

PWYLLGOR SICRWYDD DEDDFWRIAETH IECHYD MEDDWL MENTAL HEALTH LEGISLATION COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	7 Medi 2023 7 September 2023
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 1st August 2023.

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 1st August 2023:



PODSC Draft
minutes 010823.doc

Argymhelliad / Recommendation

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 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: 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
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Ceisiadau Gofal Sylfaenol: 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:	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 1 st August 2023 at 10.30am
Venue:	MS Teams

Present:	Mr Iwan Thomas, Independent Board Member (Chair to POD Sub-Committee) Mr Maynard Davies, Independent Member Mr Rhodri Evans, Independent Member Mrs Sue Richards, Member Appeals Panel Mrs Angela Brown, Member Appeal Panel Mr Stephen Smedley, Member Appeals Panel Mr John Williams, Member Appeal Panel Mr Owen Burt, Member Appeals Panel Mr Phil Layton, Member Appeals Panel Mr Richard Griffith, Member Appeals Panel Mrs Lyn Maliphant, Member Appeals Panel Professor John Gammon, Member Appeals Panel
In Attendance:	Sarah Roberts, Mental Health Legislation Manager Ruth Bourke, Mental Health Act Administration Lead Louise Howells, Mental Health Act Administrator Natalie Williams, Mental Health Act Administrator Natasha Fox, Independent Mental Health Advocate, Advocacy West Wales

Governance:		
Agenda Item	Item	Action
HMPODSC (23) 1.1	Introductions and Apologies for Absence.	
	Apologies for Absence were received from: Judith Hardisty, Vice-Chair Hywel Dda UHB Mrs Delyth Raynsford, Independent Member Mrs Mollie Roach, Member Appeals Panel Mrs Jane Jannotti, Member Appeals Panel Mrs Carol Williams, Member Appeal Panel	
	Presenter introduced himself and welcomed all members.	
HMPODSC (23) 1.2	Declarations of Interests No declarations declared.	

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

HMPODSC (23) 1.3	Minutes of Meeting Held on 4th April 2023 Members in attendance confirmed the minutes as an accurate record of the meeting.	
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HMPODSC (23) 1.4	Table of Actions	
	Table of Actions from last meeting held now all completed: .	

HMPODSC (23) 1.5	HMPODSC Annual Report	
	<p>Ruth Bourke presented the annual report based on the work conducted by this sub-committee during the last financial year.</p> <p>Meetings were held on three occasions, two of which were held remotely. The report included details of training sessions and the specific number of reviews undertaken by hospital managers.</p> <p>John Williams enquired as to the amount of Welsh hearings, it was confirmed that no requests for Welsh hearings has been submitted during the last year.</p>	

HMPODSC (23) 1.6	Discussion of Learning and Governance from panel hearings	
	<p>Discussion about matters arising from hearings during the last quarter:-</p> <p>Prof John Gammon expressed his view that the option available to patients to attend hearings virtually or face to face was valuable. It was confirmed that the hybrid approach would remain in place with the patient being given the choice to request preference.</p> <p>John Williams highlighted difficulties that have arisen in some remote hearings held whereby the sound quality and ability to fully hear people within the hearing was not very good.</p> <p>Owen Burt questioned the suitability of rooms available for hearings. Angela Brown specifically referred to a hearing she had attended whereby building work was being undertaken at the time of the hearing which was very disruptive for all concerned.</p> <p>Ruth Bourke informed members that since the 1st April 2023 there have been 11 out of 25 hearings held face to face at the request of patients. It was also recognised that since the COVID period some rooms have been de-commissioned but work is on going to ensure that suitable rooms are now available. Buidling work in Bro Cerwyn admin suite has been completed and the room is now available</p>	

	again for managers and tribunals.	
	Members were reminded that if they have any concerns or difficulties to email or contact the MHA department at the earliest convenience.	

Received for Assurance – Operation of Section 23 Mental Health Act 1983		
HMPODSC (23) 2.1	Operation of S23 Mental Health Act 1983 Report on the use of the Mental Health Act 1983 – 1st January 2023 – 31st March 2023 & 1st April 2023 – 30th June 2023	
	<p>Ruth Bourke presented the report and highlighted key areas of the report.</p> <p>Both periods within the report showed number of applications made to hospital managers continue to remain low in comparison to pre covid years. This is the same too of renewals of detentions possibly due to shorter hospital admissions</p> <p>Hospital Managers did not discharge any patients in the past year but it was noted that very recently a hospital managers discharge did occur.</p> <p>MHRT applications have increased in the last quarter, however this figure was lower than 5 years ago.</p> <p>The MHRT discharged 3 patients in the last year, which is higher than average.</p> <p>John Gammon queried a recent statement made by the Metropolitan police in relation to the use of Section 136s (police removing a person to a place of safety).</p> <p>Sarah Roberts provided a response to inform members. The statement made pertains to people having a mental health crisis and looking at ways in how to best deal with this, coming into force from 2024. However to date Welsh Government or Welsh police forces have not made a formal response to proposals. Members wishing obtain more information can research <i>Right Care Right Person</i>.</p>	
For Discussion		
	IMHA report (July 2023)	
HMPODSC (23) 3.1	Members received the report provided by Nia Williams, Advocacy West Wales for information.	

	<p>Natasha confirmed that the report represents a very difficult time for IMHA services; all essential needs are being met. IMHA service is short staffed at present, Natasha Fox has taken back the role of IMHA service Manager as Andrea Potter has now left, Ian Rees has also retired, new members have been appointed including two new male IMHA's, they will commence in their role in September and fully trained by November / December.</p> <p>The report highlighted an issue with hospital managers in some parts of Wales refusing to return to face to face hearings.</p> <p>There has been an increase in the number of referrals received for IMHA services from Withybush Hospital, work will be underway once new IMHAs are trained to raise awareness in Carmarthenshire, focusing more on Glangwili Hospital as the number of referrals received are low.</p> <p>Angela Brown thanked Natasha and the team for all their hard work and queried if there is cover in the Ceredigion area. Natasha confirmed that there is an IMHA working in Ceredigion providing some support.</p>	
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For Information		
	Minutes Mental Health Legislation Committee 15th June 2023	
HMPODSC (23) 4.1	Provided for information.	

	Any Other Business	
HMPODSC (23) 5.0		

	PART II TRAINING	
HMPODSC (23) 6.0	<p><u>Further training requirements</u> Members were reminded that if they have any training requirements they are to inform the administration staff.</p> <p>Liz Cook provided a training video on MS teams which is to be circulated to all members.</p>	LH

	Date and time of next meeting	
HMPODSC (23) 7	Tuesday 28 th November 2023 at 1.30 pm	