask you to leave the ward permanently.
* If you're in hospital **under a section**, staff may [restrain](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#YouMightBeRestrainedAtHospital) (read more on page 9) and then search you without your [consent](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Consent).

“I usually asked my family to bring stuff in, and then staff would search through it – Lucy”

Even if you feel like you shouldn't be in hospital, try to trust the staff looking after you to do the right thing for you.

### You might be restrained at hospital

The law says that your care team are allowed to use physical force to stop you for either 1 or both of these reasons:

* You're hurting yourself or someone else
* There's a serious risk you'll hurt yourself or someone else

You'll hear this called ‘restraint’ or ‘being restrained’.

**Your care team should only use restraint if nothing else has helped to calm you down.** Either way, they should always try to talk to you first. But if they have no other option than restraint, they must:

* Do it for the shortest time possible
* Do it with the least force possible
* Treat you with as much respect as possible while it's happening
* Keep a written record of what has happened and add it to your notes

**Your care team should never use restraint as punishment, or with the aim of hurting you.**

As well as physical restraint, your care team might need to do other things to keep you safe. These are known as [restrictive interventions](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#RestrictiveInterventions).

Under some sections, the police might also have to use restraint to bring you to hospital. Find out more in our list of [different types of sections](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#OtherSections).

“One hospital gave me a weighted blanket instead of just restraining me, and I felt better after that. They kept doing that in the future – Sarah”

## Rights if you're sectioned

**This information is only for people who have been** [**sectioned**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Sectioned)**.**

If we've been sectioned, we should still have lots of the [same rights as informal patients](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#RightsForAllYoungPeopleInHospital). But depending on [which section we're under](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#WhatDoTheDifferentSectionsMean), some of these rights will change a bit, and we'll also get some extra rights.

“Knowing what your rights are is really important so you can tell someone if you're not getting what you should be.”

### Your right to an advocate

Advocates help us speak up about the things that are important to us. They're independent, which means they don't work for the NHS, local [councils](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Council) or social services.

If we've been sectioned in England or Wales, we have the right to an [advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Advocate). Informal patients in Wales also have the right to an advocate.

In hospital, this is usually a special type of advocate called an [Independent Mental Health Advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#IndependentMentalHealthAdvocateIMHA) (IMHA). To find out more, ask your care team about the advocacy services on your [ward](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Ward).

**How can advocates help me?**

Find out more about advocacy.

[Go to page on advocates](https://www.mind.org.uk/for-young-people/your-rights/understanding-advocacy/)

“Advocates can help you understand more, explain what words and terms mean, what your rights are, and that you have every right to complain… When I was sectioned again, I had an advocate and felt like they were on my side – Lucy”

### Your right to a nearest relative

Under [section 2](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#Section2), [section 3](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#Section3) or a [CTO](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CommunityTreatmentOrder), we have the right to a ‘nearest relative’.

Our nearest relative will usually be a parent, carer or guardian. But it could also be a brother or sister if they're over 18. Or it could be another family member, like a grandparent, aunt or uncle.

**The** [**Mental Health Act 1983**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#MentalHealthAct1983) **sets out who will be our nearest relative.** It might feel unfair that we can't choose this person, but it's normally someone close to us.

Doctors should tell our nearest relative if we're going to be sectioned. Our nearest relative can also:

* Say no to us being put on a [section 3](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#Section3)
* Ask for our [section to end](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#CanIAskToEndMySection) if we're on a [section 2](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#Section2) or [section 3](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#Section3)
* Get information about our treatment and support

If you don't want doctors to share information about your treatment and support with your nearest relative, let your [care team](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CareTeam) know.

“I just wanted to be out of the hospital. But putting all the responsibility onto parents is a lot. My relationship with my dad is strained – Polly”

**Remember**: on section 3, you have a limited number of challenges at the [Mental Health Tribunal](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#MentalHealthTribunal). You can challenge your section once in the first 6 months, once in the 6-month extension and then once every year.

But if your **nearest relative** asks for your section to end, **this will not count towards your own challenges at the Mental Health Tribunal**.

Your nearest relative asking for your section to end is a different type of request.

For more information, speak to your [advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Advocate) or [solicitor](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Solicitor).

### Your right to get information

Your care team should give you information about your section that's clear and easy for you to understand. It should cover:

* The section you're under and why you've been sectioned
* When you can be given treatment
* How you can challenge your section, which means [asking for it to end](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#CanIAskToEndMySection)
* What your rights are
* How to get [support from an advocate](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#YourRightToAnAdvocate) (find out more on page 10)

Someone in your care team should explain the information to you and give you a physical copy, like a leaflet. You can ask for the information in another language or in Braille.

You should also get a copy of your ‘section papers’. This document explains the outcome of your [assessment](https://www.mind.org.uk/for-young-people/hospital/being-sectioned/#WhatHappensInTheAssessment) and sets out the reasons why you need to go into hospital.

If you haven't been given any information, ask someone in your care team or an advocate to help you get it. If you still can't get the information, you can [make a complaint](https://www.mind.org.uk/for-young-people/hospital/your-rights-in-hospital/#MakingAComplaint).

“When I was in hospital, I read the section 2 paperwork but was too ill to understand it – Polly”

### Your right to have leave when sectioned

You should expect to spend most of your time on the [ward](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Ward), but you should also be able to have some time away. In hospital, you'll hear this called ‘having leave’, ‘being on leave’ or ‘going on leave’.

Your [responsible clinician](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#ResponsibleClinician) (RC) has to give you permission to leave the ward. You might hear this called [section 17 leave](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Section17Leave).

Before you get permission for section 17 leave, your RC will need to decide if it's safe for you to go out of the ward.

**At different times during your section, you might experience your right to have leave in different ways:**

* At the start of your section, you might not have any leave at all.
* The first time your RC allows you to have leave, they might only let you spend a short time away from the ward.
* You might need to go on leave with a member of staff or with a trusted adult.
* Over time, your leave should build up. At some point you might be able to leave the ward overnight.

You can speak to your doctor about your leave, or ask an [advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Advocate) to help you. If you need leave urgently, ask someone in your care team to get in touch with your doctor.

 “It was a shock that they took away my leave when I was sectioned. I didn't think they could do that.”

 “They explained that your leave might need to be stopped for a period of time depending on how you're doing.”

|  |  |  |
| --- | --- | --- |
| **In hospital, do I have the right to…?** | **Informal patients** | **Sectioned** |
| Stay in touch with family and friends | Yes | Yes |
| Be on a ward with people my own age | Yes | Yes |
| Have some privacy | Yes | Yes |
| Have some internet and phone access | Yes | Yes |
| Keep my information confidential | Yes | Yes |
| Have leave from the ward | Yes | Yes (but the rules are stricter) |
| Have an advocate (England) | No | Yes |
| Have an advocate (Wales) | Yes | Yes |
| Have a nearest relative | No | Yes |
| Get information | No | Yes |
| Make a complaint about something in hospital | Yes | Yes |

## How do I stand up for my rights in hospital?

**This advice is for** [**informal patients**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#InformalPatient) **and people who have been** [**sectioned**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Sectioned)**.**

Sometimes, we might feel like hospital staff don't:

* Respect our rights
* Treat us fairly
* Give us the support we need

**You should first speak to a member of your care team and explain how you're feeling.**

If you don't feel like you can do this on your own, you could ask a trusted adult or an [advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Advocate) for help. An advocate can listen to you, help get your voice heard and stand up for your rights.

“They read a lot of information to me. I don't know if I missed it, but I had no idea about the advocate thing. I was so unwell I couldn't process the information – Polly”

### Advocates in England

In England, **only people who've been** [**sectioned**](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Sectioned) have a right to an [Independent Mental Health Advocate](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#IndependentMentalHealthAdvocateIMHA) (IMHA). But some wards might have advocates that informal patients can speak to as well.

If you're not sure whether there's an advocate you can speak to, ask someone in your care team.

### Advocates in Wales

In Wales, everyone on the ward has the right to an advocate, also known as an [IMHA](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#IndependentMentalHealthAdvocateIMHA). This includes **informal patients** and **people who've been sectioned**.

**What is advocacy?**

Find out more about how advocates could help you.

[See our page on advocacy](https://www.mind.org.uk/for-young-people/your-rights/understanding-advocacy/)

“On my first week on the ward, I met with an advocate who explained her role to me. This advocate visited every week if anyone wanted to talk to her.”

### Making a complaint

If you feel like staff have treated you unfairly, or you feel unhappy about something that has happened on the [ward](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#Ward), you can make a complaint.

You can ask the hospital about how to do this – they should tell you where to make your complaint. **Try to make your complaint as soon as possible.** Usually you have 12 months from when something happened or when the problem first started.

If something happened while you were sectioned or on a [CTO](https://www.mind.org.uk/for-young-people/how-to-get-help-and-support/treatment-and-support-glossary/#CommunityTreatmentOrder), you might be able to complain to a regulator. To learn about what this means, go to our information on [complaining about what happened in hospital](https://www.mind.org.uk/for-young-people/your-rights/understanding-complaints/#WhereToComplainAboutSomethingThatHappenedInHospital).

**More about complaints and rights**

As well as when we're in hospital, we can also make complaints and have rights related to other things in our lives.

[Visit rights info hub](https://www.mind.org.uk/for-young-people/your-rights/)

[Go to guide on complaints](https://www.mind.org.uk/for-young-people/your-rights/understanding-complaints/)

[See tips for making complaints](https://www.mind.org.uk/for-young-people/your-rights/tips-for-the-complaint-process/)

Making a complaint can be a hard process to go through, especially when we're not feeling well. You might want to ask a trusted adult or advocate to help.

**Young people we spoke to shared some tips about making complaints:**

“You have to keep fighting. You're the best person to fight for yourself. When you start to get your strength back, use your voice as much as you can – Martha”

“Everyone should be treated with kindness and compassion. If that isn't happening, then reporting this is within your rights – Lucy”

“Every young person deserves to have their voice heard. If there's any issues, they have every right to express this, to report anything that isn't okay. Just because you're unwell, it doesn't mean your voice means less – Lucy”

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