

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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	15 June 2021 15 Mehefin 2021
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 Assurance Committee the minutes from the last Power of Discharge Sub Committee which was held on 06th April 2021.

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

The Mental Health Legislation Assurance 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 assurance 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 6th April 2021:



draft minutes
060421.doc

Argymhelliad / Recommendation

The MHLAC is requested to approve the 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:	
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 Act Monitoring 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 Termau: Glossary of Terms:	Outlined in report
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Ceisiadau Gofal Sylfaenol: Parties / Committees consulted prior to Mental Health Legislation Assurance Committee:	The Mental Health Legislation Scrutiny Group The Mental Health Act Operational 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 Assurance 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 6 th April 2021 at 1.30pm
Venue:	MS Teams

Present:	<p>Professor John Gammon, Independent Board Member (Chair to POD Sub-Committee)</p> <p>Mrs Judith Hardisty, Vice Chairman, HDUHB</p> <p>Mr Maynard Davies, Independent Member</p> <p>Mrs Delyth Raynsford, Independent Member</p> <p>Mr Owen Burt, Independent Member</p> <p>Mrs Jane Jeffs, Member Appeals Panel</p> <p>Mrs Joan Palmer, Member Appeals Panel</p> <p>Mrs Sue Richards, Member Appeals Panel</p> <p>Mr Phil Layton, Member Appeals Panel</p> <p>Mrs Carol Williams – Member Appeal Panel</p> <p>Mrs Angela Brown – Member Appeal Panel</p> <p>Mrs Jane Jeffs, Member Appeals Panel</p> <p>Mr Stephen Smedley, Member Appeals Panel</p> <p>Mrs Terrill Chadwick, Member Appeals Panel</p> <p>Mr Mike Ponton, Member Appeals Panel</p> <p>Mrs Lyn Maliphant, Member Appeals Panel</p>
In Attendance:	<p>Ruth Bourke, Mental Health Act Administration Lead</p> <p>Mrs Helena Christopher, Mental Health Act Administrator</p> <p>Natasha Fox, Independent Mental Health Advocate, Advocacy West Wales</p> <p>Aileen Flynn, Service Transformation and Partnerships Manager</p>

Governance:		
Agenda Item	Item	Action
HMPODSC (21) 1.1	Introductions and Apologies for Absence.	
	Apologies for Absence were received from: Mrs Jane Jannotti, Member Appeals Panel Mrs Mollie Roach, Member Appeals Panel Mr Richard Griffith, Member Appeals Panel Mrs Helen Evans – Member Appeals Panel	
	Presenter welcomed all members	
	Following introductions, John Gammon welcomed Angela Brown back to the role.	

HMPODSC (21) 1.2	Declarations of Interests	
	No declarations declared.	

Hospital Managers Power of Discharge Sub-Committee
Part 1

Sub Committee Business and Information

HMPODSC (21) 1.3	<p>Minutes of Meeting Held on 1st December 2020</p> <p>Members in attendance confirmed the minutes as an accurate record of the meeting.</p>	
HMPODSC (21) 1.4	<p>Table of Actions and Matters Arising from the Minutes of the Meeting Held on 1st December 2020</p> <p>Table of Actions from last meeting held now all completed:</p> <p>Action 1.6 – Review of remote hearings Maynard Davies confirmed he had spoken with Anthony Tracey, Assistant Director of Digital Services who identified that there were issues relating to internet connections at the Glangwili site. Maynard had received confirmation that a new connection had been ordered and that this would lead to a significant improvement in internet access. Members requested an update once completed.</p> <p>Action 3.1 – IMHA Report Judith Hardisty confirmed that the issue regarding MHRT hearings by telephone have continued despite vice-chairs across Welsh sites all raising their concerns. There was some discussion around whether to explore a legal route as members continued to raise their dissatisfaction at the situation. Ruth informed members that in the past week she had received an email direct from the MHRT office asking what technology was available within health board to support video conferencing but no changes had yet been confirmed. Members requested the vice-chair continue to escalate concerns.</p>	<p>MD</p> <p>JH</p>
HMPODSC (21) 1.5	<p>Review of Terms of Reference / Membership</p> <p>Members in attendance considered the terms of reference. Judith Hardisty requested prior to submission for approval the document be reformatted to reflect the Terms of Reference for committees within the health board.</p> <p>Members noted a suggestion that specified future meetings could be held virtually with a physical meeting taking place a minimum of bi- annually. Members of the sub-committee agreed this should be included within the Terms of Reference and therefore the revised version will be submitted to the Mental Health Legislation Assurance Committee for approval.</p>	RB
HMPODSC (21) 1.6	<p>Annual Workplan</p> <p>Members in attendance confirmed the workplan to be an accurate and reflective record of the needs of the sub-committee.</p>	
<p>Discussion of learning and governance from panel hearings</p>		

HMPODSC (21) 1.7	Members noted that hearings are taking place appropriately, within timescales and nothing of note other than outlined under appropriate agenda items.	
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	Information Governance – review of virtual appeal hearings	
HMPODSC (21) 1.8	<p>Helena presented the report on feedback and views from parties present at virtual hospital managers reviews. Members noted that the majority of feedback received was from the appeal panel members and very little feedback from professionals or service users.</p> <p>On a positive note it was acknowledged that there are clear advantages to remote hearings in terms of resources to time, travel and cost but many expressed concern about the need for seeing service users face to face.</p> <p>It was acknowledged this method of evaluating was, whilst useful, it was also placing a heavy demand on the MHA administration team. It was suggested that it may be more appropriate to focus on hearings predominantly attended to by service users. It was also agreed that rather than three separate hospital manager feedback questionnaires being submitted that each panel of three discuss any concerns, issues or areas of positivity at the end of each hearing and provide one source of feedback. This will allow the administrators more time to follow up and obtain views from professionals, service users and other attendees at hearings. It was agreed that when the new method is to start Ruth Bourke will send out an email to members to clarify expectations.</p>	RB

Received for information – Operation of Section 23 Mental Health Act 1983		
HMPODSC (21) 2.1	<p>Operation of S23 Mental Health Act 1983 Report on the use of the Mental Health Act 1983 – 1st October 2020 – 31st December 2020</p> <p>Ruth Bourke presented the report and highlighted key areas including:-</p> <p>Number of patients discharged by hospital managers and Mental Health Review Tribunal for Wales (MHRT).</p> <p>Noting reduced number of applications to both Hospital Managers and MHRT which was felt to be a result of shorter hospital admissions overall.</p> <p>Numbers of admissions to hospital under the MHA were lower than average during this period however these numbers have since increased and are at overall average levels.</p>	

	Minutes of the Mental Health Legislation Assurance Committee – 2nd March 2021	
HMPODSC (21) 2.2	Minutes of the Mental Health Legislation Assurance Committee held on 15 th January 2019 were attached for information.	

Law Briefing / Legal Updates		
HMPODSC (21) 2.3	<p>Ruth Bourke provided an update on two key areas in relation legislation:-</p> <ul style="list-style-type: none"> - <u>Devon Partnership NHS Trust v S of S for HSC (2021)</u> High court concluded that phrases “personally seen” and “personally examined” within the MHA required the physical attendance of the person in question and virtual assessments were not permissible. <p>Ruth advised members that whilst this ruling had affected a small number of patients within our services Welsh Government advice had been followed for a review to be undertaken of the affected detained patient. All future MHA assessments, including renewals are to be undertaken in person.</p> <ul style="list-style-type: none"> - <u>Reform of the MHA</u> Members were updated on the current plans to reform the Mental Health Act outlining the number of key recommendations made and that the consultation period was now in process. Any members wishing to make comments on the proposed recommendations were directed to the consultation document and asked to submit their comments either independently or via Sarah Roberts, MHA Legislation Manager who is currently in the process of collating all responses to present on behalf of the health board. 	All

For Information		
	IMHA Report 1st July 2020 – 30th November 2020	
HMPODSC (21) 3.1	<p>Members received the report provided by Natasha Fox, Advocacy West Wales for information.</p> <p>Natasha acknowledged the legislative updates with some positivity having had concerns about the practice of detaining patients via virtual means. With regards to the MHA reform Natasha informed members she was leading on an consultation event in relation to advocacy.</p> <p>On behalf of patient advocacy Natasha relayed frustration at the continued practice of telephone MHRT hearings and agreed to provide correspondence sent to the President of the Tribunal outlining these concerns for reference.</p> <p>Judith Hardisty, on behalf of the Board thanked Advocacy West Wales for their continued support to patients within the Health Board.</p>	NF

Mental health and learning disabilities services update		
HMPODSC (21) 3.2	Aileen Flynn presented her report and provided a brief summary update on a number of key initiatives currently underway including Welsh Government identifying Hywel Dda UHB along with Swansea HB and Aneurin Bevan in Pathfinder step 2 of 4	

	<p>scheme which provides to fund a welsh ambulance service based from the site of Glangwili Hospital and run by St Johns Ambulance. This is to become effective from the last week of April and will prove a huge resource for cases such as Section 136s as an example.</p> <p>Aileen also reported upon the psychiatric lead and team now being fully operational .</p> <p>Members widely acknowledged the advantages of having a Welsh Minister for Mental Health and how it has brought mental health to the forefront and recognises the current needs and demands.</p>	
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	Any Other Business	
HMPODSC (21) 4.1		

	PART II TRAINING	
HMPODSC (21) 5.1	<p><u>Further training requirements</u> No further specific requests were put forward however John Gammon announced that there was an schedule of training which would become available to members via MS teams which could then be discussed at future meetings.</p>	All
(21) 5.2	<p><u>Human Rights in relation to the Mental Health Act</u> Members had received the online training on the above topic and were asked to provide any queries or feedback direct to Ruth Bourke.</p>	

	Date and time of next meeting	
HMPODSC (21) 6	Tuesday 3 rd August 2021 at 1.30 pm	