



# Powers and duties of the Hospital Managers

- 1.1 Making Space owns and operates two independent hospitals and therefore for the purposes of the Mental Health Act 1983 (“the Act”), the Board of Trustees are “Hospital Managers”
- 1.2 Hospital Managers are responsible for all patients who are detained at the under the Act
- 1.3 The Act allows for the Hospital Managers to delegate or arrange for their functions to be carried out on a day-to-day basis by other responsible individuals and/or groups. However, the legal responsibility for these functions being carried out remains with the Board.
- 1.4 The duties and powers that can be delegated include:
  - 1.4.1 To ensure that the grounds for detaining patients under the Act are valid and that all documentation is in order
  - 1.4.2 To ensure that those formally delegated to receive documents and those who are required to scrutinise them have a thorough understanding of the Act
  - 1.4.3 To ensure that necessary assistance is given to those patients who wish to apply to the Tribunal Service, automatic referrals are made in accordance with the Act and that appropriate reports are provided
  - 1.4.4 To notify the relevant health and Local Authorities where a Tribunal hearing is arranged so that plans can be made for the patient’s after-care
  - 1.4.5 To consent to the rectification of certain defined errors which may occur on statutory documentation
  - 1.4.6 To ensure that there are policies, procedures and guidance in place which govern the way that the Act is implemented
  - 1.4.7 To authorise transfer onto Guardianship, with the agreement of the Local Social Services Authority (LSSA)
  - 1.4.8 To authorise the transfer of a detained patient from one hospital to another
  - 1.4.9 To authorise the transfer and assignment of responsibility for patients subject to Supervised Community Treatment (SCT)
  - 1.4.10 To ensure that patients who are detained or subject to a SCT and their nearest relatives (where relevant) are regularly made aware of the rights that the Act affords to them
  - 1.4.11 Withholding patient’s mail in certain circumstances; and
  - 1.4.12 Liaising with victims of crime in relation to the potential discharge or transfer onto SCT of certain unrestricted patients.

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- 1.5 Section 23 of the Act gives Hospital Managers the power to discharge most patients who are detained at the Hospitals and all patients subject to SCT (where Making Space is the Responsible Hospital).
- 1.6 When considering whether or not to discharge a patient, a Managers Panel meeting is held and the Managers Panel is comprised of Trustees appointed to the Hospital Managers committee (HMC).
- 1.7 The HMC is a committee of the Board of Trustees that is authorised to act on behalf of the Board in relation to Hospital Manager responsibilities.
- 1.8 All Trustees are required to undertake the same programme of training and assessment in relation to the Mental Health Act, the Mental Capacity Act and Deprivation of Liberty Safeguards (DoLS), and Trustees who are not a member of the HMC may be called upon to form a Managers Panel
- 1.9 There is a specific programme of learning and development and performance management in place to ensure that hospital managers have the knowledge, skills and competencies to carry out their duties and responsibilities, particularly for those with responsibilities in relation to carrying out the discharge function.
- 1.10 The general powers and duties of the Hospital Managers under the Act are discussed in more detail in Chapter 30 of the MHA Code of Practice (2008). All Trustees are provided with a copy of this publication for their reference.

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