

Associate Hospital Managers – Conducting Patient Hearings Policy

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POLICY SPONSOR	Chief Nursing Officer
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EXECUTIVE SUMMARY:

SUMMARY OR KEY ISSUES, SERVICES/STAFF GROUP POLICIES APPLY TO:

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0300 304 1195 or email:
policies@sussexpartnership.nhs.uk**

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Please be advised that the Trust discourages the printing and retention of hard copies of policies and can guarantee that the policy on the Trust website is the most up-to-date version.

As a contingency a full set of up-to-date Trust policies are held by the Corporate Governance Team based at Trust HQ, Swanedan

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1.0 Introduction

1.1 Purpose of policy

- In England, NHS hospitals are managed by NHS trusts and NHS foundation trusts. The trusts themselves are defined as the hospital managers for the purposes of the Mental Health Act 1983.
- In practice, most of the decisions of the hospital managers are actually taken by individuals (or groups of individuals) on their behalf, set out in a scheme of delegation.
- Section 23 of the MHA gives hospital managers the power to discharge most detained patients and all CTO patients. The hospital managers, can arrange for their power to be exercised on their behalf by a “managers panel”.
- Sussex Partnership NHS Foundation Trust (the Trust) refers to those forming panels with the power to discharge detained patients as “Associate Hospital Managers”. An Associate Hospital Managers’ (AHM) panel in Sussex Partnership is composed of three members. They are volunteers and may not be employees or officers of the Trust.
- The Associate Hospital Managers policy (TP/MHA&MCA/314) sets out the appointment and governance of Associate Hospital Managers.
- This policy provides guidance for Associate Hospital Managers panels when conducting MHA patient hearings and exercising their power of discharge under Section 23 of the MHA.

1.2 Definitions

Associate Hospital Manager (AHM)	Volunteer appointed by the Trust for the purpose of sitting on discharge panels for patients detained and on CTOs under the MHA. AHMs are independent and are in no sense employees or officers of the Trust. Employees or officers of the Trust cannot perform the functions of an AHM. (The Chair and Non-Executive Directors of the Trust would be eligible to perform this role but in practice do not do so.) (See MHA Code of Practice (2015), chapter 38.)
Mental Health Act 1983 (MHA)	The main piece of mental health legislation for England and Wales setting out the circumstances in which people can be admitted, detained and treated in hospital. Most detained patients have the right to appeal against their detention either to the Mental Health Tribunal or to an AHM panel or both, depending on the

	circumstances.
Hospital Manager	Executive member of the Sussex Partnership NHS Foundation Trust Board responsible for detaining patients under the MHA. (See MHA Code of Practice (2015), chapter 37.)
Mental Health Law Senior Team	Any member of the Mental Health Law Services senior leadership team.
MHA Services Team	Any member of the MHA Services team, whose responsibilities include co-ordinating AHM hearings.
Non-Executive Director	A Non-Executive Director is a member of the Trust Board who is not part of the executive team. A Non-Executive Director does not engage in the day-to-day management of the organisation, but has specific responsibilities, such as chairing the MHA Committee. Discharge Section 23 MHA gives AHMs the power to discharge patients detained under sections 2, 3, 37 and patients subject to CTOs. They have no power to discharge mentally disordered offenders remanded to hospital under sections 35 or 36 MHA or subject to interim hospital orders under section 38, and they may not discharge restricted patients without the consent of the Secretary of State for Justice.

1.3 Scope of policy

This policy applies to all Associate Hospital Managers and to the MHA Services team.

1.4 Principles

- The Trust Board should ensure that the people appointed as Associate Hospital Managers properly understand their role and the working of the Act.
- Those appointed as Associated Hospital Managers should receive suitable training to understand the law, work with patients and professionals, to be able to reach sound judgements and properly record their decisions.
- This should include training or development in understanding risk assessment and risk management reports, and the need to consider the views of patients, and if the patient agrees, their nearest relative, and if different, carer.

2.0 Policy Statement

- Associate Hospital Managers must ensure they apply the statutory provisions of the MHA and the principles in the Code of Practice when exercising their delegated functions under Section 23 of the MHA.

3.0 Duties

- **Chief Nursing Officer**

To ensure a policy and procedure is in place to provide clear guidelines and expectations on the conduct of MHA hearings conducted by an Associate Hospital Managers' panel.

- **Associate Hospital Managers**

To be responsible for reading the policy and applying it in their practice when conducting an MHA patient hearing.

- **Mental Health Act Services team**

To be familiar with the contents of the policy to ensure knowledge is up to date when arranging and supporting MHA patient hearings.

- **Mental Health Law Services Senior team**

Responsible for ensuring the policy is up to date, and training is delivered to the Associate Hospital Managers to support practice.

4.0 Procedure

A detailed protocol and resources document is attached to this policy as Appendix A.

The protocol and resources document gives detail on the role of Associate Hospital Managers panels and clerks, conduct of patient hearings, role of panel members and includes links to useful resources.

It is designed for use by Associate Hospital Managers as a stand alone reference and guidance document.

The procedure will also be used to support and inform the AHM review and reappointment process.

5.0 Development, consultation and ratification

- The protocol and resources document was developed in conjunction with a working group of Associate Hospital Managers.
- Draft versions were circulated for comment to the wider Associate Hospital Managers group, Mental Health Law Services and the Non-executive Director with responsibility for the MHA Committee.
- The policy will be ratified by the Professional Policy Forum.

6.0 Equality and Human Rights Impact Analysis (EHRIA)

An Equality and Human Rights Impact Analysis (EHRIA) has been completed.

7.0 Monitoring Compliance

Compliance with this policy will be measured through regular reviews, carried out by the Mental Health Law Practice Development Manager with individual Associate Hospital Managers. The reviews will be used to inform decision making around reappointment.

8.0 Dissemination and Implementation of policy

- The policy will be circulated to all Associate Hospital Managers and Mental Health Act Co-ordinators by the Mental Health Law Services team.
- It will be shared with members of the Mental Health Act Committee.
- Training on conduct of hearings, including gathering evidence and decision making will be provided by the Mental Health Law Practice Development team.

9.0 Document Control including Archive Arrangements

- The document will be kept under review by the Mental Health Law Practice Development Manager.
- The document will be stored in line with the Policy for Procedural documents.

10.0 Cross reference

Mental Health Act 1983

Code of Practice to the Mental Health Act, Chapters 37 and 38

Associate Hospital Managers policy - TP/MHA&MCA/314 (relating to the recruitment and governance of Associate Hospital Managers)

11.0 Appendices

Appendix 1 – AHM hearing protocol and resource pack