

Freedom of Information Request: Our Reference CTHB_17_19

You asked:

The equality and diversity data you hold on those persons currently appointed by the trust to exercise the hospital managers' discharge power contained in s.23 of the Mental Health Act 1983. The post to which these individuals are appointed is generally referred to as that of 'Associate Hospital Manager' (AHMs) or 'Hospital Manager', although other titles exist

NHS Digital Equality and Diversity Dataset Categories

- **Ethnicity of AHMs in post**
 - **Asian or Asian British**
 - **Black or Black British**
 - **Chinese**
 - **Mixed**
 - **White**
 - **Any other ethnic group**
 - **Discontinued code**
 - **Not stated**
 - **Unknown**
- **Disability status of AHMs in post**
 - **Disabled**
 - **Not disabled**
 - **Not disclosed**
 - **Unknown**
- **Gender of AHMs in post**
 - **Male**
 - **Female**
- **Religious beliefs of AHMs in post**
 - **Atheism**
 - **Buddhism**
 - **Christianity**
 - **Hinduism**
 - **Islam**
 - **Jainism**
 - **Judaism**
 - **Sikhism**
 - **Other**
 - **Not disclosed**
 - **Unknown**
- **Sexual orientation of AHMs in post**
 - **Bisexual**
 - **Gay**
 - **Heterosexual**

- **Lesbian**
- **Not disclosed**
- **Unknown**
- **Age band of AHMs in post**
 - **Under 25**
 - **25 to 34**
 - **35 to 44**
 - **45 to 54**
 - **55 to 64**
 - **65 and over**

Please note that ethnicity, disability status, religious belief and sexual orientation are not mandatory fields on our Electronic Staff Record (ESR). Therefore, the information we hold is incomplete.

In addition to this the information that we do hold relates to a small number of individuals and is sensitive category data. As this request is for personal data about an authority's employees other than the requester, it is exempt under section 40(2) and section 40(3)(a)(i) if it would contravene any of the data protection principles to disclose it. The principle that is most likely to be relevant is the first principle; the processing (in this case the disclosure) must be fair. As the information requested is classed as sensitive personal data, as defined in the DPA section 2, disclosure is unlikely to be fair. This data relates to the most personal aspects of employees' lives, for example their sexual life, rather than their working life. Employees would have a reasonable expectation that this data would not be made public. Furthermore, such a disclosure would also have to meet a condition in both Schedule 2 and Schedule 3 of the DPA which we are not able to satisfy in terms of this request.

Please find below complete, non-sensitive data currently held on Hospital Managers employed by Cwm Taf University Health Board.

Gender	Male	5
	Female	8
Age Band	46-70	5
	>71	8

- 1. If applicable, please separate the data for the Chair and Non-Executive Directors who exercise the s.23 power, and any other persons appointed specifically to exercise the power.**

We are unable to separate the attached equality and diversity data as all Hospital Managers are able to exercise the s.23 power.

2. The total number of people currently appointed by the Trust as AHMs.

There are currently 13 Hospital Managers appointed by Cwm Taf University Health Board.

3. The policies relating to period of appointment, re-appointment processes/appraisals, dismissal processes for AHMs.

Cwm Taf University Health Board does not have any formal policies regarding the recruitment and retention of Hospital Managers.

Interested parties are requested to submit a formal letter of application for the post of Hospital Manager. An interview is then arranged with the Assistant Director of Operations and a member of the Human Resources Team. If appointment is agreed a letter of confirmation is provided and a contract of employment for casual workers is drawn up which details the terms and conditions of employment (please see attached the Statement of Main Terms and Conditions of Engagement of Casual Workers – attachment 1).

Hospital Managers are reviewed on an annual basis by the Directorate Manager, Mental Health Directorate.

A copy of a Hospital Managers Job Description is also attached (attachment 2).

4. The standard contract of appointment / engagement given to AHMs.

Please find attached the Statement of Main Terms and Conditions of Engagement of Casual Workers for Hospital Managers who are appointed by Cwm Taf University Health Board (attachment 1).



CWM TAF UNIVERSITY HEALTH BOARD

STATEMENT OF MAIN TERMS AND CONDITIONS OF ENGAGEMENT OF CASUAL WORKERS

1. Introduction

This statement sets out the main terms and conditions of engagement.

This statement of terms and conditions applies only for the period you are engaged as a casual worker without regular hours of employment. You will be given a contract of employment if you are employed on a full or part time basis with regular hours on either a permanent or fixed term basis.

2. Commencement Date

Your period of engagement commences on: **TBC.**

You are engaged as:

Hospital Manager (under the Mental Health Act).

3. Remuneration

The payment will be **£xxx per session** and this will be paid on a monthly basis directly into a Bank Account.

4. General Conditions of Engagement

- 4.1** Hospital Managers are engaged by Cwm Taf University Health Board on a casual basis for work within the specific service for which they are qualified and engaged.
- 4.2** No guarantee can be given that work will be available on a specific date a casual worker may wish to work. Cwm Taf University Health Board will determine, for any one week,

whether you will be called for work and the number of sessions to be worked. There is no obligation on casual workers to accept the offer of sessions, but having done so they will be expected to work them.

4.3 Work as a casual worker is not counted as reckonable service with regard to redundancy from a permanent post or as credit towards length of service calculations for holiday entitlement etc.

4.4 Due consideration needs to be given to issues under the Equality Act 2010.

5. Sickness

5.1 Casual workers are not entitled to receive occupational sick pay for any absence due to ill health. However, casual workers may be eligible to receive statutory sickness pay if they meet the relevant criteria for that scheme.

5.2 Casual workers are required to notify Cwm Taf University Health Board if they are unable to attend to provide casual cover through ill health as soon as possible.

5.3 If casual workers are sent home as a result of illness they will be paid for the session worked.

6. Maternity/Adoption/Paternity Leave

6.1 Casual workers may be eligible to receive statutory pay if they meet the relevant criteria for that scheme.

7. Annual Leave

7.1 Annual leave for casual workers will be calculated on a regular basis during their engagement and at the end of their period of engagement and allocated, accordingly.

8. Travel Expenses

8.1 Travel expenses will be paid to those staff required to travel as part of their roles and during the hours of their engagement and these will be paid in line with HMRC rates.

9. Pension

9.1 Casual workers will be enrolled into the NHS or alternative pension scheme if eligible.

10. Working Hours

- 10.1** In accordance with the current European Working Time Regulations, casual workers should not be expected to work more than a total of 48 hours per week in any engagement.

11. Training and Development

- 11.1** Casual worker's will be required to have attended the UHBs training and induction Programme prior to undertaking any sessions.
- 11.2** All workers are required to undertake training and development to maintain their competencies.

12. Managerial and Professional Accountability

- 12.1** The Assistant Director(Mental Health) will have overall accountability for the Hospital Manager(casual worker).
- 12.2** Casual workers are required to comply with all the policies and procedures of Cwm Taf University Health Board and those of the specific area in which they are engaged for work. All Casual workers must familiarise themselves with these policies and procedures, copies of which are available in the work area.
- 12.3** Registered professionals are also reminded of their responsibilities under their Professional Codes of Conduct, by which the professional should acknowledge the limitations of their competence while maintaining a safe standard of care.
- 12.4** Registered professionals engaged in the NHS are expected at all times to maintain the highest professional standards and to maintain a high standard of personal appearance.

13. Disciplinary

- 13.1** Any disciplinary issues will be dealt with under the NHS Organisation's policies and procedures.

14. Raising Concerns

- 14.1** Matters of concern relating to the terms of engagement should be raised with (Assistant Director, Mental Health).

15. Professional Registration / Statutory Checks

- 15.1** If the role requires state registration, casual workers will be responsible for ensuring they are registered. Proof of

their continued professional registration must be produced on request. Failure to maintain registration may lead to termination of the period of engagement and removal from the bank register on the grounds of failure to comply with the statutory requirements.

15.2 Casual workers are also responsible for payment and maintaining their registration with the Independent Safeguarding Authority.

15.3 All applicable (DBS/CRB) disclosures will be obtained if needed.

15.4 The Casual worker must notify the Asst Director, Mental Health, if he/she is subject to any police investigation, criminal offence, professional investigation, POCA investigation, POVA investigation, suspension or disciplinary investigation in any other employment. Failure to do so may lead to the investigation of Cwm Taf University Health Boards disciplinary procedure.

16. Health and Safety at Work

16.1 Casual workers are required to conform to and operate under Cwm Taf University Health Board policies and procedures designed to provide a safe working environment for all employees, casual workers patients and visitors. Cwm Taf University Health Board will provide you with the necessary communication, training and support to enable you to meet your legal responsibilities.

16.2 Casual workers have a duty to be fit when attending for work and should report any circumstances where they or colleagues may be unable to operate in a healthy and safe working environment. Procedures are in place to enable you to do this confidentially.

16.3 A pre placement screening may be required to ensure that an individual is fit for duty and Cwm Taf University Health Board may require casual workers to be medically examined by a nominated doctor or by occupational health staff at any time during their engagement.

17 Confidentiality and Data Protection

17.3 Casual workers are required to observe Cwm Taf University Health Board's policy on confidentiality of organisation, employee and patient information; as well as observing individual legal responsibilities in handling stored personal data and complying with Cwm Taf University Health Board's IT security policies. Casual workers are responsible for any records that they create, use or handle and have a personal

common law duty of confidence. The Data Protection Act 1998 places statutory restrictions on the use of personal information, including health information. All casual workers should acknowledge the importance of health records and their personal responsibilities. Any disclosure of information without permission may result in the instigation of Cwm Taf University Health Board's disciplinary procedure.

- 17.4** Under the Data Protection Act 2018, Cwm Taf University Health Board will be holding personal information on casual workers for administrative and managerial purposes. Cwm Taf University Health Board will only disclose personal details on casual workers or relevant departments within Cwm Taf Health Board and the Welsh Assembly Government. Casual workers will be informed of any disclosure request of personal details made unless an exemption is made e.g. Inland Revenue or DSS request.

Signed on behalf of Cwm Taf University Health Board:

Name:

Title: Assistant Director of Operations (Mental Health)

Signature:

Date:

Signed by the individual:

Name:

Title: Hospital Manager (under the Mental Health Act)

Signature:

Date:



CWM TAF UNIVERSITY HEALTH BOARD

ROLE DESCRIPTION

FOR POWER OF DISCHARGE ASSOCIATE HOSPITAL MANAGER

Role Title:	Associate Hospital Manager
Accountable to:	Board Committee Assistant Director of Operation
Report To:	Team Leader Mental Health Act Office
Term of Engagement:	Casual Basis
Days ant Times required:	As required for Hospital Managers Hearings
Location:	Various Health Board premises

Role Summary:

The Hospital Managers are people who are specially trained and appointed for the purposes of hearing appeals from patients detained under the Mental Health Act 1983 or subject to a Community Treatment Order under the Act.

The primary responsibility of Associate Hospital Managers is seeing that the requirements of the Act are followed. In particular, Associate Hospital Managers are responsible for ensuring the proper admission, transfer, discharge and reviews of patients compulsorily detained under the Mental Health Act both in hospital and in the community. They must also ensure that patients are detained only as the Act allows that their treatment and care fully accords with its provisions and those patients are fully informed of their statutory rights. Associate Hospital Managers also have similar

responsibilities for patients on Community Treatment Orders (CTOs). Managers hearings are conducted in accordance with the Health Board Policy.

All Associate Hospital Managers will be issued with a statement of main terms and conditions of engagement of casual workers on appointment.

Key Communications and Working Relationships

Internal: Associate Director of Operations, Vice Chair of Cwm Taf Health Board, Service Manager, Other Associate Hospital Managers, Nursing, Medical and Social Care professionals, Mental Health Act Administrators, Team Leader Mental Health Act Office.

External: patients, carers, Solicitors, Independent Mental Health Advocate, Other NHS personnel and various outside agencies.

Principle Duties and responsibilities:

Associate Hospital Managers have the key responsibility for overseeing the requirements of the Mental Health Act are followed and that patients are detained only as the Act allows.

Associate Hospital Managers Hearings

- Ensuring prompt arrival for all hearings, allowing time to settle with other Associate managers.
- Liaison with Mental Health Act Administrators in relation to any information required
- Having a clear understanding of the Mental Health Act (and related legislations) and the responsibilities of Associate Hospital Managers (e.g power of discharge) and commitment to keeping updated as appropriate or directed.
- Ensuring the grounds for detaining a patient remains valid and relevant.
- Ensuring documents are in order and/or identifying any errors or omissions.
- Ensuring that treatment and care of the patient fully accord with the provisions of the Act.

- Ensuring that patients have been informed of their statutory rights and supported in exercising them where appropriate.
- Ability to clarify any issues with patients where required.
- Ability to act independently, reaching sound judgments based solely upon the evidence and properly recording decisions as required.
- At all times observing confidentiality of Health Board and patient information and of care records.

Principal Duties and areas of Responsibility

- Participate in Hospital Managers hearing as part of a three person panel, and be able to chair the hearings as and when required.
- Ensure that Hospital Managers Hearings are conducted in a manner consistent with the Mental Health Act Code of Practice (Revised 2016), and that patients are given the opportunity, and necessary help, to explain why he or she wishes to be discharged.
- Hold reviews for patients who are detained under the Act when requested by the patient or when the Responsible Clinician makes a report under Section 25(1) opposing a nearest relative's application for the patient's discharge.
- Undertake statutory reviews of renewals of detention even if the patient does not object to being detained, make informed decisions regarding the lawful detention of patients, using the criteria outlined in the Mental Health Act 1983, and discharge patients from section if they do not satisfy the grounds for admission or continued detention under the Act.
- When patients are subject to a Community Treatment Order undertake reviews of the order when requested by the patient, on extension of the order and when an order barring discharge by the nearest relative has been barred by the Responsible Clinician.
- If the panel decide that discharge is appropriate they should ensure that the Clinical Team puts in place appropriate aftercare.

- Advise patient and professionals of the panel decision orally and ensure a record is made in writing and decision signed by all panel members.

Communication

- Maintain appropriate relationships with all members of the multidisciplinary team and Mental Health Act Administrators
- Communicate sensitively and effectively with service users
- Ability to communicate with a wide range of health service personnel, including Clinicians and those at a senior level within the Directorate, together with a wide range of outside agencies and organisations including Solicitors, patient advocates etc.
- Deal tactfully and effectively with crisis situations.

Organisational

- Responsible for ensuring confidentiality is maintained at all times in accordance with the Data Protection Act, Health Board Policies and good practice.
- Responsible for reading, understanding and complying with Health Board and statutory policies and procedures as provided.
- Responsible for maintaining appropriate professional conduct.

Education and Training

- Responsible for identifying own training needs
- Responsible for attendance and participation at Associate Hospital Managers meetings and training events organised.
- Responsible for attendance at relevant training provided by outside agencies, specifically aimed at Associate Hospital Managers.

- Be aware of proposed and actual developments in government policy relating to the Mental Health Act and provision of Mental Health Services and ensure commitment to attending training as required or directed.

General

Confidentiality

It is a condition of the Health Board that there will be no disclosure of any information obtained in the course of their duties than to those entitled to receive it. The Associate Hospital Manager must ensure that the confidentiality of personal data remains secure and the terms of the Data Protection Act and relevant Health Board Policies are met

Equal Opportunities

The Health Board is committed to equality of opportunity. Everyone is required to comply with current legislation.

Health and Safety

Everyone must ensure that they are familiar with the requirements of the Health and Safety at work Act and any ensuing legislation.

Training education and development

Everyone is required to participate in any necessary training and development identified and to keep up to date with the requirements of their role.

This role profile may be revised in consultation with Associate Hospital Managers and in line to changes to the Mental Health Act 1983

Role Description Agreement:

This document has been acknowledged and agreed by:

Associate Hospital Manager Signature:.....

Print Name:.....

Date:.....

Chairman Signature:.....

Print Name:.....

Date:.....