

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

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| <b>DYDDIAD Y CYFARFOD:<br/>DATE OF MEETING:</b>  | 13 March 2023<br>13 Mawrth 2023                    |
| <b>TEITL YR ADRODDIAD:<br/>TITLE OF REPORT:</b>  | The Power of Discharge Sub Committee Minutes       |
| <b>CYFARWYDDWR ARWEINIOL:<br/>LEAD DIRECTOR:</b> | Andrew Carruthers, Director of Operations          |
| <b>SWYDDOG ADRODD:<br/>REPORTING OFFICER:</b>    | 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 8<sup>th</sup> December 2022.

**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 8<sup>th</sup> December 2022:



Draft minutes  
december 22.doc

**Argymhelliad / Recommendation**

- All other information is for information only

| <b>Amcanion: (rhaid cwblhau)</b><br><b>Objectives: (must be completed)</b>                                       |  |
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| Committee ToR Reference:<br>Cyfeirnod Cylch Gorchwyl y Pwyllgor:   |  |
| Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol:<br>Datix Risk Register Reference and Score:                       |  |
| Safon(au) Gofal ac Iechyd:<br>Health and Care Standard(s):   | Standards 1,6,7,8,10,12,14 and 15  |
| Amcanion Strategol y BIP:<br>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 Llesiant BIP:<br>UHB Well-being Objectives:<br><a href="#">Hyperlink to HDdUHB Well-being Statement</a> |  |

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

| <b>Effaith: (rhaid cwblhau)</b><br><b>Impact: (must be completed)</b> |  |
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| <b>Ariannol / Gwerth am Arian:</b><br><b>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:</b><br><b>Quality / Patient Care:</b>        | There is a patient representative on the Mental Health Legislation Committee   |

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|------------------------------------|--|
| <b>Gweithlu:<br/>Workforce:</b>    | NA   |
| <b>Risg:<br/>Risk:</b>             | <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> |
| <b>Cyfreithiol:<br/>Legal:</b>     | As outlined above  |
| <b>Enw Da:<br/>Reputational:</b>   | Mental Health Act media focus  |
| <b>Gyfrinachedd:<br/>Privacy:</b>  | As above   |
| <b>Cydraddoldeb:<br/>Equality:</b> | 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: | Thursday 8 <sup>th</sup> December 2022 at 1.30pm |
| Venue:                    | Ystwyth Board Room & MS Teams                    |

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|----------------|--|
| Present:       | <p>Professor Chantal Patel, Independent Board Member<br/>(Chair to POD Sub-Committee)</p> <p>Mr Maynard Davies, Independent Member</p> <p>Mrs Delyth Raynsford, Independent Member</p> <p>Professor John Gammon, Member Appeals Panel</p> <p>Mrs Carol Williams, Member Appeal Panel</p> <p>Mr Mike Ponton, Member Appeals Panel</p> <p>Mrs Sue Richards, 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 John Williams, Member Appeal Panel</p> <p>Mr Owen Burt, Member Appeals Panel</p> <p>Mr Richard Griffith, Member Appeals Panel</p> <p>Mrs Jane Jeffs, Member Appeals Panel</p> |
| In Attendance: | <p>Ruth Bourke, Mental Health Act Administration Lead</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>   |

| <b>Governance:</b> |  |        |
|--------------------|--|--------|
| Agenda Item        | Item   | Action |
| HMPODSC (22) 1.1   | Introductions and Apologies for Absence.   |        |
|                    | Apologies for Absence were received from:<br>Mrs Judith Hardisty, Vice Chairman, HDUHB<br>Mr Phil Layton, Member Appeals Panel<br>Mrs Mollie Roach, Member Appeals Panel<br>Mrs Jane Jannotti, Member Appeals Panel<br>Sarah Roberts, Mental Health Legislation Manager<br>Mrs Joan Palmer, Member Appeals Panel |        |
|                    | Presenter welcomed all members.  |        |
| HMPODSC (22) 1.2   | <b>Declarations of Interests</b>   |        |
|                    | No declarations declared.  |        |

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| HMPODSC<br>(22) 1.3 | <b>Special Recognition Award</b>   |  |
|                     | The special recognition award for 25 years service was awarded to Louise Howells by Mr Stephen Smedley |  |

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

|                     |   |  |
|---------------------|---|--|
| HMPODSC<br>(22) 1.4 | <b>Minutes of Meeting Held on 2nd August 2022</b>                                 |  |
|                     | Members in attendance confirmed the minutes as an accurate record of the meeting. |  |

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| HMPODSC<br>(22) 1.5 | <b>Table of Actions</b>   |  |
|                     | Table of Actions from last meeting held now all completed:<br>. |  |

|                     |  |          |
|---------------------|--|----------|
| HMPODSC<br>(22) 1.6 | <b>Discussion of Learning and Governance from panel hearings</b>   | LH<br>RG |
|                     | <p>Some discussion took place about matters arising from hearings during the last quarter and situations worth noting:-</p> <p>Prof Gammon raised the issue regarding attending hearings with people with mental disorders facing criminal proceedings, a request was made for training around complex cases, Richard Griffith will forward a webinar training video for members to listen too.</p> <p>Richard Griffith discussed the proposed changes to the Mental Health Act , and confirmed that hospital managers appeal hearings will be remaining, a lot of the changes that the new bill will bring will be in insuring more equity and parity with better justification for the use of detention, a lot of training will need to take place once the final changes are confirmed.</p> |          |

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| <b>Received for Assurance – Operation of Section 23 Mental Health Act 1983</b> |  |  |
| HMPODSC<br>(22) 2.1  | <b>Operation of S23 Mental Health Act 1983<br/>Report on the use of the Mental Health Act 1983 –<br/>1<sup>st</sup> July 2022 – 30<sup>th</sup> September 2022</b>   |  |
|  | <p>Ruth Bourke presented the report and highlighted key areas of the report.</p> <p>It was highlighted that the number of applications were similar to that of last year. The renewals hearing were considerably lower this quarter.</p> |  |

During this quarter, patients were being given the option of whether they would like their hearing held face to face or via MS teams. We believe the Health Board, is the first in Wales to return to face to face hospital managers hearings. Some health boards in Wales have yet to return to face to face hearings.

MHRT's still conduct hearings remotely but have confirmed F2F will resume in Spring 2023. This has impacted the hospital managers as its been reported in a recent case a patient was unable to participate fully in the MHRT process so opted to apply for a hospital managers review.

Natasha confirmed that the feedback they have received is that patients are satisfied with having the option of how their hearing is being held.

Delyth Raynsford raised the issue of hearings being held in Welsh, as there had been no requests in the last quarter for welsh hearings, Ruth confirmed that patients always have the option to request hearings in welsh, however this is a very rare occurrence

Some issues were raised with regards to the technology used in virtual hearings and the difficulties that occur when there are a number of people attending from the same room.

| <b>For Discussion</b> |   |  |
|-----------------------|---|--|
|                       | <b>HIW Annual Report</b>  |  |
| HMPODSC (22) 3.1      | <p>Members received the report</p> <p>The report highlighted the problems that the health board are having with regards to recruitment.</p> <p>Natasha Fox made a comment that it is quite rare that HIW will speak to an advocate during their visits on the ward, HIW are to join a meeting with IMHA's to discuss their roles and how advocates maybe able to share their experiences of patients so that there is an involvement of the advocacy services within HIW inspections.</p> |  |

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|------------------|--|--|
|                  | <b>MHRT Annual report</b>                    |  |
| HMPODSC (22) 3.2 | Members received the report for information. |  |

|                     | <b>IMHA report (July 2022 – September 2022)</b>   |    |
|---------------------|---|----|
| HMPODSC<br>(22) 3.3 | <p>Members received the report provided by Nia Williams, Advocacy West Wales for information.</p> <p>There are now 8 projects across the 3 counties</p> <p>There has been a lot of changes within the team, Andrea Potter has taken on the role of IMHA service manager, Nia has taken on more of an internal role of supervision</p> <p>We have managed to recruit and fill all our positions</p> <p>We have recently drafted a team charter which is a set of commitments which looks at the way we deliver our work.</p> <p>The IMHA service has expanded significantly over the years, we have gone from having 9 people in 2 projects to 28 people across 8 projects.</p> <p>Natasha discussed the delay in the MHRT returning to face to face hearings, there has been one patient who wished to go to judicial review however the judicial review takes so long that the patient was discharged prior to this, therefore there has been no legal challenge.</p> <p>The feedback from patients is that they are reluctant to appeal to the MHRT as there is no option for a face to face hearing.</p> <p>John Gammon asked for clarification with regards to the comment in the report in section 5 surrounding how patients are spoken to and their feelings within the appeals to hospital managers. Ruth Bourke will speak to Nia Williams to gain further information</p> | RB |

|                     | <b>Updates on changes to the Mental Health Act 1983</b>  |  |
|---------------------|--|--|
| HMPODSC<br>(22) 3.4 | <p>Members received the report for information.</p> <p>Ruth confirmed that there is nothing significant for managers roles at the present time, information has been provided with regards to the role of nearest relative, however these changes have not come in to force.</p> |  |

| <b>For Information</b> |  |               |
|------------------------|--|---------------|
| <b>Agenda</b>          | <b>Minutes Mental Health Legislation Committee 3<sup>rd</sup> October 2022</b> | <b>Action</b> |

| Item                |                       |  |
|---------------------|-----------------------|--|
| HMPODSC<br>(22) 4.1 | No comments were made |  |

|                     | <b>Any Other Business</b>  |    |
|---------------------|--|----|
| HMPODSC<br>(22) 5.0 | <p>Ruth confirmed that a few members have now left, namely Mr Mike Ponton &amp; Mrs Terrill Chadwick, Ruth wanted to thank both members for the hard work over the years.</p> <p>Ruth also wanted to acknowledge the sad passing of Dr Matthew Sargeant. Dr Sargeant will be a great loss to Mental Health Services.</p> <p>Jane Jeffs asked if there was any feedback with regards to the new 111 service, Maynard Davies confirmed that he had done a visit and it looks like the service has been successful, Ruth confirmed that she will gather further feedback.</p> | RB |

|                     | <b>PART II TRAINING</b>   |  |
|---------------------|---|--|
| HMPODSC<br>(22) 6.0 | <p><u>Further training requirements</u></p> <p>Kathryn Cobley presented a training session on Diversity</p> |  |

|                | <b>Date and time of next meeting</b>          |  |
|----------------|---|--|
| HMPODSC (22) 7 | Tuesday 4 <sup>th</sup> April 2023 at 1.30 pm |  |