Hospital managers hearing following a request for discharge by your nearest relative and a barring order being issued

Patient information leaflet 4
If you are detained under one of the sections of the Mental Health Act or are subject to a Supervised Community Treatment Order (CTO), your nearest relative has the right to ask for your discharge from the section or ask for your CTO to end.

This leaflet aims to guide you through the process following a request for discharge from your nearest relative. This leaflet 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 via the Mental Health Act administrator.

- Your nearest relative will have written to the hospital managers requesting that you are discharged from your section or CTO
- Your doctor, after considering this request, believes it will be in your best interests to remain on your section or CTO and therefore has completed a form barring your nearest relative from removing you from your section
- This means that your nearest relative will not be able to discharge you and a Hospital Managers’ Hearing will be convened to consider whether the Barring Order is justified
- Your nearest relative can also apply for your discharge to the First Tier Tribunals Service.

**What do I do now?**

You do not need to do anything; the Mental Health Act office will start to make the arrangements for a hospital managers hearing to take place.
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 (on the ward) or via the Mental Health Act administrator.

Who are the hospital managers?
The hospital managers are people who are specially trained and appointed for the purposes of hearing the 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 Order (CTO).

What happens next?
- The Mental Health Act administrator will write to your nearest relative acknowledging their request for your discharge and informing them of the doctor’s decision to bar discharge.
- 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 your circumstances, your health, care and treatment received, the plans for your future care and treatment or if you are on a CTO the care and treatment you are receiving in the community and why your doctor believes that you should remain on a section of the Mental Health Act or subject to a CTO.

• The Trust will aim to hear the appeal within seven days of the date of your nearest relative’s request being received by the Mental Health Act office. It will give you and your nearest relative details in writing of the date, time and venue of the hearing. 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 IMHA.

• The panel will comprise of three members.

• Other people present at the hearing may include:
  - Your care co-ordinator/social worker
  - Your doctor
  - Your nearest relative.
- 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?**

No, but your nearest relative can. This should be in writing to the Mental Health Act Office and if you have a solicitor you should take advice from them before the withdrawal.

**The day of the hearing**

- You will be asked to attend the hearing with your nearest relative, care co-ordinator, named nurse, doctor and solicitor, if you have one. You can also have an 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 the 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 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 and your concerns and questions will be dealt with during the hearing

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

• The other panel members will also ask questions

• Once everyone has finished speaking, you and the professionals who have attended the hearing will 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 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 nearest relative, solicitor or IMHA (if you have one) and named nurse. This will also be followed up in writing to you and your nearest relative.
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.
We are a smokefree organisation.
Please provide a smoke free environment for your healthcare provider.