

# Hospital Managers Hearings

Whether you attend the hearing or not, you, or your solicitor/advocate, will always be sent a copy of the reports prepared by your clinical team especially for the hearing.

## When will I hear the results?

After the panel has heard all evidence, you and all the professionals will be asked to leave the room, while they make their decision. After a short time you and any other parties who wish to hear the decision, will be asked to come back into the room. The panel will inform you of their decision and of any recommendations they have made. Your nurse or care coordinator will accompany you.

If you do not wish to wait for the decision, it will be provided to your representative or nurse /care coordinator, who will inform you of the decision.

You will receive full written reasons for the Hospital Managers decision. This will usually be within 7 days of the hearing. This decision will also be sent to all who attended the hearing and your Nearest Relative (unless you ask for this not to be sent).

## Can you appeal against the decision?

If you disagree with the decision of the panel and wish to appeal against it, you will need to seek advice from a Solicitor.

## Useful Contacts / Further Information

Please address any correspondence to the Hospital Managers to:

The Hospital Managers  
C/O Mental Health Act Office  
Glenbourne Unit  
Morlaix Drive  
Derriford  
Plymouth, PL6 5 AF  
Tel: (01752) 517609

MHA Office Apr 16 v1.2

## Is there anyone that can help me with this?

You are entitled to assistance from an Independent Mental Health Advocate (IMHA); they will be able to support you through the process. The IMHA Service can be contacted via the ward or your care coordinator.

You may also be able to obtain legal representation (subject to legal aid application), from a solicitor who specialises in Mental Health Law. Your named nurse/care coordinator or the MHA Office will be able to help you contact a solicitor.

## Can I bring someone with me to the hearing?

Yes, you may be represented, or accompanied by any person authorised by you but this must not be a patient from the hospital.

## What happens at the hearing?

The hearing will be held in private. You may be interviewed alone if you so desire.

As well as the panel, you and your clinical team will also be present. The panel will introduce themselves and ask for all others present to do so. The panel will then ask your Responsible Clinician, Care Coordinator (or AMHP) and Nurse to tell them why you still require to be detained or on a Community Treatment Order. The panel will also ask questions about your care and treatment.

You, and your representative, will have the right to ask the clinical team questions about their evidence and your care and treatment.

## What information will be considered by the panel?

The panel will look at reports specially prepared for the hearing. The reports will be from your Responsible Clinician, Care Coordinator (or AMHP) and, if you are detained in hospital, your nurse on the ward. The panel will also have the opportunity to view your clinical records and will consider any written submission you wish to make.

## What is a Hospital Managers Hearing?

A Hospital Managers hearing is similar to a Mental Health Tribunal. It is a hearing where the need for your continued detention in hospital, or the requirement for you to continue to be on a Community Treatment Order is reviewed.

## Who sits on the Hospital Managers Panel?

This consists of a minimum of 3 Associate Hospital Managers. They are appointed by Livewell Southwest under Section 23 of the Mental Health Act 1983. They are lay people who are independent of the organisation.

## What do they do?

They consider if your detention, or your Community Treatment Order, needs to continue, or if you should be discharged. If they consider that you should continue to be detained, they can make recommendations to the hospital to help your recovery and eventual discharge.

## What are the powers of the Panel?

- To discharge the patient from detention in hospital, or a Community Treatment Order immediately.
- To adjourn the meeting to seek further information to enable the panel to make their decision.
- To make recommendations about the patients future care and needs. These recommendations are unenforceable; however the Hospital Managers have a discretion to meet at any time, and may reconvene if a recommendation is not complied with.

### **When do they meet?**

Hearings are arranged when you ask for one by completing an application form, or when your section or CTO is renewed/extended. A hearing may also be arranged if your Responsible Clinician stops your Nearest Relative Discharging you from section.

Hospital Managers can also meet to consider any case at their discretion.

### **When can I apply?**

At anytime when you are detained or on a Community Treatment Order. If you wish to apply please speak to your nurse or care coordinator who will be able to provide you with an application form. Alternatively contact the Mental Health Act Office and one will be posted to you.

The Hospital Managers will consider whether to hold a hearing each time you apply. However, they are entitled to take into account any recent Mental Health Tribunals held and the frequency of appeal to the Hospital Managers when making their decision.

Hospital Managers are not able to discharge patients who are detained under Sections 35, 36 or 38. They also cannot discharge restricted patients without the agreement of the Secretary of State.

### **What happens if I change my mind about appealing?**

If you do not want to continue with your appeal, you must put your reasons for this in writing to the Hospital Managers. If you have a solicitor or Advocate you need to discuss with them the reasons for your decision. They will be able to offer you impartial advice on the matter.

If you withdraw your application to the Hospital Managers, you will be entitled to reapply at any time by completing a fresh application.

### **Hearing following Renewal of section or Extension of CTO**

The Hospital Managers have a legal duty to consider holding a meeting to review your continued detention / Community Treatment Order each time your Responsible Clinician decides to renew the section or extend the order, even if you do not object to the renewal or extension.

### **Hearing following Barring of Nearest Relative Discharge**

The Hospital Managers have a legal duty to consider holding a meeting to review your continued detention / Community Treatment Order, each time your Responsible Clinician decides to barr your discharge following a request from your Nearest Relative.

### **Attendance at hearings**

You have the right to meet with the panel in private before the hearing. If you would like to do this, please speak to your nurse or care coordinator, or contact the Mental Health Act Office.

You have the right to attend any hearing held about you. Similarly you also have the right not to attend the hearing; this may be because you might find it upsetting or stressful.

If you do not want to attend the hearing, you have the right to ask someone to attend on your behalf. This may be a solicitor, an advocate or a relative or friend. If you do not want to attend and do not wish to send a representative you can put your comments and concerns in writing to the hospital managers, who will take them into consideration as part of the hearing.

If you do not want to attend the hearing, and have not appointed anyone to represent you or attend on your behalf, the panel will meet to consider the renewal / extension without the need for anybody to appear before them, this type of meeting is called a "Panel Only Hearing".

### **How long will it take to arrange the hearing?**

#### **Section 2 Hearings**

These hearings will normally be heard as soon as possible following the receipt of the application. However, if the appeal is received within the last 7 days of the section 2 it may not be possible to arrange a hearing before the section 2 ends.

The Hospital Managers will take into consideration any outstanding appeals to the Mental Health Tribunal when deciding whether to hold a hearing for a section 2 appeal.

#### **Other Hearings**

All Appeal and Renewal hearings for those patients detained under S3 and S37, or subject to a Community Treatment Order, will be arranged as soon as possible, this will normally be within 5 weeks from the date of the renewal or appeal.

### **If I make an appeal what happens next?**

The Mental Health Act Office will write to you confirming that your application has been received, and they will contact your clinical team to request the necessary reports and to agree a date and time for the hearing.

You and your Nearest Relative will be informed of the appeal and date and time of the hearing, unless you ask the hospital not to contact them.

### **How will I know if a Renewal or Extension hearing is planned?**

The Mental Health Act Office will write to you confirming that a renewal of section, or extension of CTO form has been received, and they will contact your clinical team to request the necessary reports and to agree a date and time for the hearing.

You and your Nearest Relative will be informed of the hearing and date and time of the hearing, unless you ask the hospital not to contact them.

### **Where will the hearing be held?**

The panel will normally meet at the hospital where you are detained. Community Treatment Order hearings will usually take place at the Glenbourne Unit unless an alternative venue is more appropriate.