Appeal for hospital managers’ hearing

Patient information leaflet 1
If you are detained under one of the sections of the Mental Health Act (or are subject to a Supervised Community Treatment Order) you have the right to have your detention reviewed by what is called a Hospital Managers’ Panel. This leaflet aims to guide you through the process and may also be of interest to your relatives or friends. It should be read in conjunction with the relevant patients’ rights leaflet which will have been issued to you by your named nurse/care co-ordinator or Mental Health Act administrator. You can get another copy from either of them.

Who are the hospital managers?

The hospital managers are people who are specially trained and appointed for the purposes of hearing appeals of patients who are detained under the Mental Health Act 1983, or who are subject to a Supervised Community Treatment Order.
What do they do?
The hospital managers have the power to discharge most detained patients from their section under the Mental Health Act 1983 and all patients subject to Supervised Community Treatment Orders. They cannot discharge patients who are remanded to hospital for a report on their mental condition under Section 35 or remanded to hospital for treatment under Section 36 or those subject to interim hospital orders under Section 38, and they cannot discharge any patients who are detained under a restriction order.

What do I do now?
If you decide to appeal to the hospital managers against your detention, you will need to complete an application form which your care co-ordinator or named nurse will be able to give you and will help you to complete. This form will then be sent, on your behalf, to the Mental Health Act administrator for processing. It may take four weeks from the date of your application to the date the hearing will take place.

Please note: You can appeal at any time to the hospital managers and this does not restrict your right to appeal to the First Tier Tribunals Service. For information about rights of appeal to the Tribunal, please see leaflet number 2.
Can I have legal representation?
Yes, you are entitled to have legal representation at hearings and the Trust has a list of approved solicitors who are qualified to represent you at this type of hearing. The list and contact details are available from your named nurse / care co-ordinator or via the Mental Health Act administrator.

What happens next?
- The Mental Health Act administrator will write to you acknowledging your appeal application and will begin the appeal process
- The Mental Health Act administrator will request reports from the clinicians involved in your care:
  - Doctor
  - Care co-ordinator and/or
  - Named nurse
- The reports will contain information about the circumstances of your admission, your health, care and treatment received and the plans for your future care and treatment
- The Trust will aim to hear your appeal within four weeks of the date of your application and will give you details of the date, time and venue of the hearing in writing. Hearings are held in a room on Trust premises and are as informal as possible
- Once the date has been set and the reports received, copies of all the reports will be delivered to you for you to read in advance of the hearing
- If you have chosen to have a solicitor to give you advice, your solicitor will also be given copies of the reports and will discuss these with you before the hearing
• If you don’t have a solicitor, your named nurse or care co-ordinator will be available to assist you with this process or a friend, relative or independant mental health advocate (IMHA)

• The panel will comprise three members

• Other people present at the hearing may include:
  - Your care co-ordinator/social worker
  - Your doctor
  - Your nearest relative or friend
  - Your independent mental health advocate (IMHA) (if you have asked for their support)
  - Your named nurse (if you are an inpatient)
  - Your solicitor (if you have decided to use one).

Can I withdraw my appeal?

Yes, applications can be withdrawn. A withdrawal should be in writing and if you have a solicitor you should take advice from them before your withdrawal.

On the day of the hearing

• You will be asked to attend the hearing with your care co-ordinator, named nurse, doctor and solicitor, if you have one. You can also have a friend, relative or IMHA accompany you

• The panel members will have met and will have read the reports before the start of the hearing.
The hearing

• You and others appearing before the panel will be introduced to the panel members by the Mental Health Act administrator

• The Chair of the panel will explain the order of the hearing and what is to happen.

• The Chair of the panel will ask you if you wish to meet with them privately before the hearing commences

• The panel has to satisfy itself about matters regarding your health and welfare, and what is in your best interests. It does this by considering the information contained in the reports provided and by asking questions during the hearing

• Your reasons for your appeal, your concerns and questions will be dealt with during the hearing

• Throughout the hearing you will be given every opportunity to challenge things people might say or the written reports you will have read. If you have a solicitor or IMHA they will help you to do this

• Once everyone has finished speaking, you and the professionals who have attended the hearing will all be asked to leave the room so that the panel can have a discussion and reach a decision on your appeal. This may take a little time as the panel has to carefully consider all the information provided.
The decision

- Everyone will be invited back into the room to the hearing to be informed of the decision.

- The Chair of the panel will ensure that the decision of the panel is explained to you, your solicitor (if you have one) or IMHA and named nurse. This will also be followed up in writing to you.

We hope this guide has answered some of the frequently asked questions. However, if there are any issues which have not been covered in this leaflet, in the first instance please speak to your named nurse who will contact the Mental Health Act office on your behalf.
if you would like this in large print, braille or on audiotape or would like this document in an
alternative language, please contact the Patient Advice and Liaison Service on 0800 015 4334.

This information is correct at the time of publishing
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