

COFNODION Y CYFARFOD
PWYLLGOR SICRWYDD DEDDFWRIAETH IECHYD MEDDWL
HEB EU CYMERADWYO / UNAPPROVED
MINUTES OF THE
MENTAL HEALTH LEGISLATION COMMITTEE (MHLC)

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| Date and Time of Meeting: | 13:00-17:00, Friday 26 th November 2021 |
| Venue: | Via MS Teams |

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| Present: | <ul style="list-style-type: none"> Mrs Judith Hardisty, Vice Chair of Hywel Dda University Health Board Mr Maynard Davies, Independent Member Ms Ann Murphy, Independent Member |
| In Attendance: | <ul style="list-style-type: none"> Mr Clive Smith, Carer Representative Mr Andrew Carruthers, Director of Operations Ms Liz Carroll, Director of Mental Health & Learning Disabilities Ms Ruth Bourke, Mental Health Act Administration Lead Ms Kay Isaacs, Head of Service, Adult Mental Health Ms Melanie Evans, Head of Service (Learning Disabilities) Mr Mark P Evans, Carmarthenshire County Council Ms Sara Rees, Assistant Director of Nursing (MH&LD) Ms Grace Elms, Advanced Nursing Practitioner (MH&LD) Mr John Forbes-Jones, Ceredigion County Council <p>• Secretariat: Mrs Elizabeth Cook, (EC3) MH&LD PA</p> |

| GOVERNANCE | | |
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| Agenda Item | Introductions and Apologies for Absence | Action |
| 1.1 | <p>Mrs Judith Hardisty welcomed all attendees to the meeting.</p> <p>The following apologies for absence were received:</p> <ul style="list-style-type: none"> Ms Aileen Flynn, Transformation & Strategic Partnerships Manager Superintendent Ross Evans, Dyfed-Powys Police and Sian Bamford, Dyfed-Powys Police Mr Richard Jones, Nurse Consultant, MH&LD Mr Iwan Thomas, Independent Member Dr Warren Lloyd, Associate Medical Director/Consultant Psychiatrist Mr Winston Weir, Independent Member Mr Ken Jones, Community Health Council Representative Ms Angie Darlington, Third Sector Representative Ms Angela Lodwick, Head of Service (SCAMHS) Ms Avril Bracey, Carmarthenshire County Council Ms Jane Hitchings, Pembrokeshire Local Authority | |
| 1.2 | <p>Declarations of Interests</p> <p>No declarations of interest were made.</p> | |
| 1.3 | <p>Minutes of the meeting held on 2nd September 2021</p> <p>The minutes of the meeting held on 2nd September 2021 were APPROVED as an accurate reflection of the previous meeting.</p> | |

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| | The Committee NOTED and APPROVED the minutes from the previous MHLAC meeting held in September 2021. | |
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| 1.5 | Matters Arising, including Table of Actions from the Minutes of the Meeting held on 2nd September 2021 | |
| | <p>The Table of Actions was reviewed and the following noted:</p> <p>MHLC (21) 06, 07 and 10 : These were all addressed within the report from the Scrutiny Group that was included within the agenda for this Committee meeting.</p> <p>MHLC (21) 09: This action has been completed. The Chair of MHLC forwarded information to the Carers Lead who will contact West Wales Action for Mental Health for representation on the Regional Partnership Board and Carers Forum.</p> <p>MHLC (21) 11: The Schedule of future dates with timings is included within the papers for this meeting.</p> <p>MHLC (21) 12: A meeting was held to discuss the wider use of patient/service user stories and the involvement of service user/carer input into learning lessons from serious incidents etc. Further meetings with the Director of MHLD Directorate and Assistant Director of Nursing (MHLD) with Ms Darlington are planned and further information will be provided to the March MHLC meeting.</p> | |
| | The Committee NOTED the MHLC Table of Actions. | |

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| | PERFORMANCE | |
| 2.1 | Quarterly Performance Report – Quarter 2 | |
| | <p>The Committee received the Quarterly Performance Report relating to Quarter 2.</p> <p>Following recommendations from the previous meeting, the report had been adapted and focussed on exception reporting and on trends and spikes, incorporating responses to address those highlighted areas.</p> <p>The Committee were referred to the data illustrating that the use of Section 2 and Section 3 were generally lower than average. The Scrutiny Group had reviewed the data however no explanation was available to understand the reason for the difference in application levels. The use of Section 4 was very high, although the overall figure remains low. The Committee received an explanation that Section 4 is an emergency section where only one doctor’s instruction is required to approve the Section. The Scrutiny Group investigated the cases and confirmed that Section 4 was not being used when it had not been possible to get a second signatory.</p> <p>The Committee agreed that the explanatory comments provided from the Scrutiny Group were very useful.</p> <p>The Chair requested an explanation in relation to the use of Section 136 (referred to in page 2 of the report).</p> | |

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| | <p>Mrs Ruth Bourke explained that the cases of use were significantly lower than in Quarter 1, which was the highest ever experienced for number of use of Section 136. In Quarter 2, Section 136 usage was lower than average. Prior to application of Section 136, Police will consult with mental health services to see if signposting can be conducted, however there is no evidence that consultations have improved sufficiently to have had affected the use of Section 136.</p> <p>The Chair asked for clarity relating to the Section 117 policy (page 10). The Mental Health Legislation Administration Lead was taking the policy forward with the clinical working group and if no agreement can be reached there is scope for it to be a health board only policy however the working group are attempting to resolve difficulties.</p> <p>The Committee acknowledged receipt of the update on SCAMHS position which had been provided for information.</p> | |
| | The Committee RECEIVED and NOTED the Quarter 2 Performance Report. | |
| 2.2 | Update on Mental Health Review Tribunal (For Wales): Use of video conference | |
| | <p>Mrs Ruth Bourke presented an update on the Mental Health Review Tribunal (For Wales): Use of Video Conference.</p> <p>Mrs Ruth Bourke explained the first video tribunal was conducted in September 2021, and although the client could see the Panel members' faces, due to the IT firewall, health board colleagues had to use telephone contact only.</p> <p>Further notification has since been received from the Tribunal Office that due to ongoing security sessions experienced with other users, they are now able to use MSTeams and will be piloting this for their next hearing. All hearings are continuing by telephone until completion of the pilot period. Mrs Ruth Bourke confirmed that the Tribunal Office have been contacted and strongly encouraged to use MSTeams as a compatible option. The first MSTeams tribunal is due to be held next week with a further arranged for January and is hopeful this will increase the confidence and usage of MSTeams by the Tribunal Office.</p> <p>The Committee RECEIVED and NOTED the Update on Mental Health Review Tribunal (For Wales).</p> | |

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| | ASSURANCE AND RISK | |
| 3.1 | Mental Health Legislation Scrutiny Group Report | |
| | <p>An update was received from the Chair of the Scrutiny Group which included</p> <ul style="list-style-type: none"> Section 136 – there had been an exceptionally high number of detentions for Quarter 1 and the group had revised the data and discussed if there was any relevance or connection in relation to Covid-19, with conclusion that this was not evidenced. It was noted | |

there had been a marked reduction in Section 136 use within Quarter 2. It was explained that the Police have to be able to consult with medical professionals prior to application of a Section 136 and police representatives are allocated actions from the Scrutiny Group and contact officers concerned where a consultation had not been conducted.

- Local Authority colleagues had previously raised concerns of risk due to the lack of availability of Section 12 doctors. Representatives of the three local authorities attended the meeting and it was noted that all counties are reliant on the availability of a small number of independent doctors, whilst using health board colleagues for Section 136. The group acknowledged that community access was more challenging for health board doctors. An update will be provided to MHLC.
- The position in relation to Approved Mental Health Professionals was considered. Pembrokeshire reported to have reviewed their service and were now in a more robust position. Ceredigion and Carmarthenshire reported a low number of AMHPs and an ageing population, partly related to current training offered by Swansea University and confirmed use of Bristol University to counteract availability. A meeting between Local Authorities, Health Board (Director and Assistant Director of Nursing MHLLD) will be confirmed to review support arrangements and training requirements.
- The Scrutiny Group received data provided by the Mental Health Administration Team which raised a concern in relation to the use of Section 136 for young people. The Head of S-CAMHS will be meeting with various other professionals to scrutinise the data and investigate further.
- An invalid MH detention had been reviewed to ensure necessary learning from the inpatient unit was completed.
- Two services provided exception reports to highlight areas where the service had not performed in respect of the Measure
- A presentation from the Professional Lead for Occupational Therapies has been requested to review the work being done for recovery for patients within secondary mental health services.

The Chair thanked for Scrutiny Group for the detailed report.

The Committee noted that the Ceredigion County Council representative explained the AMHP role had unpredictable start/finish times (dependent on client) and that some colleagues were rescinding their warrants and taking up less time-demanding roles within the same salary banding which was affecting recruitment and was currently being reviewed by their HR department. Carmarthenshire County Council representative noted an ageing AMHP workforce in terms of forward planning offered further challenges. The Director of the Mental Health & Learning Disabilities Directorate noted that Pembrokeshire County Council had offered increased training which afforded greater flexibility.

The Director of the Mental Health & Learning Disabilities Directorate agreed to contact the Learning & Development department to explore

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| | <p>future training requirements and options, including the practical course offered via Bristol University and whether this could be matched with the existing arrangement with Swansea University. It was acknowledged this was a challenge in terms of the current workforce and recruitment issues and would need to consider AMHP roles and how to compensate other areas and a balance with the needs of the service.</p> <p>The Chair requested that the results from the Service User Experience QR code be fed into the main patient experience report that is received by the Board. The Director and Assistant Director of Nursing MHL D agreed to link in with Louise O'Connor.</p> <p>The Assistant Director of Nursing MHL D explained the QR code was currently being trialled in inpatient areas with the forward plan to roll out to all community areas including learning disabilities.</p> | LC/SR |
| | The Committee RECEIVED and NOTED the Scrutiny Group Report. | |

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| 3.2 | Risk Report | |
| | <p>The Committee received a verbal update from the Director of the Mental Health & Learning Disabilities Directorate which referenced the previously discussed AMHPs provision and Section 12 doctors.</p> <p>The Director of the Mental Health & Learning Disabilities Directorate informed that the risk register was regularly reviewed and had received a recent radical overhaul. There were no risks within the corporate risk register that aligned to the Committee and future agendas would only include Risk Report if this position altered.</p> | |
| | The Committee NOTED the Risk Report update. | |

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| | POLICIES | |
| 4.1 | <p>Section 135: Inter-agency Policy</p> <p>The Mental Health Legislation Administration Lead presented the policy to the Committee and was seeking approval by the MHLC.</p> <p>The Section 135 policy's three yearly review not due until May 2022, however recent changes implemented by the Courts affected the process so the review had been brought forward.</p> <p>MHLC were requested to approve the version provided, explaining that consultation had been held over a number of groups, including medical staffing and police representation. It was noted that the use of the Act was very rare with only seven cases of its application within 2021.</p> <p>Courts issue warrants that give authority to take person from private dwelling to place of safety and hearings are conducted via telephone, with applications via email.</p> <p>It was explained that changes had already been implemented and approved by the health board's Written Control Document Group and that the MH Legislation Administration Lead was keen to proceed to enable the policy to be available for reference by professionals.</p> | |
| | The Mental Health Legislation Assurance Committee APPROVED the revised Section 135 policy as presented. | |
| 4.2 | Section 136: Inter-agency Policy | |

The Mental Health Legislation Administration Lead presented the Section 136 policy to the Committee and was seeking approval by MHLC.

The Section 136 was currently undergoing its three-yearly review and a working group had been established to update the document to ensure changes to working practices were incorporated into the document (to include alternative community places of safety, conveyance by St John's Ambulance and the use of the Single Point of Contact).

The policy amendments had been circulated for wider consultation across the health board, local authority colleagues, Police and Wales Ambulance Service Trust for any comments to be returned by 1st December 2021.

The MH Legislation Administration Lead requested that changes suggested to be agreed under Chair's action for ratification in January 2022.

Mr Clive Smith noted both were very thorough policies and questioned if there was any assurance that duties were carried out accordingly and if there should there be a duty on the team leader to confirm assurance.

The Director of the Mental Health & Learning Disabilities Directorate confirmed that any potential incident would be reported through Safeguarding in the case of any sustained injury and that a medical assessment forms part of the admission, in the same way as an informal admission. Any incident would be included within a Datix report within the safeguarding function.

Mr John Forbes-Jones noted that where Police are required to access property, it is part of the AMHP's function to ensure that the property is secured afterwards. The police role is to enable access and contain a situation. Anything untoward to be reported would have access to cad number and any admission would involve at least one doctor, police and a social worker who all have a duty to ensure appropriate safeguarding is applied.

The Committee continued a short discussion surrounding safeguarding application, process and responsibilities and agreed that a slight amendment to the policy, to provide clarity regarding how it is monitored and included within future reports to this committee. The policy template should be amended to include *"to be read in conjunction with"*(and *insertion of the All Wales Safeguarding Procedures*). *"Any non-compliance should be returned to the Mental Health Scrutiny Group for onward reporting to the Mental Health Legislation Committee."*

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The MHLC were content that the amendments could be processed under Chair's Action in January 2022.

The Mental Health Legislation Assurance Committee **APPROVED** the amendment to the Section 136 policy as described and for the final policy to be approved under Chair's Action in January 2022.

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| | FOR INFORMATION | |
| 5.1 | MHLC Annual Workplan 2022-2023 | |
| | The draft MHLC Annual Workplan 2022-2023 was received by the Committee. | |
| | The Committee APPROVED the MHLC Annual Workplan for 2022-2023. | |
| 5.2 | Schedule of Meetings 2022-2023 | |
| | The Schedule of Meetings, with timings, for 2022-2023 was received and approved by the Committee. | |
| 5.3 | Healthcare Inspectorate Wales: Annual Report 2020-2021 | |
| | The Committee NOTED the Healthcare Inspectorate Wales: Annual Report 2020-2021. The Assistant Director of Nursing (Mental Health & Learning Disabilities) reported this report is also included within the Agenda for the MH&LD Quality Safety & Experience Group meeting in December 2021. | |
| | Engagement for the Review of Part 1 Mental Health Assessments | |
| 5.4 | The Committee NOTED the Review was provided for information purposes. The Director of the Mental Health & Learning Disabilities Directorate provided further explanation that included, but was not restricted to: <ul style="list-style-type: none"> • Specific sections are required to be reviewed regularly. • The impact assessment was conducted in relation to which professionals can undertake assessment, with the outcome providing a recommendation that Welsh Government change the regulations to enable a competency framework to Part 1 which would expand the range of individuals who would be able to undertake an assessment. • HEIW and Social Care Wales would be required to work with a range of stakeholders to review and expand on the original work done to support primary mental health services. | |
| 6. | Any Other Business | |
| | Mr John Forbes-Jones acknowledged the St John's Ambulance pilot scheme had achieved a positive impact for patient experience and had been welcomed by the AMHP perspective. | |
| 7. | Date, Time and Venue of Next Meeting | |
| | The next meeting of the Mental Health Legislation Committee will be held on Tuesday, 1 st March 2022 via MSTeams from 9.30am – 12.30pm. | |