



**AGENDA ITEM**

3.13

**MENTAL HEALTH ACT MONITORING COMMITTEE**

**HOSPITAL MANAGERS PAYMENT FOR POSTPONED HEARINGS**

<b>Date of meeting</b>	05/05/2021
<b>FOI Status</b>	Open/Public
<b>If closed please indicate reason</b>	Choose an item.
<b>Prepared by</b>	Alison Thomas, Team Leader Mental Health act Office
<b>Presented by</b>	Julie Denley, Director of Primary, Community & Mental Health
<b>Approving Executive Sponsor</b>	Executive Director of Primary, Community & Mental Health
<b>Report purpose</b>	FOR DISCUSSION / REVIEW

**Engagement (internal/external) undertaken to date (including receipt/consideration at Committee/group)**

<b>Committee/Group/Individuals</b>	<b>Date</b>	<b>Outcome</b>
Mental Health Act office staff		SUPPORTED

**ACRONYMS**

MHA	Mental Health Act
CTMUHB	Cwm Taf Morgannwg University Health Board
CAMHS	Child & Adolescent Mental Health Services
IHI	Institute of Healthcare Improvement



CTO	Community Treatment Order
RC	Responsible Clinician
CoPW	Code of Practice for Wales
AMHP	Approved Mental Health Professional
PoD	Power of Discharge

## 1. SITUATION/BACKGROUND

- 1.1 The Associate Members of the Power of Discharge (PoD) Group have requested payment for Hospital Managers Hearings, cancelled or postponed within the 24-hour period, prior to the hearing.
- 1.2 The Hospital Managers play a central role in operating the provisions of the Mental Health Act (MHA) 1983. Section 23 of the MHA provides hospital managers the power to discharge unrestricted detained patients and patients subject to a community treatment order (CTO).
- 1.3 A managers' discharge panel must consist of at least three or more people who are nonexecutive directors of the local health board that is responsible for the hospital or members of a committee, which is authorised for the purpose.

## 2. SPECIFIC MATTERS FOR CONSIDERATION BY THIS MEETING (ASSESSMENT)

- 2.1 The Health Board is responsible for reimbursing the Members for their attendance in performing their duties at Hospital Managers Hearings.

Currently, CTMUHB pay a fee of £40 to act as a panel member. The chair of the hearing is entitled to claim the fee of £45 per hearing but must demonstrate sufficient experience in participating in reviews to act in the capacity of chair.

The members are also entitled to claim travelling expenses for attendance at hearings. Due to Covid-19, all Managers Hearings have been conducted remotely using Microsoft teams, which has proved to be cost effective for the Health Board.



- 2.2 The CTMUHB does not currently pay members for cancelled hearings unless cancelled at short notice on the day of the hearing.

In the November PoD group meeting, the Chair raised the issue of payment for cancelled hearings. He stated that when a MHRT hearing is cancelled within 24-hours, the tribunal members should receive full payment in recognition of the time they will have committed to preparation for the session.

All members agreed that the Chair would request a review of the approach to payment for tribunals cancelled within 24 hours of the planned hearing.

- 2.3 To ensure that any decision to approve payment for cancelled tribunals is fair and consistent with other organisations, the Mental Health Act administration team have established what approach other Health Boards have adopted in relation to this payment process. These are outlined in the table below:

**Summary of payments by other Health Boards:**

	<b>CTM UHB</b>	<b>Swansea Bay UHB</b>	<b>Aneurin Bevan UHB</b>	<b>Hywel Dda UHB</b>	<b>Betsi Cadwaladr UHB</b>	<b>Cardiff &amp; Vale UHB</b>
	No payment currently made if cancelled within 24 hrs.	Full payment if cancelled within 24 hrs	Full payment if cancelled within 24 hrs	Paid if cancelled at start of hearing	Paid if cancelled at start of hearing	Half payment for all if cancelled on the same day
<b>Chair</b>		£50	£70	£45	£40	£20
<b>Panel Member</b>		£45	£50	£40	£40	£20

This clearly shows variance in relation to the fees paid when a hearing is cancelled and the timeframe in when this applies. Some pay for any cancelled hearings in the next 24 hours, some if the hearing is cancelled as it was due to start and others for same day cancellations but all do make a payment with the exception of CTM.

**3 RECOMMENDATION**

A half payment fee of £20 is made to all members if any hearings are cancelled within 24 hours of the hearing in recognition of preparation work undertaken.



This is most closely aligned to the protocol adopted in Cardiff & Vale UHB who will only pay on the day of the hearing. The proposed CTM offer would increase the time frame to within 24 hrs in recognition of preparatory work.

It would not apply to any adjournments, as the hearing would have already started. Full payment rates would apply in these instances.

#### 4 IMPACT ASSESSMENT

<b>Quality/Safety/Patient Experience implications</b>	Yes (Please see detail below)
	Tribunals are a legal requirement and without members to undertake these the UHB would not be able to discharge authority within the MHA and patient care would be directly affected.
<b>Related Health and Care standard(s)</b>	Governance, Leadership and Accountability
	If more than one Healthcare Standard applies please list below:
<b>Equality Impact Assessment (EIA) completed - Please note EIAs are required for <u>all</u> new, changed or withdrawn policies and services.</b>	No (Include further detail below)
	If yes, please provide a hyperlink to the location of the completed EIA or who it would be available from in the box below.  If no, please provide reasons why an EIA was not considered to be required in the box below.
<b>Legal implications / impact</b>	Yes (Include further detail below)
	Administration of the MHA
<b>Resource (Capital/Revenue £/Workforce) implications / Impact</b>	Yes (Include further detail below)
	Minimal impact due to proposed payment for cancelled hearings
<b>Link to Strategic Well-being Objectives</b>	Work with communities and partners to reduce inequality, promote well-being and prevent ill-health

5.1 The Committee is asked to:



GIG  
CYMRU  
NHS  
WALES

Bwrdd Iechyd Prifysgol  
Cwm Taf Morgannwg  
University Health Board

- **NOTE** and **APPROVE** the recommendations.