

FOI 097/2021 Response

Request

Dear sir or madam,

I am writing to make a Freedom of Information Act request that you provide me with the data held by Birmingham and Solihull Mental Health NHS Foundation Trust 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.

A similar request FOI 763 to that outlined below was made in 2018/19, and in most cases produced data up to the year 2017/18. 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).

If data is held at both a hospital level and the same data is also centrally aggregated within the Trust, then I would only like access to the central dataset.

Information included in such a dataset(s) might include, but may not be limited to:

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)).
2. Number of discharges, perhaps broken down by type of section/ hearing.
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)
4. Number of hearings cancelled before the hearing took place, with reasons (e.g., Responsible Clinician discharged patient, Tribunal discharged patient)
5. Number of hearings held, perhaps broken down by type of section/ hearing (e.g., paper hearing).
6. Number of adjournments, perhaps broken down by type of section/ hearing.
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 would prefer the information to be supplied in an electronic, re-usable format.

Please also confirm that any datasets provided in response to this request are made available under an Open Government License v3.0 and can be used in relation to research publications.

Response

- 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 see tables below and note the following:

- Data has been provided for the number of hearings recorded on the Trust's database as scheduled for the financial years 2018/19, 2019/20 & 2020/21 and by type of hearing:
- Data has also been provided for the number of hearings recorded on the Trust's data base as scheduled for the financial years 2018/19, 2019/20 & 2020/21 and by MHA section

Number of hearings recorded on database as scheduled for FY 2018/19, 2019/20 & 2020/21 by type of hearing:

Year	Appeal	Review	Yearly total
FY 2018/19	45	505	550
FY 2019/20	49	534	583
FY 2020/21	40	530	570

Number of hearings recorded on database as scheduled for FY 2018/19, 2019/20 & 2020/21 by MHA section:

Year	2	3	17A	37/41	37H	37N	37U	47	Yearly total
FY 2018/19	0	282	206	1	39	21	0	1	550
FY 2019/20	5	303	215	0	35	25	0	0	583
FY 2020/21	8	266	243	0	37	14	2	0	570

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

Please see tables below and note the following:

- Data has been provided for the number of hearings recorded on the Trust's database as resulting in a patient discharge for the financial years 2018/19, 2019/20 & 2020/21 and by type of hearing:
- Data has also been provided for the number of hearings recorded on the Trust's database as resulting in a patient discharge for the financial years 2018/19, 2019/20 & 2020/21 and by type of MHA section.
- The data provided includes discharge from section (including absolute discharge), conditional discharge and deferred discharge.

Number of hearings recorded on the Trust's database as resulting in a patient discharge for FY 2018/19, 2019/20 & 2020/21 by type of hearing:

Year	Appeal	Review	Yearly total
FY 2018/19	0	6	6
FY 2019/20	2	2	4
FY 2020/21	2	4	6

Number of hearings recorded on database as resulting in a patient discharge for FY 2018/19, 2019/20 & 2020/21 by type MHA section:

Year	2	3	17A	37H	37N	Yearly total
FY 2018/19	0	2	2	1	1	6
FY 2019/20	0	3	1	0	0	4
FY 2020/21	1	2	2	0	1	6

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)

There has been Nil (0) refused hearing request.

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

Please see table below and note the following

- Data has been provided for the number of hearings recorded on the Trust database as cancelled for FY 2018/19, 2019/20 & 2020/21.
- Data has been provided per reason.

Number of hearings recorded on database as cancelled for FY 2018/19, 2019/20 & 2020/21 by reason:

Year	Patient was regraded to informal beforehand	Patient was transferred out of hospital beforehand	Rescheduled MHA meeting	Entry made in error	Patient Died	Yearly total
FY 2018/19	0	0	1	2	0	3
FY 2019/20	20	4	1	2	0	27
FY 2020/21	33	1	0	0	1	35

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

Please see tables below and note the following:

- Data has been provided for the number of hearings recorded on the Trust’s database as held for the financial years 2018/19, 2019/20 & 2020/21 by type of hearing:
- Data has also been provided for the number of hearings recorded on the Trust’s database as held for financial years 2018/19, 2019/20 & 2020/21 by MHA section.

Number of hearings recorded on the Trust’s database as held for FY 2018/19, 2019/20 & 2020/21 by type of hearing:

Year	Appeal	Review	Yearly total
FY 2018/19	44	500	544
FY 2019/20	43	497	540
FY 2020/21	35	482	517

Number of hearings recorded on the Trust’s database as held for FY 2018/19, 2019/20 & 2020/21 by MHA section:

Year	2	3	17A	37/41	37H	37N	37U	47	Yearly total
FY 2018/19	0	279	204	1	38	21	0	1	544
FY 2019/20	5	275	201	0	34	25	0	0	540
FY 2020/21	6	240	219	0	36	14	2	0	517

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

Please see table below and not the following

- Data has been provided for the number of hearings recorded on database as adjourned for the financial years 2018 2018/19, 2019/20 & 2020/21 by type of hearing
- Data has also been provided for the number of hearings recorded on database as adjourned for the financial years 2018/19, 2019/20 & 2020/21 by type of MHA section:
- The Trust do not do paper hearings, all hearing carried out are full hearings

Number of hearings recorded on database as adjourned for FY 2018/19, 2019/20 & 2020/21 by type of hearing:

Year	Appeal	Review	Yearly total
FY 2018/19	3	5	8
FY 2019/20	1	13	14
FY 2020/21	2	6	8

Number of hearings recorded on database as adjourned for FY 2018/19, 2019/20 & 2020/21 by type of MHA section:

Year	2	3	17A	37H	37N	Yearly total
FY 2018/19	0	4	4	0	0	8
FY 2019/20	0	10	3	0	1	14
FY 2020/21	1	2	4	1	0	8

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.

The Trust is unable to provide a response to question 7, this is because obtaining the requested data will require exhaustive and manual measures that exceed the threshold of carrying out this task.

The Trust therefore, rely on exemption Section 12 of the Freedom of Information Act to deny this aspect of your request.