



22 November 2018

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Our Ref: FOI 3073

Thank you for your request asking for our decision making policies, templates/blank forms in relation to S23 of the Mental Health Act 1983

Your request has been considered and processed in accordance with the requirements of the Freedom of Information (FOI) Act 2000.

**I am writing to request that you provide me with the policy documents, blank forms/templates and other materials held by Hertfordshire Partnership University NHS Foundation Trust in relation to s.23 of the Mental Health Act 1983 listed below, under the provisions of the Freedom of Information Act 2000.**

**This request relates specifically to the hospital managers' discharge power contained in s.23 of the Mental Health Act 1983 ('s.23 MHA 1983'). Those exercising this power are generally referred to as Associate Hospital Managers (AHMs) or Hospital Managers (as defined in Ch. 38 of the Mental Health Act 1983 Code of Practice (2015)).**

**Please provide:**

**FORMS, TEMPLATES ETC., IN RELATION TO S.23 MHA 1983 HEARINGS**

- 1. All decision forms used by panels of AHMs to communicate the decision of the panel (i.e. in relation to all types of hearing – e.g. s.20 renewal, contested, s.25 barring order, etc.).**

Please see the attached decision forms.

- 2. All templates/blank forms used by professionals providing evidence to the hearing (e.g. Responsible Clinician's report form).**

We have applied S21 to this part of the request<sup>1</sup>. We have adapted our templates according to the recommendation of the Mental Health First Tier Tribunal Practice Direction. Please follow this [link](#) to GOV.UK Mental Health Tribunal forms.

- 3. Any other forms, declarations, or other paperwork routinely provided to AHMs for the purposes of s.23 MHA 1983. This might include separate decision forms, such as forms allowing AHMs to give reasons for a deciding to adjourn a hearing, or a declaration stating that they understand the s.23 MHA 1983 power.**

Please see attached our decision making process.

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<sup>1</sup> Section 21 – Information is accessible through other means has been applied

## **POLICIES RELATING TO AHMS**

The current policy documents applied by the Trust in relation to s.23 MHA 1983, these may include, for example:

4. Paper hearings (i.e. where a decision is made 'on the papers' without oral evidence)
5. Uncontested hearings
6. Giving information to patients about their right to ask for a s.23 MHA 1983 hearing

Please see attached our MHA Guidance for Discharge Policy.

### **7. Training of AHMs**

This information is within our MHA Handbook.

### **8. Whether Non-Executive Directors or the Chair of the Trust may sit on s.23 MHA 1983 hearings.**

Yes, they can.

## **INFORMATION PROVIDED TO AHMS, PATIENTS, AND THEIR RELATIVES**

### **9. Material routinely provided to AHMs about their role, for example upon appointment (sometimes called a 'Hospital Manager's Handbook' or similar).**

Please see attached our Handbook. Information regarding our Executive Team is already in the public domain<sup>1</sup>. Please follow this [link](#) to our website.

### **10. Leaflets or other documents routinely given to patients and their relatives about s.23 MHA 1983 hearings.**

Information leaflets are available through the Department of Health website<sup>1</sup>. Please follow the link provided above.

## **GOVERNANCE**

### **11. A governance map / diagram / chart showing the position of any 'forum' or 'AHM committee' (or similar) where AHMs meet for the purpose of discussing matters related to s.23 MHA 1983.**

Please see attached our Chapter 3 Term of Reference which explains governance.

## **PAYMENT, EXPENSES AND APPOINTMENT PROCESSES**

### **12. The 'Job Description' and 'Person Specification' or equivalent, and associated documents used to advertise the role of AHM the last time the Trust sought to appoint AHMs.**

Please see attached our Chapter 7 MHAM Competencies.

### **13. Policy on advertising jobs (e.g. where is the role advertised).**

There has not been a recruitment drive for at least 10 years. However, this is currently under review in line with the Trusts recruitment policy<sup>2</sup>.

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<sup>2</sup> Section 22 – Information intended for future publication has been applied.

#### 14. Remuneration rates (Gross)

	Per Half Day
For undertaking hearings	£55
For undertaking training	
For attending committee meetings or similar	

#### 15. Expenses rates (Gross)

For undertaking hearings	Not applicable unless travelling out of county, the 49 pence per mile
For undertaking training	
For attending committee meetings or similar	

#### 16. Please also confirm that the material is provided under an Open Government License v3.0.

Please find enclosed an information sheet regarding copyright protection and the Trust's complaints procedure in the event that you are not satisfied with the response.

Should you require further clarification, please do not hesitate to contact me.

Yours sincerely

*Sue Smith*

**Sue Smith**  
**Information Rights Officer**

Enc: Copyright Protection and Complaints Procedure Information Leaflet.

If you would like to complete a short survey in relation to your Freedom of Information request please scan the QR code below or click [here](#).

