



Hospital Managers Powers of Discharge Committee Annual Report 2017-18



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Abertawe Bro Morgannwg
University Health Board

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1. Introduction

1.1 The principle remit of the Hospital Managers Power of Discharge Committee is to satisfy the board that the processes employed by the committee, tasked with considering whether the power of discharge should be used, are fair, reasonable and exercised lawfully.

1.2 It is a sub-committee of the Mental Health and Capacity Act Legislative Committee to which it provides regular updates to give assurance to the board.

1.3 During 2017-18, the committee met its responsibility by fulfilling its role as outlined in its terms of reference.

1.4 The annual report summarises the key issues discussed at each meeting.

2. Committee Structure

2.1 The membership of the Hospital Managers Powers of Discharge Committee comprises two non-officer members of the board:

- Chantal Patel, non-officer member; (committee chair);
- Maggie Berry, non-officer member;

Also in attendance are hospital managers and nominated members of the mental health and learning disabilities directorates.

2.2 The secretary to the committee was Lynda Rogan, mental health act manager.

2.3 The terms of reference required the committee to meet at six monthly intervals and this requirement was met for 2017-2018.

3. Reports Received

3.1 The following reports were received by the committee:

a) Reappointment of Hospital Managers

The committee was informed of the reappointment of a number of hospital managers for 12 months.

b) Report of the Use of the Mental Health Act

Each meeting included an update with regard to use of the Mental Health Act for the reporting period.

c) Schedule of Meetings/Training Events for 2018

The list of meetings and training events was circulated to members and attendees to share experiences and working practices

d) Training Requirement for Hospital Managers

The committee received presentations on the function of approved mental health professionals as well as the role of hospital managers and case law and were also provided with details of relevant training events.

e) Issues Relating to Specific Hospital Managers Hearings

Issues arising from hospital managers' hearings were discussed with the committee and actions agreed.

f) The Policing and Crime Act 2017 – Implications for Mental Health

The group considered a briefing note on the new Policing and Crime Act 2017, looking at the changes to section 135 and 136 of the Act, the impact this will have on people experiencing mental health problems and what changes will need to be made to support them. The legislation came into effect in September 2017.

g) Restricted Patients, Community Treatment Orders (CTO) and Deprivation of Liberty

The group considered the decision in *SOSJ v MM and Welsh Ministers v PJ* [2017] EWCA Civ 194 in which the issue of whether a conditionally discharged patient could be deprived of their liberty in the community.

h) Consultation in the Allocation of Responsibilities on Health Boards

The group was provided with details of the proposed Bridgend boundary change.

i) Contested/Uncontested Hospital Managers Reviews

Members agreed that all hearings should be afforded the same status regardless of whether a patient was contesting the review.

j) Non-Attendance of Care Co-ordinator

The group discussed whether care co-ordinators should attend all reviews and agreed that if the report was not adequate, the hearing should not go ahead without the care co-ordinator and should be adjourned.

k) Audit of Discharges by the Mental Health Review Tribunal

The group considered patients discharged by the tribunal.

l) Law Society response to the Mental Health Act 1983 Independent Review 2017/18

The group considered the report produced by the Law Society on its proposals and suggestions for Mental Health Act legislative reform.

m) Welsh Government Admission of Patients to Mental Health Facilities in Wales, 2016-17

The group considered the summary report on the number of patients admitted to mental health facilities in Wales both formally and informally, including patients subject to CTOs.

n) RadcliffeLeBrasseur Article – Section 117 Aftercare trigger

The group considered the judgement delivered in *R (CXF) v Central Bedfordshire Council* case law. This reinforced when section 117 should be triggered, which will depend upon the circumstances of the individuals.

o) RadcliffeLeBrasseur Article – Assessment of Evidence in Mental Health Review Tribunals

The group considered an article which looked at the recent case law of *DL-H v West London Mental Health Trust and Another* (2017) and the extent to which the tribunal

would consider evidence regarding religious beliefs.

p) Venues for Hospital Managers Hearings

The chair raised the issue about the unsuitability of some venues used for holding hospital managers' hearings and alternatives were being sought.

4. Conclusion

This report demonstrates that the committee fulfilled its responsibilities through the reports it had received during the year from various services and sources.

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