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**Delegating Discharge Powers and Community Review in the Mental Health Act 1983**

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Under the Mental Health Act 1983, section 23, Hospital Manager Panels (HMPs) have the power to discharge people from compulsory mental healthcare in hospital and the community (colloquially: discharging people from 'section'). They are typically staffed by members of the community specifically appointed for that purpose – normally referred to as *Associate* Hospital Managers (AHMs) – by the healthcare organisation authorising the 'Section' (ie *the* Hospital Managers, such as an NHS Trust). Formally, the Hospital Managers have the power to delegate section 23 powers to AHMs, however, section 23 also permits members of the managing board of the healthcare organisation to sit on HMPs themselves (eg the Chair and Non-executive Directors of an NHS Trust). It is not understood whether, or on what basis, delegation decisions are made. Similarly, the apparent conflict between a Hospital Manager for a healthcare organisation both providing the authority for a Section, and at the same time sitting as part of a quasi-judicial process to review it, has been overlooked by the legal framework. This paper addresses these issues first by drawing on data derived from Freedom of Information Act requests to 62 NHS Trusts in England and Wales to understand current practice. And secondly, by providing a conceptual framework for making decisions about delegation based on governance expectations, constitutionality, and democratic community legitimacy. These features of the proposed framework align with the functions of HMPs: providing a review mechanism, safeguarding service user rights, and establishing democratic legitimacy in the mental health law framework.