

# Hospital Manager Panels under the Mental Health Act 1983

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## Policy Context

Secure mental healthcare works through the interaction between the patient, healthcare professionals, Hospital Managers, the Mental Health Tribunal and the patient's family. These people all have a role in determining whether a person's detention or Community Treatment Order (CTO) should continue. Associate Hospital Managers (AHMs) are members of the local community who sit on Hospital Manager Panels (HMPs). HMPs have the power to discharge people from detention or CTOs under section 23 of the Mental Health Act (MHA) 1983 against medical advice.

This research looks at the lack of evidence about how AHMs, and the panels, operate, what their role should be, and why the role of AHM's is important.

## Key research findings

**There is a lack of consistency to AHM appointment, training, and procedure across all NHS Trusts, Health Boards, and independent providers in England and Wales; inadequate data; and no routine sharing of good practice.**

- **AHMs in different trusts and independent providers take different approaches to the mechanisms which protect patient rights.** So, cases are not treated alike.
- **There is no national, standardised statistical evidence, only sparse, localised evidence** about how AHMs sitting on HMPs operate. This results in a lack of awareness of the function of this process both for patients and their families, as well as legislators and policy-makers.
- **The lack of procedural consistency and data undermines patient rights.** It creates obstacles to patients and their families understanding their rights, and the processes which protect them.
- **The lack of evidence and procedural consistency means there is no national sharing of best practice,** which is damaging for patient rights, and could allow **inefficiencies and costs to persist in healthcare organisations.**
- **The title “Associate Hospital Manager” is misleading and not fit for purpose.** Hospital Managers – the managing Board of healthcare organisations – who usually delegate their s.23 powers to AHMs – are not the same as AHMs. AHMs have no management responsibility.
- **Not all trusts always delegate to AHMs,** in some organisations the Hospital Managers hold HMPs themselves. This means **decisions are not independent of the detaining organisation.**
- **AHMs are an important part of the Mental Health Act because the HMPs they sit on enable participation by people from the local community, giving democratic legitimacy to the Mental Health Act.**

## Policy recommendations

- **Retain Hospital Manager Panels** as part of a system of safeguards to ensure detention and CTOs are always lawful and appropriate.
- If amendment or removal of Hospital Manager Panels is proposed, conduct a **full evaluation of the rights, judicial, clinical, and administrative impact** this change would have.
- Create a **National Association of Hospital Managers** that would allow sharing of best practice.
- **Reduce confusion by renaming Associate Hospital Managers.** The title is misleading and is confusing for patients and others.
- Change the law so that **Hospital Managers must delegate their s.23 discharge powers to AHMs.** This would make HMPs more independent and provide greater democratic oversight to detention processes.
- In the short term, **consolidate and harmonise existing local data to increase understanding of AHMs,** establish best practice, and evaluate whether reform is needed.
- **Expand the information given in the Mental Health Act Code of Practice** to standardise appointment and training processes for AHMs; to harmonise hearing procedures; to set out how decisions should be made (including providing standardised decision forms).
- Looking further ahead, require the **Care Quality Commission to gather data** on how different healthcare organisations operate their HMP process.

## Work with me

Dr Thomas Webb is a Senior Lecturer at Lancaster University Law School. His research interests are in administrative justice and mental health law, particularly the work of Hospital Manager Panels and the Mental Health Tribunal.

Dr Webb is leading a national study into Associate Hospital Managers and their work in the NHS and independent healthcare sector.

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