



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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	07 June 2024
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 April 2024 has been submitted as Appendix 1.

Argymhelliad / Recommendation

The MHLC is requested to approve Appendix 2- 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:	
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:	Tuesday 09 th April 2024 at 10.30am
Venue:	MS Teams

Present:	<p>Professor Iwan Thomas, Independent Board Member (Chair to POD Sub-Committee)</p> <p>Mr Stephen Smedley, Member Appeals Panel</p> <p>Mrs Angela Brown, Member Appeal Panel</p> <p>Mrs Lyn Maliphant, Member Appeals Panel</p> <p>Mr Ian Rees, Member Appeal Panel</p> <p>Mr Owen Burt, Member Appeals Panel</p> <p>Mrs Carol Williams, Member Appeal Panel</p> <p>Mr John Williams, Member Appeal Panel</p> <p>Mr Richard Griffith, Member Appeals Panel</p> <p>Mrs Sue Richards, 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>Natalie Williams, 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>Prof Chantal Patel, Independent Member</p> <p>Mr Maynard Davies, Independent Member</p> <p>Mrs Delyth Raynsford, Independent Member</p> <p>Mrs Jane Jannotti, Member Appeal Panel</p> <p>Mr Phil Layton, Member Appeals Panel</p>	
	<p>Chair welcomed members. The sub-committee on this occasion were not quorate due to only one Independent Board Member present.</p>	
HMPODSC (24) 1.2	Declarations of Interests	
	No declarations declared.	

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

HMPODSC (24) 1.3	Minutes of Meeting Held on 28th November 2023	
	Members in attendance confirmed the minutes as an accurate record of the meeting.	

	Table of Actions	
HMPODSC (24) 1.4	Table of Actions from last meeting has one action open. MHRTfW annual report to be circulated to members when available.	LH

	Review of Terms of Reference / Membership	
HMPODSC (24) 1.5	Members in attendance reviewed the Terms of Reference and made no changes to content.	

	Annual Work Plan	
HMPODSC (24) 1.6	Members in attendance confirmed the work plan to be an accurate and reflective record of the needs of the sub-committee.	

	Discussion of Learning and Governance from panel hearings	
HMPODSC (24) 1.7	<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 other than to state the last quarter appear to have run well with no concerns relating to accessing hearings in person or remotely.</p> <p>It was raised that some hearings are still having to be postponed due to nonattendance of panel members. Chair to explore this further and action as necessary.</p>	IT

Received for Assurance – Operation of Section 23 Mental Health Act 1983		
HMPODSC (24) 2.1	<p>Operation of S23 Mental Health Act 1983 Report on the use of the Mental Health Act 1983 – 1st October 2023 – 31st December 2023 & 1st January 2024 – 31st March 2024</p> <p>Ruth Bourke presented the report and highlighted key areas of the report.</p> <p>The report showed that the number of applications made to hospital managers continue to remain low in comparison to pre Covid years, as well as the number of Nearest relative application for discharge.</p> <p>Ruth informed members that a recent recruitment drive has resulted in 7 members being successfully appointed and are currently going through the appointing process. As a result, the Health Board will be confidently able to provide a full Welsh speaking panel if requested.</p> <p>Ruth referenced the MHRTfW Welsh Standards annual report available on their website noting that it referred to having received 1746 applications with 1010 held during 2022/3 and that none of</p>	

these had been held in Welsh. There had been 6 requests for a welsh interpreter but only 3 of these cases had proceeded to a hearing.

For Discussion		
	IMHA report (October 2023 – December 2023)	
HMPODSC (24) 3.1	<p>Members received the report provided by Nia Williams, Advocacy West Wales for information.</p> <p>Natasha responded and confirmed that there have been difficulties with staff retention, interviews are to be held shortly however all essential needs are being met by current staff.</p> <p>Natasha confirmed some of the current issues for IMHAs are access to services, accommodation or discharge, supporting people on general ward and the impact of the smoking ban.</p>	

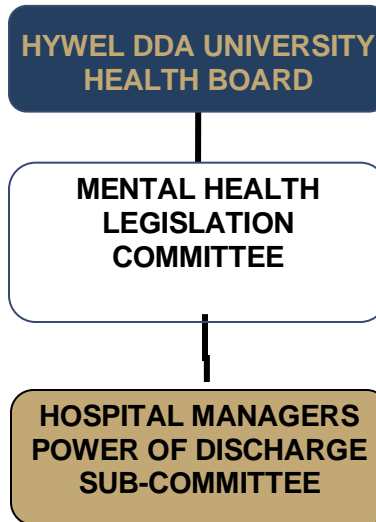
For Information		
	Minutes Mental Health Legislation Committee 10th December 2024	
HMPODSC (24) 4.1	Provided for information.	

Any Other Business		
HMPODSC (24) 5.0	<p>Angela queried the payments for panel members highlighting that there has been no increase since January 2019. Members requested if the Board would kindly consider a review of the current rate. Iwan confirmed that he will obtain further information and make a request to the Board.</p> <p>Members noted the next meeting was due to be held in the meeting room in Prince Philip Hospital which was felt by some to be unsuitable. Secretariat to see whether an alternative venue could be sought.</p>	IT / RB LH

PART II TRAINING		
HMPODSC (24) 6.0	<p><u>Further training requirements</u></p> <p>IT Skills training Ruth Bourke asked members to bring their devices with them to the next meeting to enable some basic I.T skills training to members wishing to have some additional support.</p> <p>Training video to be sent to panel members on part 3 patients</p>	LH

Date and time of next meeting		

DRAFT



TERMS OF REFERENCE

Version	Issued to:	Date	Comments
V2	Mental Health Act Power of Discharge Committee Board	08.03.2012 29.03.2012	
V3	Mental Health Act Power of Discharge Committee	13.09.2014	
	Mental Health Legislation Monitoring Committee	27.09.2014	
V4	Mental Health Legislation Monitoring Committee	04.12.2014	
V5	Hospital Managers Power of Discharge Sub-Committee	13.08.2015	
	Mental Health Legislation Assurance Committee	10.09.2015	
V6	Hospital Managers Power of Discharge Sub-Committee	11.04.2016	
V7	Hospital Managers Power of Discharge Sub-Committee	12.04.2017	Reviewed May 18
V8	Hospital Managers Power of Discharge Sub-Committee	09.04.2018	Approved via Chair's Action
V8	Mental Health Legislation Monitoring Committee	17.09.2019	Approved MHLAC
V8	Hospital Managers Power of Discharge Sub-	07.04.2020	Reviewed

	Committee		April 20
V9	Hospital Managers Power of Discharge Sub – Committee	06.04.21	Reviewed
V9	Mental Health Legislation Committee	03.06.21	Approved
V10	Hospital Managers Power of Discharge Sub– Committee	05.04.22	Reviewed
V10	Mental Health Legislation Committee	16.06.22	Approved
V11	Hospital Managers Power of Discharge Sub– Committee	04.04.23	Reviewed
V12	Mental Health Legislation Committee	15.06.23	Approved
V13	Hospital Managers Power of Discharge Sub– Committee	09.04.23	reviewed via Chair's Action
V14	Mental Health Legislation Committee	07.06.24	

HOSPITAL MANAGERS POWER OF DISCHARGE SUB-COMMITTEE

1. Constitution

- 1.1 The Mental Health Legislation Assurance Committee (now re-named Mental Health Legislation Committee), established as a Committee of Hywel Dda University Local Health Board on 27 September 2012, has established a Hospital Managers Power of Discharge Sub-Committee to carry out specific aspects of the Mental Health Legislation Committee's business on its behalf.

2. Principle Duties

- 2.1 The purpose of the Hospital Managers Power of Discharge Sub-Committee is to review and monitor how the operation of the delegated functions under Section 23 of the Mental Health Act 1983 (the 1983 Act) and the Code of Practice are being exercised; and to provide assurance to the Mental Health Legislation Committee (and ultimately to the Board) that the processes employed by the Sub-Committee, tasked with considering whether the power of discharge should be used, are fair, reasonable and exercised lawfully.
- 2.2 A panel of three or more Members drawn from the Hospital Managers Power of Discharge Sub-Committee will hear individual cases where patients or their nearest relative have applied for discharge. The Members also sit on Renewal Hearings – they are collectively known as Hospital Managers Reviews.
- 2.3 Issues of quality and safety will be reported through the Health Board's appropriate governance arrangements.

3. Operational Responsibilities

- 3.1 The Sub-Committee will, in respect of its provision of assurance to the Mental Health Legislation Committee:
 - 3.1.1. Review and monitor how the operation of the delegated functions under Section 23 of the 1983 Act and the Code of Practice are being exercised;
 - 3.1.2. Discuss the work of individual Panels;
 - 3.1.3. Discuss the training requirements of Review Panel Members and produce a Training Plan for approval by the Mental Health Legislation Committee;
 - 3.1.4. Discuss any impact of legislative changes on the role of Hospital Managers;
 - 3.1.5. Highlight any impact of service changes; and

3.1.6. Provide any learning opportunities.

4. Membership

4.1 The membership of the Sub-Committee shall comprise:

Title
Independent Member (Chair)
All Independent Members
All Appointed Lay Members

4.2 Attendees of the Sub-Committee shall comprise:

Title
Mental Health Act Manager (Lead Officer)
Mental Health Act Administrator
Independent Mental Health Advocate

4.3 An Independent Members who are not an employee of the University Health Board (UHB) shall undertake the role of Chair of the Sub-Committee.

4.4 The membership of the Sub-Committee will be reviewed on an annual basis. The Independent Members retain their membership of the Hospital Managers Power of Discharge Sub-Committee at the discretion of the Board for as long as they remain Independent Members of the Board.

4.5 The appointed lay membership must be reviewed three years and receive an appraisal. Appraisals will be used to also develop ongoing training needs of the members.

5. Quorum and Attendance

5.1 A quorum shall consist of no less than eight and must include as a minimum two Independent Members and two Lay Members. In the absence of the Chair, another Independent Member will chair the meeting.

5.2 Additional members may be co-opted to contribute to specialised areas of discussion.

5.3 Any senior manager of the UHB or partner organisation may, where appropriate, be invited to attend.

5.4 Should any officer of the Mental Health Act Administration team be unavailable to attend, they may nominate a fully briefed deputy to attend in their place, subject to the agreement of the Chair.

- 5.5 The Sub-Committee may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters.

6. Agenda and Papers

- 6.1 The Sub-Committee Secretary is to hold an agenda setting meeting with the Chair and/or Vice-Chair, and the Lead Officer at least six weeks before the meeting date.
- 6.2 The agenda will be based around the Sub-Committee's Work Plan, identified risks, matters arising from previous meetings, issued emerging throughout the year, and requests from Sub-Committee Members. Following approval, the agenda and timetable for papers will be circulated to all Sub-Committee Members.
- 6.3 All papers should have relevant sign off before being submitted to the Sub-Committee Secretary.
- 6.4 The agenda and papers for meetings will be distributed a minimum of **seven** calendar days in advance of the meeting.
- 6.5 The minutes and action log will be circulated to the Members within **fourteen** calendar days to check the accuracy.
- 6.6 Members must forward amendments to the Sub-Committee Secretary within the next **seven** days. The Sub-Committee Secretary will then forward the final version to the Sub-Committee Chair for approval.
- 6.7 Every meeting shall include the following as a standing agenda item:-
- Discussion of Learning and Governance from panel hearings.
 - A training plan will form the agenda the needs of which are derived from the appraisals process.

7. Frequency of Meetings

- 7.1 The Sub-Committee will meet 3 times per year and shall agree an annual schedule of meetings. Additional meetings will be arranged as determined by the Chair of the Sub-Committee at any time providing at least ten working days notice is given.
- 7.2 Meetings may take place in person or virtually, physical meetings will take place at dates agreed by the Committee, with the option of joining virtually

- 7.3 The Chair of the Sub-Committee, in discussion with the Sub-Committee Secretary shall determine the time and the place of meetings and procedures of such meetings.
- 7.4 The Sub-Committee will operate with a “Part 2” function to focus on training issues.

8. Accountability, Responsibility and Authority

- 8.1 The Hospital Managers Power of Discharge Sub-Committee is directly accountable to the Mental Health Legislation Committee, for its performance in exercising the functions set out in these terms of reference.
- 8.2 Due to the sensitivity of the patient information received, Sub-Committee Members will at all times be aware of the importance of confidentiality, and ensure that they comply with the University Health Board’s policies within this area of work.
- 8.3 The Sub-Committee shall embed the University Health Board’s values, vision, standards, priorities and requirements, e.g. equality and human rights, through the conduct of its business.
- 8.4 The requirements for the conduct of business as set out in the UHB’s Standing Orders are equally applicable to the operation of the Sub-Committee.

9. Reporting

- 9.1 The Sub-Committee, through its Chair and Members, shall work closely with the Mental Health Legislation Committee’s other Sub-Committees (where established), to provide advice and assurance through the:
- 9.1.1 Joint planning and co-ordination of Board and Committee business; and
 - 9.1.2 Sharing of information
- 9.2 In doing so, the Sub-Committee shall contribute to the integration of good governance across the organisation, ensuing that all sources of assurance are incorporated into the Board’s overall risk and assurance framework.
- 9.3 The Sub-Committee may establish groups or task and finish groups to carry out on its behalf specific aspects of Sub-Committee business. The Sub-Committee will receive written update reports following each meeting which details the business undertaken on its behalf.
- 9.4 The Sub-Committee Chair, supported by the Sub-Committee Secretary, shall:
- 9.4.1 Report formally, regularly and on a timely basis to the Mental Health Legislation Committee on the Sub-Committee’s activities. This includes the submission of a Sub-Committee update report, as well as the presentation of an Annual Report within 6 weeks of the end of the financial year.

9.4.2 Bring to the Mental Health Legislation Committee's specific attention any significant matter under consideration by the Sub-Committee.

10. Secretarial Support

10.1 The Sub-Committee Secretary shall be determined by the Sub-Committee Lead.

11. Review Date

11.1 These Terms of Reference and operating arrangements shall be reviewed on at least an annual basis by the Sub-Committee for approval by the Mental Health Legislation Committee.