

**PWYLLGOR DEDDFWRIAETH IECHYD MEDDWL
MENTAL HEALTH LEGISLATION COMMITTEE**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	1 March 2022 01 Mawrth 2022
TEITL YR ADRODDIAD: TITLE OF REPORT:	The Power of Discharge Sub Committee Minutes
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Andrew Carruthers, Director of Operations
SWYDDOG ADRODD: REPORTING OFFICER:	Ruth Bourke, Mental Health Act Administration Lead

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

The purpose of the paper is to present to the Mental Health Legislation Committee the minutes from the last Power of Discharge Sub Committee which was held on 30th November 2021.

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

The Mental Health Legislation Committee to be assured that the work undertaken by the Power of Discharge Sub Committee during the quarter are carried out correctly.

Cefndir / Background

This Report provides assurance in respect of the work that has been undertaken by the Power of Discharge Sub-Committee during the quarter, that those functions of the Mental Health Act 1983 (the Act), as amended are being carried out correctly; and that the wider operation of the 1983 Act in relation to the Local Health Board's area is operating properly.

The hospital managers must ensure that patients are detained only as the Act allows, that their treatment and care fully comply with it, and that the patients are fully informed of, and are supported in exercising, their statutory rights. Hospital managers must also ensure that a patient's case is dealt with in line with other legislation which may have an impact, including the Mental Capacity Act 2005, the Human Rights Act 1998 and the Data Protection Act 1998.

Asesiad / Assessment

A copy of the Hospital Managers Power of Discharge Sub Committee minutes dated 30th November 2021:



Paper 1 minutes
30.11.21.doc

Argymhelliad / Recommendation

- for information only

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	Standards 1,6,7,8,10,12,14 and 15
Amcanion Strategol y BIP: UHB Strategic Objectives:	The Mental Health Act Monitoring Committee provides an assurance to the Board of the organisation's compliance with primary legislation in Wales including the Mental Health Act (1983), with the 2007 amendments, and the Mental Health (Wales) Measure 2010
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Statement	

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	N/A
Rhestr Termau: Glossary of Terms:	Outlined in report
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Ceisiadau Gofal Sylfaenol: Parties / Committees consulted prior to Mental Health Legislation Assurance Committee:	The Mental Health Legislation Scrutiny Group The Mental Health Act Operational Group

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Non-compliance with the Mental Health Act could result in legal proceedings being brought against the Health Board who is the detaining authority.
Ansawdd / Gofal Claf: Quality / Patient Care:	There is a patient representative on the Mental Health Legislation Committee

Gweithlu: Workforce:	NA
Risg: Risk:	<p>Risk of non-compliance with the 1983 Act and with the Welsh Government's <i>Mental Health Act 1983 Code of Practice for Wales</i> and with the <i>Good Governance Practice Guide – Effective Board Committees (Supplementary Guidance) Guidance</i>.</p> <p>Safety of patients</p> <p>Assurance – use of statutory mechanisms</p>
Cyfreithiol: Legal:	As outlined above
Enw Da: Reputational:	Mental Health Act media focus
Gyfrinachedd: Privacy:	As above
Cydraddoldeb: Equality:	N.A

COFNODION Y CYFARFOD
PWYLLGOR HOSPITAL MANAGERS POWER OF DISCHARGE SUB COMMITTEE
DRAFT MINUTES OF THE
HOSPITAL MANAGERS POWER OF DISCHARGE SUB COMMITTEE MEETING

Date and Time of Meeting:	Tuesday 30 th November 2021 at 1.30pm
Venue:	MS Teams

Present:	<p>Professor John Gammon, Independent Board Member (Chair to POD Sub-Committee)</p> <p>Mr Maynard Davies, Independent Member</p> <p>Mrs Joan Palmer, Member Appeals Panel</p> <p>Mrs Sue Richards, Member Appeals Panel</p> <p>Mr Phil Layton, Member Appeals Panel</p> <p>Mrs Angela Brown, Member Appeal Panel</p> <p>Mr Stephen Smedley, Member Appeals Panel</p> <p>Mrs Lyn Maliphant, Member Appeals Panel</p> <p>Mr Richard Griffith, Member Appeals Panel</p> <p>Mr Winston Weir, Independent Board Member</p> <p>Mrs Terrill Chadwick, Member Appeals Panel</p> <p>Mrs Jane Jannotti, Member Appeals Panel</p> <p>Mr Owen Burt, Member Appeals Panel</p> <p>Mrs Mollie Roach, Member Appeals Panel</p> <p>Mrs Jane Jeffs, Member Appeals Panel</p>
In Attendance:	<p>Sarah Roberts, Mental Health Legislation Manager</p> <p>Ruth Bourke, Mental Health Act Administration Lead</p> <p>Louise Howells, Mental Health Act Administrator</p> <p>Helena Christopher, Mental Health Act Administrator</p> <p>Natasha Fox, Independent Mental Health Advocate, Advocacy West Wales</p> <p>Nia Williams, Independent Mental Health Advocate, Advocacy West Wales</p>

Governance:		
Agenda Item	Item	Action
HMPODSC (21) 1.1	<p>Introductions and Apologies for Absence.</p> <p>Apologies for Absence were received from: Mrs Judith Hardisty, Vice Chairman, HDUHB Mrs Carol Williams, Member Appeal Panel Mr Mike Ponton, Member Appeals Panel</p>	
	<p>Presenter welcomed all members.</p> <p>In the introduction Prof. John Gammon apologised for his absence in the last meeting and wished to express his thanks to Mrs Delyth Raynsford, Independent Member for Charing the last meeting.</p> <p>Mr Winston Weir, Independent Board Member, introduced himself to all members.</p>	
HMPODSC (21) 1.2	Declarations of Interests	
	No declarations declared.	

Hospital Managers Power of Discharge Sub-Committee
Part 1
Sub Committee Business and Information

HMPODSC (21) 1.3	<p>Minutes of Meeting Held on 3rd August 2021</p> <p>Members in attendance confirmed the minutes as an accurate record of the meeting.</p>	
HMPODSC (21) 1.4	<p>Table of Actions and Matters Arising from the Minutes of the Meeting Held on 3rd August 2021</p> <p>Table of Actions from last meeting held now all completed:</p> <p>.</p>	
HMPODSC (21) 1.5	<p>Discussion of Learning and Governance from panel hearings</p> <p>Some discussion took place about matters arising from hearings during the last quarter and situations worth noting:-</p> <p>Mr Richard Griffith referred to a case he had chaired, the patient wished to join the meeting unfortunately there was no microphone available on the device that was being used, due to the hearing being held remotely, it was possible to rescheduled for the next working day.</p> <p>Professor John Gammon, commented on the ease of reorganising a hearing which is being held remotely.</p> <p>Ruth Bourke commented on the delay in relaying the written decision to patients, it was agreed that the decision will be written up at the end of each hearing with all panel members present.</p>	
HMPODSC (21) 1.6	<p>Information Governance – review of virtual appeal hearings</p> <p>Helena presented the report on feedback and views from parties present at virtual hospital managers reviews.</p> <p>It was acknowledged that virtual hearings are working well. No hearings have had to be cancelled due to technical issues. The use of the lobby in MS Teams has enabled panel members to have a discussion prior to the meeting to replicate face to face hearings.</p> <p>Attendees are able to attend the hearings from various platforms and locations, nearest relatives are able to join from their homes, which has minimised the risks.</p> <p>Data was looked at from previous years where hearings were held face to face, it was noted that since holding reviews remotely there has been a slight increase in the number of patients in attendance</p>	

	<p>at appeal hearings.</p> <p>Discussions took place regarding holding face to face reviews, an update from Welsh Government on the guidelines released in April 2020 confirmed that these guidelines remain current, but a review is taking place.</p> <p>Sarah Roberts confirmed that risk assessments took place last year for meeting rooms, the outcome was that these rooms are not big enough to accommodate face to face hearings at this time.</p> <p>Professor John Gammon confirmed that there is going to be a change in the use of some buildings on Hafan Derwen site, an early request could be put in to consider having a room with flexible use with digital connection and facilities.</p> <p>On conclusion it was agreed to continue as we are and await further guidance and respond accordingly.</p>	JG
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Received for information – Operation of Section 23 Mental Health Act 1983		
HMPODSC (21) 2.1	<p>Operation of S23 Mental Health Act 1983 Report on the use of the Mental Health Act 1983 – 1st July 2021 – 30th September 2021</p>	
	<p>Ruth Bourke presented the report and highlighted key areas of the report.</p> <p>It was highlighted that overall it had appeared to be a busy quarter for renewals. It was noted that there has been one discharge this quarter, no welsh applications, also in one area there was an increase in the number of renewal hearings being held after the expiry date, this was in one area of CMHT.</p> <p>Ruth Bourke confirmed that the MHRT are beginning to hold reviews remotely using MS Teams, the first one for our health board is being held this week.</p> <p>Professor John Gammon noted that problems remain with reports not being submitted in a timely manner which is not ideal for patients, although is aware that multi disciplinary teams across the health board are under clinical pressure.</p>	

Minutes of the Mental Health Legislation Assurance Committee – 2nd September 2021		
HMPODSC (21) 2.2		
	<p>Minutes of the Mental Health Legislation Assurance Committee held on 2nd September 2021 were attached for information.</p> <p>Mrs Jane Jeffs raised her concerns regarding the self assessment exercise, where three representatives from different user groups all expressed concerns on how difficult it was to contribute.</p>	

	<p>Professor John Gammon suggested that we ask Judith Hardisty to just give us some assurance as to what has been done in order to address the engagement within the process of the assessment of the committee so that people can access the process and also how we intend to respond to the comments in a little bit more of a collaborative way.</p> <p>Ruth Bourke confirmed that our Terms of Reference has been approved for this sub-committee.</p>	RB
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For Information		
	IMHA Report 1st July 2021 – 31st October 2021	
HMPODSC (21) 3.1	<p>Members received the report provided by Natasha Fox, Advocacy West Wales for information.</p> <p>Natasha introduced Nia Williams, Independent Mental Health Advocate who will be contributing to some meetings in the future.</p> <p>Natasha confirmed that they are currently awaiting the outcome of the IMHA bid as it has been delayed, the IMHA contract ends in December. They are hopeful to hear the outcome of the IMHA tender within the next week</p> <p>The drop in service has been extended to Llandovery to join the naffy coffee mornings.</p> <p>The impact of Covid has been noticed within the team with extended absences, a cover advocate has been recruited.</p> <p>Visits are all risk assessed, there are times when advocates have been unable to access certain wards due to covid infection, however the IMHA service continue to work face to face wherever possible.</p> <p>The has now been 3 meetings with the all Wales IMHA support group, it has been decide to go back to the MHRT in relation to any findings they have around the pilot video hearings.</p> <p>Natasha has re-circulated to the advocates the updated copy of form which they complete for patients wishing to have hearings with a note for them to remember to ask patients about remote and video hearings.</p> <p>It has been noticed that there is an improvement on debates around the interface of DOL's and MHA.</p> <p>There is a lot of requests to IMHA's for face to face hearings, the document which is used by IMHA's has been updated to capture this information.</p>	

	<p>Natasha confirmed that holding hearings remotely does reduce anxiety levels for some however, feedback from other patients is that they find them more difficult to engage with the hearing and some patients are put off making an application.</p> <p>Nia Williams stated that feedback obtained from patients that the delay on the video call makes it more difficult to engage with the hearing.</p>	
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	Mental Health and Learning Disability Service Update	
HMPODSC (21) 3.2	<p>Ailyeen Flynn gave an update on the commissioning of the IMHA service.</p> <p>The service has been procured nationally this year, all seven health boards in Wales have procured IMHA services together. After initially awarding the contract there has been a challenge from a current provider who was not successful, therefore there is going to be a delay due to having to re-evaluate all 7 health board tenders.</p> <p>Once the contract has been awarded Ailyeen will notify the group .</p> <p>Aileen confirmed that as part of the transforming Mental Health consultation, the opening hours of CMHT to 7 days a week. It will be phased in so that by 1st April 2022 all teh CMHT's will be open 7 days a week 9 – 5.</p> <p>A hospitality bed and sanctuary service is opening in Ceredigion in the next 2 weeks which is being provided by Hafal for the next 12 months.</p> <p>Sanctuary service hours will be extended to open at 5pm and operate 7 days a week up till the end of March.</p> <p>The Mental Health single point of contact will be operational 24 hours a day, 7 days a week by the 1st April.</p> <p>The Mental Health Ambulance service which has been funded by Welsh Government has been extended for a further 6 months.</p> <p>A service improvement programme group has been started to improve services for learning disabilities.</p>	AF / LH

HMPODSC (21) 3.3	Professor John Gammon asked if the MHRT are set any performance targets by Welsh Government. Ruth Bourke confirmed that she would obtain this information and feedback	RB
	HIW Annual Report	
HMPODSC (21) 3.4	No comments were made	
	Any Other Business	
HMPODSC (21) 4.1	Ruth Bourke asked that any claim forms submitted are emailed rather than posted where possible. Ruth Bourke queried if new Independent members are attending panel review hearings. Professor John Gammon will speak Judith Hardisty and feedback.	JG
	PART II TRAINING	
HMPODSC (21) 5.1	<u>Further training requirements</u> No further specific requests were put forward.	
	Date and time of next meeting	
HMPODSC (21) 6	Tuesday 5 th April 2022 at 1.30 pm	