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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board

Cadeirydd/Chair: **Emma Woollett**
Prif Weithredwr/Chief Executive: **Mark Hackett**

gofalu am ein gilydd, cydweithio, gwella bob amser
caring for each other, working together, always improving

Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 27th July 2021
Ein Cyf / Our Ref: 21-F-061

☎ 01639 648363
✉ FOIA.Requests@wales.nhs.uk

[Redacted]

Corporate Services
Headquarters
1 Talbot Gateway
Baglan
Port Talbot, SA12 7BR

[Redacted]

I refer to your Freedom of Information Act Request acknowledged by ourselves on 1st July 2021. Your request sought information relating to hospital manager discharge hearings.

I am writing to make a Freedom of Information Act request that you provide me with the data held by Swansea Bay University Health Board in relation to hearings convened under the s.23 discharge power contained in the Mental Health Act 1983 (s.23 MHA 1983). These hearings are generally referred to as Hospital Managers' Hearings, Associate Hospital Managers' Hearings, or Hospital Managers' Panels.

This is a request for updated statistical information to be released taking in the years 2018/19, 2019/20, and 2020/21 (running April to March for each year).

1. Number of hearings scheduled, which may include a breakdown by type of hearing (e.g. divided by type of section (section 2, 3 etc.), and/or type of hearing (e.g. s.20 renewal, s.25 barring order)).

Please note that the "type" of hearing (e.g. s.20 renewal, s.25 barring order) is not recorded.

	2018/19	2019/20	2020/21
Section 2	<5	0	<5
Section 3	96	82	41
Community Treatment Order	35	31	16
Section 37	6	12	9
Section 47	13	12	10



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

2. Number of discharges, perhaps broken down by type of section/ hearing.

	2018/19	2019/20	2020/21
Section 2	0	0	0
Section 3	0	<5	0
Community Treatment Order	0	<5	0
Section 37	0	0	0
Section 47	0	0	0

3. Number of times a hearing request was refused because of the proximity of a Mental Health Tribunal hearing (38.13 MHA 1983 Code of Practice, 2015)

During the current COVID-19 crisis, Welsh Government have issued guidance which states that a panel should not sit if the Mental Health Review Tribunal (MHRT) for Wales has considered the patient's case in the last six weeks or is due to do so in the next eight weeks. This is in order to avoid duplication of effort and to save staff time. The patients' right to liberty as set out in Article 5 (4) is protected by the MHRT for Wales, not the Hospital Managers.

I can confirm that Swansea Bay Health Board does not record this information.

4. Number of hearings cancelled before the hearing took place, with reasons (e.g. Responsible Clinician discharged patient, Tribunal discharged patient)

	2018/19	2019/20	2020/21
Patient Withdrew	<5	<5	0
Responsible Clinician Discharged	5	6	0
MHRT Discharged	0	0	0
Patient Transferred	0	0	0

5. Number of hearings held, perhaps broken down by type of section/ hearing (e.g. paper hearing).

	2018/19	2019/20	2020/21
Section 2	0	0	<5
Section 3	90	67	39
Community Treatment Order	33	26	20
Section 37	5	9	15
Section 47	9	8	7

6. Number of adjournments, perhaps broken down by type of section/ hearing.

	2018/19	2019/20	2020/21
Postponed	15	22	19



7. Attendees at the hearing. For example, the number of times a patient attended, or was accompanied by their legal represented, or their Nearest Relative.

I can confirm that Swansea Bay Health Board does not record this information.

Where fewer than 5 has been indicated we are unable to provide you with the exact number of hearings as due to the low numbers, there is a potential risk of identifying individuals involved if this was disclosed. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This information is protected by the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

I hope this information is helpful. If you require anything further please contact us at FOIA.Requests@wales.nhs.uk.

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below or register your complaint via FOIA.Requests@wales.nhs.uk.

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely



Pam Wenger
Director of Corporate Governance

