



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

<b>DYDDIAD Y CYFARFOD: DATE OF MEETING:</b>	02 March 2026
<b>TEITL YR ADRODDIAD: TITLE OF REPORT:</b>	The Power of Discharge Sub Committee Update Report
<b>CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:</b>	Andrew Carruthers, Chief Operating Officer
<b>SWYDDOG ADRODD: REPORTING OFFICER:</b>	Ruth Bourke, Mental Health Act Administration Lead

**Pwrpas yr Adroddiad (dewiswch fel yn addas)**

**Purpose of the Report (select as appropriate)**

Ar Gyfer Trafodaeth/For Discussion

**ADRODDIAD SCAA**

**SBAR REPORT**

**Sefyllfa / Situation**

The purpose of the report is to provide The Mental Health Legislation Committee with an update on the work undertaken by the Power of Discharge Sub Committee during its meeting on the 2 February 2026

**Cefndir / Background**

This report is presented to the Mental Health and Legislation Committee (MHLC) to provide assurance regarding the work undertaken by the Power of Discharge Sub Committee during the reporting quarter. Its purpose is to demonstrate that the Mental Health Act 1983 (the Act), as amended, is being applied appropriately, and that the broader operation of the Act within the Health Board's area is functioning as intended.

Hospital Managers have a statutory responsibility to ensure that patients are detained strictly in accordance with the provisions of the Act, and that their care and treatment fully comply with its requirements. They must also ensure that patients are properly informed of their statutory rights and are supported in exercising those rights. In fulfilling these duties, Hospital Managers must additionally ensure that all decisions relating to a patient's case are consistent with other relevant legislation, including the Mental Capacity Act 2005, the Human Rights Act 1998, and the Data Protection Act 1998.

**Asesiad / Assessment**

Members noted an increase in face-to-face hearings as well as applications for discharge from both patients and nearest relatives during this period.

Due to staffing levels in the Mental Health Act Department concerns were raised at the potential of hearings not being clerked and the additional responsibilities for panel members, it was acknowledged that Clerks play a vital role in ensuring that the correct procedure is

followed during hearings, the situation will be monitored and any concerns are to be raised with the Mental Health Act Team.

There have recently been new members appointed to attend Hospital Managers hearings, which will increase the number of Welsh speaking members.

There has recently been an inspection by Healthcare Inspectorate Wales (HIW), no formal report had been received at the time of the meeting however feedback received was positive.

Representation from the Independent Mental Health Advocacy (IMHA) services attended the meeting and confirmed that the service is in the process of recruiting new staff and they should be in post around February 2026, this has been due to a high workload in Pembrokeshire. It was also highlighted that there has been an increase in applications for discharge.

### Argymhelliad / Recommendation

- The Committee is requested to note the update report

<b>Amcanion: (rhaid cwblhau) Objectives: (must be completed)</b>	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	2.3 The UHB's responsibilities as Hospital Managers are being discharged effectively and lawfully;
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not Applicable
Parthau Ansawdd: Domains of Quality <a href="#">Quality and Engagement Act (sharepoint.com)</a>	3. Effective 4. Efficient
Galluogwyr Ansawdd: Enablers of Quality: <a href="#">Quality and Engagement Act (sharepoint.com)</a>	4. Learning, improvement and research
Amcanion Strategol y BIP: UHB Strategic Objectives:	The Mental Health Legislation 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 Cynllunio Planning Objectives	Not Applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: <a href="#">Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022</a>	10. Not Applicable

<b>Further Information:</b>	
Ar sail tystiolaeth: Evidence Base:	Not Applicable
Rhestr Termau: Glossary of Terms:	Outlined in report
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Deddfwriaeth lechyd Meddwl: Parties / Committees consulted prior to Mental Health Legislation Committee:	The Mental Health Legislation Scrutiny Group

<b>Effaith: (rhaid cwblhau) Impact: (must be completed)</b>	
<b>Ariannol / Gwerth am Arian: Financial / Service:</b>	Non-compliance with the Mental Health Act could result in legal proceedings being brought against the Health Board who is the detaining authority
<b>Ansawdd / Gofal Claf: Quality / Patient Care:</b>	There is a patient representative on the Mental Health Legislation Committee
<b>Gweithlu: Workforce:</b>	Not Applicable
<b>Risg: Risk:</b>	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> .  Safety of patients  Assurance – use of statutory mechanisms
<b>Cyfreithiol: Legal:</b>	As outlined above
<b>Enw Da: Reputational:</b>	Mental Health Act media focus
<b>Gyfrinachedd: Privacy:</b>	As above

**Cydraddoldeb:  
Equality:**

Not Applicable