

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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	02 September 2021 02 Medi 2021
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 03rd August 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 3rd August 2021:



Paper 1 draft
minutes Aug 21.doc

Argymhelliad / Recommendation

The MHLC is requested to approve the Terms of Reference made to the PODSC.

- All other information is 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 Termiau: 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 3 rd August 2021 at 1.30pm
Venue:	MS Teams

Present:	<p>Mrs Delyth Raynsford, Independent Member (Chair to POD Sub-Committee)</p> <p>Mrs Judith Hardisty, Vice Chairman, HDUHB</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 Carol Williams – Member Appeal Panel</p> <p>Mrs Angela Brown – Member Appeal Panel</p> <p>Mr Stephen Smedley, Member Appeals Panel</p> <p>Mr Mike Ponton, Member Appeals Panel</p> <p>Mrs Lyn Maliphant, Member Appeals Panel</p> <p>Mr Richard Griffith, 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>Natasha Fox, Independent Mental Health Advocate, Advocacy West Wales</p>

Governance:		
Agenda Item	Item	Action
HMPODSC (21) 1.1	Introductions and Apologies for Absence.	
	<p>Apologies for Absence were received from:</p> <p>Professor John Gammon, Independent Board Member</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>Mrs Helen Evans – Member Appeals Panel</p> <p>Mr Owen Burt, Independent Member</p> <p>Mrs Helen Christopher, Mental Health Act Administrator</p>	
	Presenter welcomed all members and apologised that John Gammon was unavailable today due to another health board commitment but looked forward to returning to the next meeting.	

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	Minutes of Meeting Held on 6th April 2021	
	Members in attendance confirmed the minutes as an accurate record of the meeting.	

HMPODSC (21) 1.4	Table of Actions and Matters Arising from the Minutes of the Meeting Held on 6th April 2021	
	<p>Table of Actions from last meeting held now all completed:</p> <p>Action 1.4 (1) – Review of remote hearings Maynard Davies confirmed that the internet connections at Hafan Derwen site have now been upgraded, however other issues have been identified and I.T are continuing to progress the work. Main actions can be closed. No time scale for complete completion of works. Concern raised that there is still no Icloud connection in St Brides.</p> <p>Action 1.4 (2) – IMHA Report Judith Hardisty confirmed that a reply has been received from Nigel Butcher, Deputy President MHRT in response to concerns raised over the use of telephone hearings. He indicated that some services users have reported they have found telephone hearings better in that they are less intrusive. However its acknowledged they need to change the way in which they conduct hearings so have introduced a pilot scheme to hold hearings by video. To date we have not been part of that pilot. Copy of MHRT letter to be attached with minutes.</p> <p>Action 1.5 – Terms of Reference Completed – approved at MHLAC 02.09.2021</p>	Secretary

	HMPODSC annual report	
HMPODSC (21) 1.5	<p>Ruth Bourke presented the report for the last financial year.</p> <p>The report sets out the work conducted by this sub-committee during the last financial year it includes the number of meetings held, details of training sessions and the specific numbers of reviews undertaken by hospital managers.</p> <p>It was reported that two patients were discharged, one application from a patient and another application from a nearest relative.</p> <p>These numbers are consistent with previous years when meetings were held face to face.</p> <p>Maynard Davies asked if the number could be totalled up in future reports and Delyth Raynsford further requested any hearings conducted in the Welsh language also be further highlighted in reports.</p>	RB

	Discussion of Learning and Governance from panel hearings	
HMPODSC (21) 1.6	Members noted that hearings are taking place appropriately, within timescales and nothing of note other than outlined under appropriate agenda items.	

	Information Governance – review of virtual appeal hearings	
HMPODSC (21) 1.7	<p>Louise 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 generally however members felt that it is more difficult to conduct a virtual review meeting when there are a lot of people in attendance, and feel that contested hearings where the service user is in attendance would be better held face to face, members agreed that virtual reviews should remain in place for all uncontested hearings.</p> <p>Members asked if there are any plans in the near future to return to face to face meetings, Sarah Roberts informed the group that Welsh Government are amending some of the social distancing rules next week and will gather information on how this relates to the work place and feedback to Ruth Bourke.</p> <p>Mike Ponton asked if an all Chair group could be arranged to review the practice of review hearings and chairing them consistently. It was suggested that Natasha Fox be invited to attend to provide patient’s perspective.</p> <p>A number of concerns was expressed in relation to IT issues being experienced. Members were reminded to contact the I.T department on 01267 227300 but in addition Ruth Bourke will arrange with Anthony Tracey for some additional I.T training for members on the use of MS Teams and working remotely. Maynard suggested that this training should be recorded to ensure all parties were able to access it.</p>	<p>SR</p> <p>LH</p> <p>RB</p>

Received for information – Operation of Section 23 Mental Health Act 1983		
	Operation of S23 Mental Health Act 1983 Report on the use of the Mental Health Act 1983 – 1st April 2021 – 30th June 2021	
HMPODSC (21) 2.1	<p>Ruth Bourke presented the report and highlighted key areas of the report. It was highlighted that overall it had appeared to be a unusually busy quarter in terms of MHA activity.</p> <p>Delyth Raynsford queried the number of MHRT applications which were withdrawn prior to the hearing taking place. Ruth explained that although this is a high number it is in proportion with the number of applications that had been received.</p> <p>Delyth Raynsford asked the numbers of late reports and Ruth</p>	

	Bourke confirmed that around half of report requests are submitted late having a knock on effect on workload for the administration team preparing packs however due to the use of emails it impacts a lot less now on the hearing itself as it is possible to get reports out in time for the hearing not to be affected.	
	Minutes of the Mental Health Legislation Assurance Committee – 15th June 2021	
HMPODSC (21) 2.2	<p>Minutes of the Mental Health Legislation Assurance Committee held on 15th June 2021 were attached for information.</p> <p>Ruth Bourke confirmed that the issue with SOADs have been resolved due to the SOAD service being delivered remotely.</p> <p>Issues with having sufficient numbers of section 12 doctors is a national issue across Wales, and is an issue which we have had for a number of years.</p>	
	Law Briefing / Legal Updates	
HMPODSC (21) 2.3	<p>Richard Griffith provided members with an update on a key area in relation to legislation:-</p> <ul style="list-style-type: none"> - <u>DB v Betsi Cadwaladr UHB 2021 UKUT 53</u> <p>The case is from the upper tribunal that resets the use of a long leash approach to Section 17 feeling its been a long time coming since the introduction of CTOs and particularly concerns long term leave where the person has no contact with a hospital. It will require managers hearings to consider whether there is a significant component of the patients care being delivered in hospital when considering an appeal or renewal of section 3 where the patient is on long term S17 leave.</p>	
For Information		
	IMHA Report 1st April 2021 – 30th June 2021	
HMPODSC (21) 3.1	<p>Members received the report provided by Natasha Fox, Advocacy West Wales for information.</p> <p>Natasha confirmed that there has been an increase in referrals within community settings and within an IMHA team, a new advocate has been recruited who is in training.</p> <p>The Covid guidance for the team has been updated, advocates are now able to visit up to 4 settings per day.</p> <p>An All Wales IMHA support group has been set up and will meet every 2 months, 2 IMHA's from each Health Board area will attend, they will raise issues that arise, a recent issue was the ongoing issue with telephone hearings with MHRT.</p> <p>Advocacy service is moving to new premises in September as highlighted in the report.</p> <p>Natasha confirmed that there are still a low level of referrals from</p>	

	<p>general wards in Carmarthenshire. Meetings have been set up with psychiatric liaison to ensure that more people in general wards are reached.</p> <p>The submission of late reports for hearings has an impact on service users ability to prepare for the hearings as some people need more time to digest the information which can take a few sessions.</p> <p>A lot of feedback from service users has been received in relation to telephone and virtual hearings, where they feel that they are struggling with these hearing especially telephone hearings.</p> <p>Ruth Bourke suggested that if there are any particular cases where service users wish to have a face to face meeting, that this could be written on the application and will be given consideration on a case by case basis.</p>	
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	Any Other Business	
HMPODSC (21) 4.1		

	PART II TRAINING	
HMPODSC (21) 5.1	<p><u>Further training requirements</u></p> <p>No further specific requests were put forward, Ruth informed members that if there is any suggestions for training to let her know.</p>	All
(21) 5.2	<p>Richard Griffith confirmed that he is conducting a training session on barring hearings, which he will share with the group.</p> <p><u>Feedback Associate Hospital Managers Training (circ 11.06.2021)</u></p> <p>Delyth Raynsford on behalf of John Gammon thanked Richard Griffith for the training, John would like it formally noted that the training was excellent, and felt it was very valuable to all members.</p>	

	Date and time of next meeting	
HMPODSC (21) 6	Tuesday 30 th November 2021 at 1.30 pm	