



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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	05 June 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

Appendix 1 is a copy of the Hospital Managers Power of Discharge Sub Committee minutes dated 02nd April 2025.

Argymhelliad / Recommendation

The MHLC is requested to approve the Terms of Reference made to the PODSC under agenda item 8.

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 Termiau: 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:	Wednesday 2 nd April 2025 @ 10.30am
Venue:	Tudor House Meeting Room, Hafan Derwen, St David's Park, Jobs Well Road, Carmarthen.

Present:	<p>Prof Chantal Patel, Independent Member (Chair to POD Sub-Committee)</p> <p>Mr Stephen Smedley, Member Appeals 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 Peter Thomas, Member Appeals Panel</p> <p>Mr Robert Lewis, Member Appeals Panel</p> <p>Mrs Sarah Burgess, Member Appeals Panel</p> <p>Mr Owen Burt, Member Appeals Panel</p> <p>Mr Ian Rees, Member Appeals Panel</p> <p>Mrs Jane Jannotti, Member Appeals Panel</p> <p>Mr Phil Layton, Member Appeals Panel</p> <p>Mrs Alice Clarke, Member Appeals Panel</p> <p>Mrs Delyth Rainsford, Independent Member</p>
In Attendance:	<p>Mrs Sarah Roberts, Mental Health Legislation Manager</p> <p>Mrs Ruth Bourke, Mental Health Act Administration Lead</p> <p>Mrs Natalie Williams, Mental Health Act Administrator</p> <p>Mrs Helena Christopher, Mental Health Act Administrator</p> <p>Natasha Fox, Independent Mental Health Advocate, Advocacy West Wales</p> <p>Alison Evans, Information Governance Manager</p>

Governance:		
Agenda Item	Item	Action
HMPODSC (25) 1.1	Introductions and Apologies for Absence.	
	<p>Apologies for Absence were received from:</p> <p>Mr Rhodri Evans, Independent Member</p> <p>Maynard Davies, Independent Member</p> <p>Mr Iwan Thomas, Independent Member (Chair to PODSC)</p> <p>Mrs Eleanor Marks, Hywel Dda Vice Chair</p> <p>Mrs Carol Williams, Member Appeal Panel</p> <p>Louise Howells, Mental Health Act Administrator</p>	
	Chair welcomed members.	

HMPODSC (25) 1.2	Declarations of Interests	
	No declarations declared.	

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

HMPODSC (25) 1.3	Minutes of Meeting Held on 9th December 2024	
	Members in attendance confirmed the minutes as an accurate record of the meeting	
HMPODSC (25) 1.4	Table of Actions	
	Table of Actions from last meeting held now all completed	
HMPODSC (25) 1.5	Review of Terms of Reference / Membership	Secretariat
	Members in attendance reviewed the Terms of Reference and made no changes to content. Sarah noted the review of the Mental Health Act and suggested inserting as new standing item.	
HMPODSC (25) 1.6	Annual Work Plan	
	Members in attendance confirmed the work plan to be an accurate and reflective record of the needs of the sub-committee.	
HMPODSC (25) 1.7	Discussion of Learning and Governance from panel hearings	C Patel
	<p>Discussion about matters arising from hearings during the last quarter:-</p> <p>Ruth informed members that there has continued to be incidents of reviews whereby panel members have failed to turn up or they turn up late. This places additional burdens on health professionals as well as it being traumatic for the detained patients. If members can ensure all arrangements for reviews are recorded appropriately in their diaries and that members arrive approximately 20 minutes before a review commences for any pre hearing discussions to take place.</p> <p>Chantal suggested a way of reminding the panel members and Ruth confirmed we already send reminders but asked if there was anything further the administrators could do to inform them. There were no further comments.</p> <p>There has been a large increase in time being spent on and at IT departments. Ruth asked if clarity on remuneration costs for such matters could be obtained. One member stated that they had been in IT department for over 2 hours on one occasion and confirmed they were unsure how to claim for their time and expenses. Chantal agreed to take on this task.</p> <p>Owen requested clarification for expenses also when hearings are</p>	

cancelled at short notice. Once clarity on expenses for IT issues are resolved a list of finalised claim expenses will be sent to all members.

R Bourke

Chantal encouraged panel members to share any issues they have faced with recent hearings

Phil commented he is still experiencing IT issues when attending remote hearings. Members were reminded to contact IT with any issues as the MHA administration team would not always be best placed to assist.

It was acknowledged that no patients have been discharged by the hospital managers in the last 12 months however it was felt that overall this due to the patients still meeting the criteria and all detentions under the Act.

Sarah Roberts supported this by informing members that the pressure on beds in the health board remain and as a result admitted patients are the very unwell.

Once again it was acknowledged that application numbers remain low and that the majority of hearings attended are renewals of Section 3 or Community Treatment Orders. Yet applications to the Tribunal are much higher in proportion and reasons were explored as to why patients are not putting in applications to the hospital managers. Sarah Roberts stated she would raise this at the next Ward Managers Forum to seek professional views.

S
Roberts

Sue Richards commented that some detained patients are lacking accommodation to be discharged which potentially could be a factor. Ian Rees however felt that it had more to do with the lack of confidence by patients that any hospital managers hearing would result in a discharge. During his time previously as a patient advocate he would receive this feedback often from patients.

John Williams stated that he would encourage patients to discuss their opinions on the managers hearings as he feels as a patient they would potentially prefer a slightly less formal structure of hearing or if not maybe this is something that should change.

Sue Richards acknowledged that in the previous IMHA report it had been recorded that the managers hearings “were nice” and that hospital managers asked more relevant questions.

Natasha Fox joined the meeting later but was asked to comment on this discussion and stated that there has been improvement however tribunals are still felt to be the more robust process and that managers hearings were used as a trial run prior to their tribunals.

HMPODSC (25) 1.8	Ruth Bourke advised members that herself and Sarah Roberts were due to start three year appraisals for members who haven't had an appraisal during that period. Panel members will be contacted soon with self assessment questionnaires and then be invited to attend to discuss any matters arising. A report on the findings will be brought back to the next meeting	R Bourke
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Received for Assurance – Operation of Section 23 Mental Health Act 1983

HMPODSC (25) 2.1	<p>Operation of S23 Mental Health Act 1983 Report on the use of the Mental Health Act 1983 – 1st October 2024 – 31st December 2024</p>	
	<p>Ruth Bourke presented the report on the use of Section 3 during Quarter 3 (October to December 2024). There was very little in terms of any unusual data within it. As already mentioned the numbers of applications to hospital managers continue to remain low with just 4 during this quarter compared to 14 during the same quarter period in 2018.</p> <p>John Williams queried if there is any national benchmarking data on managers applications to which members were informed there is not.</p> <p>It was acknowledged that only 4 of the 7 Independent Members (IMs) have completed the number of observations in order to sit confidently as a panel member in reviews. Despite this these IMs are invited to attend every review in order to try to complete these observations. Chantal agreed to obtain a formal Board stance on whether IMs should be involved at reviews or whether any members can be exempt.</p> <p>Finally the sub-committee members recognised the many years of long service of Mrs Angela Brown who has recently retired from the role of an independent lay member. Mrs Brown chaired many reviews and had a wealth of experience in the role and will be missed as an active member of this group.</p>	C Patel

HMPODSC (25) 3.1	<p>IMHA report (1st October 2024 – 31st December 2024)</p> <p>Natasha Fox provided members with a general update. She informed members that one of the IMHAs, Sarah Thomas, has an injury currently resulting in Natasha processing referrals which has had the positive effect of allowing her to audit.</p> <p>Natasha advised all services are up and running however she did make reference to lack of funding to the service and the difficulty they will be facing in the near future. She states currently however all needs are being met.</p>	
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	<p>Natasha informed there will be training available in the near future for update on the mental health act reform and how it will impact the service.</p> <p>She brought to attention a case study where a relative was given advice which allowed them to advocate for themselves which resulted in their relative being discharged from hospital and return home.</p>	
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For Information		
	Minutes Mental Health Legislation Committee 2nd December 2024	
HMPODSC (25) 4.1	Provided for information.	

	Any Other Business	
HMPODSC (25) 5.0	No Other business	

	PART II TRAINING	
HMPODSC (25) 6.0	<p><u>Training</u> A training presentation on Information Governance was provided by Alison Evans.</p> <p><u>Further training requirements</u> A session on forthcoming legislation was requested and focusing on Community Treatment Orders. More training on bespoke IT issues. Any other training needs as identified via the forthcoming appraisal process.</p>	LH

	Date and time of next meeting	
HMPODSC (25) 7.0	7 th August 2025 via Teams	