



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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	11 March 2025
TEITL YR ADRODDIAD: TITLE OF REPORT:	The Power of Discharge Sub Committee Minutes
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Andrew Carruthers, Director of Operation
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)

Er Gwybodaeth/For Information

**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 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 09th December 2024 are submitted as appendix 1.

Argymhelliad / Recommendation

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:	
Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com)	3. Effective 4. Efficient
Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com)	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: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022	10. Not Applicable

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	N/A
Rhestr Termau: Glossary of Terms:	Outlined in report
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Deddfwriaeth Iechyd Meddwl: Parties / Committees consulted prior to Mental Health Legislation Committee:	The Mental Health Legislation Scrutiny 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:	N/A
Risg: Risk:	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
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:	Monday 9 th December 2024 at 13.30
Venue:	MS Teams

Present:	<p>Mr Iwan Thomas, Independent Board Member (Chair to POD Sub-Committee)</p> <p>Mrs Eleanor Marks, Vice Chair</p> <p>Mr Rhodri Evans, Independent Member</p> <p>Prof Chantal Patel, Independent Member</p> <p>Mr Stephen Smedley, Member Appeals Panel</p> <p>Mrs Angela Brown, Member Appeal Panel</p> <p>Mrs Carol Williams, Member Appeal Panel</p> <p>Mr John Williams, Member Appeal Panel</p> <p>Mrs Julie James, Member Appeals Panel</p> <p>Mrs Sue Richards, Member Appeals Panel</p> <p>Mr Richard Griffith, Member Appeals Panel</p> <p>Mr Peter Thomas, Member Appeals Panel</p> <p>Mr Robert Lewis, Member Appeals Panel</p>
In Attendance:	<p>Sarah Roberts, Mental Health Legislation Manager</p> <p>Louise Howells, Mental Health Act Administrator</p> <p>Natalie Williams, Mental Health Act Administrator</p> <p>Helena Christopher, Mental Health Act Administrator</p> <p>Natasha Fox, Independent Mental Health Advocate, Advocacy West Wales</p>

Governance:		
Agenda Item	Item	Action
HMPODSC (24) 1.1	<p>Introductions and Apologies for Absence.</p> <p>Apologies for Absence were received from:</p> <p>Ruth Bourke, Mental Health Act Administration Lead</p> <p>Mr Maynard Davies, Independent Member</p> <p>Mr Winston Weir Independent Member</p> <p>Mrs Jane Jannotti, Member Appeal Panel</p> <p>Mr Ian Rees, Member Appeal Panel</p> <p>Mr Owen Burt, Member Appeals Panel</p> <p>Mrs Sarah Burgess, Member Appeals Panel</p>	
	<p>Chair welcomed members.</p>	
HMPODSC (24) 1.2	Declarations of Interests	
	No declarations declared.	

Part 1
Sub Committee Business and Information

HMPODSC (24) 1.3	Minutes of Meeting Held on 6th August 2024	
	Members in attendance confirmed the minutes as an accurate record of the meeting	

HMPODSC (24) 1.4	Table of Actions	
	Table of Actions from last meeting held now all completed	

HMPODSC (24) 1.6	Discussion of Learning and Governance from panel hearings	
	<p>Discussion about matters arising from hearings during the last quarter:-</p> <p>Members in attendance had no comments to make from recent panel hearings</p> <p>Ruth asked that all panel members ensure that they bring their devices to hearings and attend in a timely manner as there have been a few occasions where panel members have arrived late and some occasions where there has been no attendance by a panel member at all.</p> <p>Chantal raised the issue with Wi-fi, which may have an affect on reviews, it was agreed that administrators would ensure attendees have access to wi-fi which is sufficient if attending reviews remotely.</p> <p>Helena reminded members of the importance of ensuring that they correctly record dates for reviews as there has been a few occasions where there has been no attendance by panel members, It was agreed that invites are sent to members for all reviews including those conducted in person.</p>	

Received for Assurance – Operation of Section 23 Mental Health Act 1983		
HMPODSC (24) 2.1	Operation of S23 Mental Health Act 1983 Report on the use of the Mental Health Act 1983 – 1st July 2024 – 30 th September 2024	
	Iwan summarised the report and noted that some reports are being submitted passed the due date, Sarah highlighted the pressure of beds and lack of Responsible Clinicians currently and also the movement of patients between wards which does have an impact on submission of both medical and nursing reports.	
	Sarah Roberts also confirmed that there has been an increase in the amount of MHRT's which are being held in person, the MHRT	

	<p>are continuing to offer hearings virtually or in person. The report showed that the number of applications made to hospital managers continue to remain low.</p> <p>Helena confirmed that all patients continue to be given the opportunity to request a hearing remotely or in person and they are given the option to have their review heard in English or Welsh</p> <p>Sarah noted to all members that the option to Chair reviews is available to them.</p>	
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For Discussion		
	MHRT Annual Report	
HMPODSC (24) 3.1	Louise confirmed that the Annual Report has not yet been published and will be circulated to members once it is available	LH

HIW Annual Report		
HMPODSC (24) 3.2	<p>Chair summarised the report, and noted that pages 35 to 36 where with regards to Mental Health and are of particular interest</p> <p>Chantal highlighted that it is noted within the report the inadequate nursing levels, and should this be included with the report submitted to board level.</p> <p>Julie asked if any HIW visits had taken place in Hywel Dda this passed year, Sarah confirmed that 3 sites had undergone inspections by HIW however there were no actions in relation to the Mental Health Act .</p>	

IMHA report (1st July 2024 – 30th September 2024)		
HMPODSC (24) 3.3	<p>Members received the report provided by Nia Williams, Advocacy West Wales for information.</p> <p>Natasha confirmed that activity levels are up which is a result of having a full team which is enabling Advocates to be more present on wards</p> <p>The Henry Smith Foundation funding was due to come to an end however this has been extended for a further year.</p> <p>The IMHA contract has been extended for a further 2 years</p> <p>The UK Government Budget will have an impact on services as the number of hours may have to be reduced.</p> <p>Natasha confirmed that there is a new IMCA service called</p>	

	Advocacy Support Cymru who have taken over the contract for Mental Health Matters Wales	
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For Information		
	Minutes Mental Health Legislation Committee 03rd September 2024	
HMPODSC (24) 4.1	Provided for information.	

Any Other Business		
HMPODSC (24) 5.0	<p>Julie James asked if there was any update on payments for members, Sarah confirmed that notification has been sent to all members, and will ask Ruth Bourke to resend the confirmation email</p> <p>Louise informed members that due to a few requests for review papers and teams links to be sent to external email addresses, discussions had taken place with Information Governance who can confirmed that no papers are to be sent to external email addresses</p>	SR/RB

PART II TRAINING		
HMPODSC (24) 6.0	<p><u>Training</u> A training presentation on Community Treatment Orders was provided for all members by Richard Griffith</p> <p><u>Further training requirements</u> Training to be provided on Information Governance at the next meeting</p>	LH

Date and time of next meeting		
HMPODSC (24) 7.0	Tuesday 26 th November 2024 at 13.30 via MS Teams	