



# Hospital Managers Powers of Discharge Committee Annual Report 2018-19



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Swansea Bay 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 2018-19, 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:

- Jackie Davies, Independent Member; (committee chair);
- Maggie Berry, Independent 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 not met for 2018-19. The meeting scheduled for February 2019 was cancelled due to quorum of the meeting. The terms of reference requires the chair and one other independent member to be present for it to be quorate. The Chair has identified that a third member would need to be allocated to this committee to ensure the quoracy of the meeting going forward.

## **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) Audit of Discharges by the Mental Health Review Tribunal*

The group discussed patients who had been discharged by the tribunal.

### *d) Policy for the Procedure for the hearing of patient appeals*

A sub-group had met to discuss the usefulness of the two guidance booklets and they agreed no changes were required to the Welsh Measure.

*e) Schedule of Meetings/Training Events for 2019*

The list of meetings and training events was circulated to members and attendees. Additional adhoc training events would be available during the year due to joint training with other health boards.

*f) Training Requirement for Hospital Managers*

The committee received presentations on decision writing for hospital managers and also the role and function of the Mental Health Review Tribunal. Members had also been invited to attend a MCA/DoLs Workshop and All Wales hospital managers training event sponsored by Welsh Government.

*g) Issues Relating to Specific Hospital Managers Hearings*

Issues arising from hospital managers' hearings were discussed with the committee and actions agreed. In particular, the members raised concerns regarding the quality and content of Care and Treatment Plans (CTPs).

*h) The Independent Review of the Mental Health Act 1983 Interim Report 1<sup>st</sup> May 2018*

The group considered the interim report which outlines the work so far and the priority issues that have emerged with regard to the Mental Health Act legislative reform.

*i) Radcliffe LeBrasseur Article : Interplay between covert medications and tribunal proceedings*

The group considered the judgement delivered in M v ABM University Health Board , which concerns disclosure in cases where the patient is being covertly medicated.

*j) Radcliffe LeBrasseur Article – Diplomatic immunity and the Mental Health Act*

The group considered the article on the effect of the Diplomatic Privileges Act and advice on what actions to consider if detention under the Act is contemplated for a person excluded under this legislation.

*k) Radcliffe LeBrasseur Article – Deprivation of Liberty safeguard reforms – publication of bill*

The group considered the article that looked at the changes being introduced to this piece of legislation.

#### **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.

With regards to the quoracy of the meeting and ensuring the committee can meet at six monthly intervals, as set out in terms of reference; a third independent member will need to be allocated to the committee going forward.. This has been noted by the Chair and action is being taken on this.