



PWYLLGOR SICRWYDD DEDDFWRIAETH IECHYD MEDDWL
MENTAL HEALTH LEGISLATION COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	Friday 26 th November 2021
TEITL YR ADRODDIAD: TITLE OF REPORT:	Mental Health Legislation Committee Summarised update on MRTfW use of Video Conference within Hywel Dda UHB
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Mr Andrew Carruthers, Executive Director of Operations
SWYDDOG ADRODD: REPORTING OFFICER:	Mrs Ruth Bourke, Mental Health Act Administration Lead

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

For information

ADRODDIAD SCAA
SBAR REPORT

Sefyllfa / Situation

The purpose of the paper is to provide the Mental Health Legislation Committee with feedback obtained from parties involved in the video conferencing for a Mental Health Review Tribunal (MHRT) hearing pilot within Hywel Dda University Health Board. Any further updates on the pilot are additionally included.

Cefndir / Background

The MHRT issued a Practice Direction and adjusted its ways of working due to the Covid Pandemic in March 2020, reverting to telephone hearings with a plan to move to video hearings at some point in the future.

The MHRT report that as a result, of telephone hearings, levels of service have been maintained and there has been no need to delay certain types of applications or resort to paper only hearings.

Despite this concerns have been raised by patient representatives, staff and other stakeholders about the adequacy and duration of hearings being conducted in this way and the delay in moving towards a video type hearing in particular.

The Vice Chair wrote to the MHRT President on behalf of the Health Boards highlighting these concerns. A response was received in August 2021 by the MHRT Deputy President recognising that the length of time in being unable to return to face to face reviews had not been anticipated, as such, a pilot scheme of video hearings was to be introduced.

The first case of video conference type hearing was held within Hywel Dda on 30th September 2021.

Asesiad / Assessment

Summary

The first video conference held was for a community patient therefore expected parties to attend were as follows:-

- Service user
- Service user legal representative
- Responsible Clinician

- Care Coordinator
- 3 x MHRT members

All parties were provided with instructions for joining on 20th September (some 10 days before the hearing was due to take place) and are embedded below. The MHRT office informed that the application system being used was Kinly. This is the system used within the English court system.



Guidance for video
hearing (parties).pdf



Guidance - Kinly CVP
Cloudroom - accessin

On the day of the hearing the service user was accompanied by legal representative at the service users home address. There were no difficulties in obtaining access to the system and feedback obtained since the hearing has been reported by both service user and the legal representative as extremely positive. The fact that MHRT members faces could be seen was considered to be really beneficial. Unfortunately, some IT issues meant that some members voices kept “dipping in and out” but overall having a video type hearing in comparison to a telephone one was deemed a step in the right direction by both service user and legal representative.

The Responsible Clinician and Care Coordinator attempted to access the system on the one health office based computer. Instructions were followed however were only able to get a black screen and could not hear or see any other parties and neither could other parties see them. Therefore, they had to abandon the Kinly system and revert to dialling in and participated via the telephone.

The hearing itself ensued with a standard outcome made.

Discussions have been held over the use of Kinly at the All Wales MHA Administrators forum where MHRT staff members were in attendance on 13th October 2021. It was reported that to date only five hearings have been conducted via Kinly video conferencing system. It appears that there is a NHS Firewall preventing some NHS staff being able to access it. Guidance has since been provided in how this issue can be overcome.

The MHRT office representative stated that face to face hearings are unlikely to return at any time before Spring 2022 and when it does work will need to be undertaken with regards to risk assessments, suitable room requirements and social distancing requirements being taken into consideration.

On the 8th November 2021 a further update was received from Dai Baker, Operations Manager at the MHRTfW office. He informed that WG security settings have recently been updated resulting in the MS Teams platform potentially becoming viable. This platform will be utilised going forward in the pilot scheme which will run until Christmas for them to obtain feedback. A further update will be provided at a later date however in the meantime it is expected all areas will participate in a MHRT hearing being conducted via MS Teams.

Argymhelliad / Recommendation

To discuss the Mental Health Legislation Committee Quarterly Performance Paper.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s): Hyperlink to NHS Wales Health & Care Standards	Governance, Leadership and Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives: Hyperlink to HDdUHB Strategic Objectives	All Strategic Objectives are applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2018-2019	<ol style="list-style-type: none"> 1. Improve population health through prevention and early intervention 2. Support people to live active, happy and healthy lives 3. Improve efficiency and quality of services through collaboration with people, communities and partners

Gwybodaeth Ychwanegol: Further Information:	
Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 - Pum dull o weithio: The Well-being of Future Generations (Wales) Act 2015 - 5 Ways of Working: Hyperlink to Well-being and Future Generations Act 2015 - The Essentials Guide	Please explain how each of the '5 Ways of Working' will be demonstrated
	Long term – can you evidence that the long term needs of the population and organisation have been considered in this work?
	Prevention – can you evidence that this work will prevent issues or challenges within, for example, service delivery, finance, workforce, and/or population health?
	Integration – can you evidence that this work supports the objectives and goals of either internal or external partners?
	Collaboration – The Mental Health Legislation Assurance Committee comprises external agencies, carer representatives and local authorities
	Involvement – can you evidence involvement of people with an interest in the service change/development and that this reflects the diversity of our population?

Gwybodaeth Ychwanegol:

Further Information:	
Ar sail tystiolaeth: Evidence Base:	Agendas, papers and minutes of the Mental Health Legislation Committee, Power of Discharge sub committee and scrutiny group
Rhestr Termiau: Glossary of Terms:	Included within the body of the report.
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Cyfarfod Bwrdd Iechyd Prifysgol: Parties / Committees consulted prior to University Health Board:	The Mental Health Legislation Scrutiny Group

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	Not Applicable
Ansawdd / Gofal Claf: Quality / Patient Care:	SBAR template in use for all relevant papers and reports.
Gweithlu: Workforce:	Not Applicable
Risg: Risk:	<p>Risk of non-compliance with the 1983 Act and with the Welsh Government's <i>Mental Health Act 1983 Code of Practice for Wales</i>; the <i>Mental Health (Wales) Measure 2010 Code of Practice</i>; and with the <i>Good Governance Practice Guide – Effective Board Committees (Supplementary Guidance) Guidance</i>.</p> <p>Safety of patients</p> <p>Assurance – use of statutory mechanisms</p>
Cyfreithiol: Legal:	

Enw Da: Reputational:	Not Applicable
Gyfrinachedd: Privacy:	Not Applicable
Cydraddoldeb: Equality:	Not Applicable

Guidance for witnesses/parties attending an MHRTW video conference hearing using Kinly

What is a video conference hearing?

Video conference hearings will use a video hearing room online, called Kinly, which has been created for the Tribunal. The parties will be able to join the hearing from their own home or workplace using their own device if they have internet or phone connections. You do not need special equipment to join the hearing, but you will need a device that has a camera and microphone, such as a smartphone, tablet, laptop or PC and good internet connection.

The success of video hearings will depend on the strength of the internet connection and quality of the equipment.

How will I know that I will be able to join the hearing by video?

Anyone participating in the hearing is advised to test their equipment and connection before the start of the hearing. If the Wi-Fi connection is not good enough, there are problems connecting or for those without video capability, a dedicated room telephone number is provided so that you can join the hearing via telephone.

What do I need to do to prepare for the hearing?

MHRTW hearings are private not public hearings, so it is important that you are in a private space where you will not be overheard or interrupted. Hearings are not recorded and **it is a criminal offence for anyone to record a hearing.**

During the current restrictions, the Tribunal will be mindful of the need to work flexibly to accommodate witness/party participation. It is a formal hearing, however, and you should be appropriately dressed, ensure that you have the papers available to you and a notepad or paper and pen to write notes during the hearing so that you don't forget what you want to tell the tribunal panel.

Make sure that your device is fully charged or plugged into a charger because video drains batteries quickly.

Before the hearing

How will I know how to join the video hearing?

Before the hearing, the Tribunal administration will send all noted witnesses/parties the joining details. The information will include the time for the hearing to start and will include the dedicated room telephone number so that if you want to join by phone instead of by video, you can do so.

You may be able to join using a combination of your smart TV and a smartphone.

For the best sound and picture, on a Windows device, use Google Chrome as your browser, which is available to download free if you don't have it. On an Apple device, use Safari. If you must use another browser, the video hearing will work with Microsoft Edge/Explorer, but the quality of the sound and picture will not be as good and there may be a time lag between the sound and the picture.

Video hearings are **not compatible** with Firefox.

How do I join the hearing?

Each joining instruction is valid only for that hearing. The link with which you will be provided will look like this:

Video/Lync/Skype address: roomname@meet.video.justice.gov.uk

Web browser: click here

Phone number: 0201 234 5678

Voice conference ID: 123456#

Guest page: click here

Witnesses/parties are advised to check their connection via the settings function at 9:30 for hearings starting at 10am and 1:30 for hearings starting at 2pm. This will ensure that any problems are identified and hopefully resolved in good time to allow the hearing to start on time as scheduled.

To join the hearing room:

If you are reading your notice of hearing email or letter on the device you want to use to attend the hearing, you can touch the link or Ctrl and click on the web browser link and it will take you directly to the joining page.

Alternatively, you can copy and paste the link into your browser and press return.

If you reach the Guest page, you are offered different methods of joining the hearing; Skype or browser. Click "Join by browser" and it will take you to the joining page.

The page will show the conference code and show a box "Your name". Type into the box your name as you want it to appear on the screen to other participants and briefly explain your role e.g. "Dr Bloggs, RC."

To check your connection:

Then click "Settings": make sure that the camera and microphone are set to "default".

You will see a preview of your video feed, and you will be able to make sure that the camera is correctly situated.

There is an indicator to show the noise levels as you test your microphone.

There is also a button to press that will play a test sound, so that you may measure your audio output.

Once you are content with your settings, click "OK".

If you experience any issues with your connectivity, you will have to join by telephone and you **must** inform the Tribunal secretariat that you are doing so.

Once you have tested your settings ahead of time, you can close the browser until the start time of the hearing.

At the start of the hearing:

Follow the instructions above to join the Hearing Room, enter your name and function in relation to the hearing, and click “Connect”

A voice will tell you that you are waiting for the conference host to join. You are now in the lobby. You will be held in the lobby until the Tribunal panel is ready to start the hearing.

What if I don't have a video enabled device?

If you don't have internet or a video enabled device, you can use a mobile phone or landline to connect to the dedicated room telephone number which is part of the joining details. You will need the number, the passcode and when the voice directs you to use the “pound” key, it is a reference to what is sometimes called the “hash” key or #.

What if there is a problem joining the hearing?

Sometimes a firewall problem can be overcome by the combined use of a laptop and smartphone. Anyone can join the hearing using more than one device but make sure the microphones and speakers are on MUTE on all except one of them.

What will happen at the hearing?

At the start of the hearing the Chair will make the necessary introductions. The panel will introduce themselves and then all participants will be asked to introduce themselves and say what their role is in the hearing. This will provide an opportunity to ensure that all can hear clearly and confirm that they are in a private space. You will also be told what to do if your signal fails or you fall out of the conference.

The use of the buttons on the screen will be explained and everyone should MUTE MICROPHONE when they are not speaking to cut out background noise when others are talking. Remember that if you do not mute your microphone, everyone in the room will hear everything you say, even if your camera is switched off.

The Chair will then explain the structure of the final hearing. Then the hearing can begin. The Chair will:

- ✓ Make introductions and explain how the hearing will progress
- ✓ identify the issues outstanding between parties for decision by the Tribunal
- ✓ deal with any procedural issues such as late evidence
- ✓ confirm the names of all participants in the hearing.

The hearing will then start to hear oral evidence. It is for the Chair to decide how matters proceed and (if applicable) when breaks will be taken. Video conference hearings require a high level of concentration; if you need a break sooner, you may ask the Chair if you can have a short break.

What happens when there is a break?

During breaks, you will be asked to disconnect and re-join at a set time. You can disconnect from the hearing by pressing the red button in the bottom centre of the screen. Please make sure that you re-join at the set time even if you require more

time because there is no way to find out what is happening unless you tell the Tribunal. Make sure that you have the room telephone number and passcode handy so that you can phone into the hearing if you have a problem re-joining.

What happens at the end of the hearing?

The Chair will then the hearing and all witnesses/parties will be expected to disconnect from the hearing. Please note, the Chair will have the ability to disconnect anyone at any time.

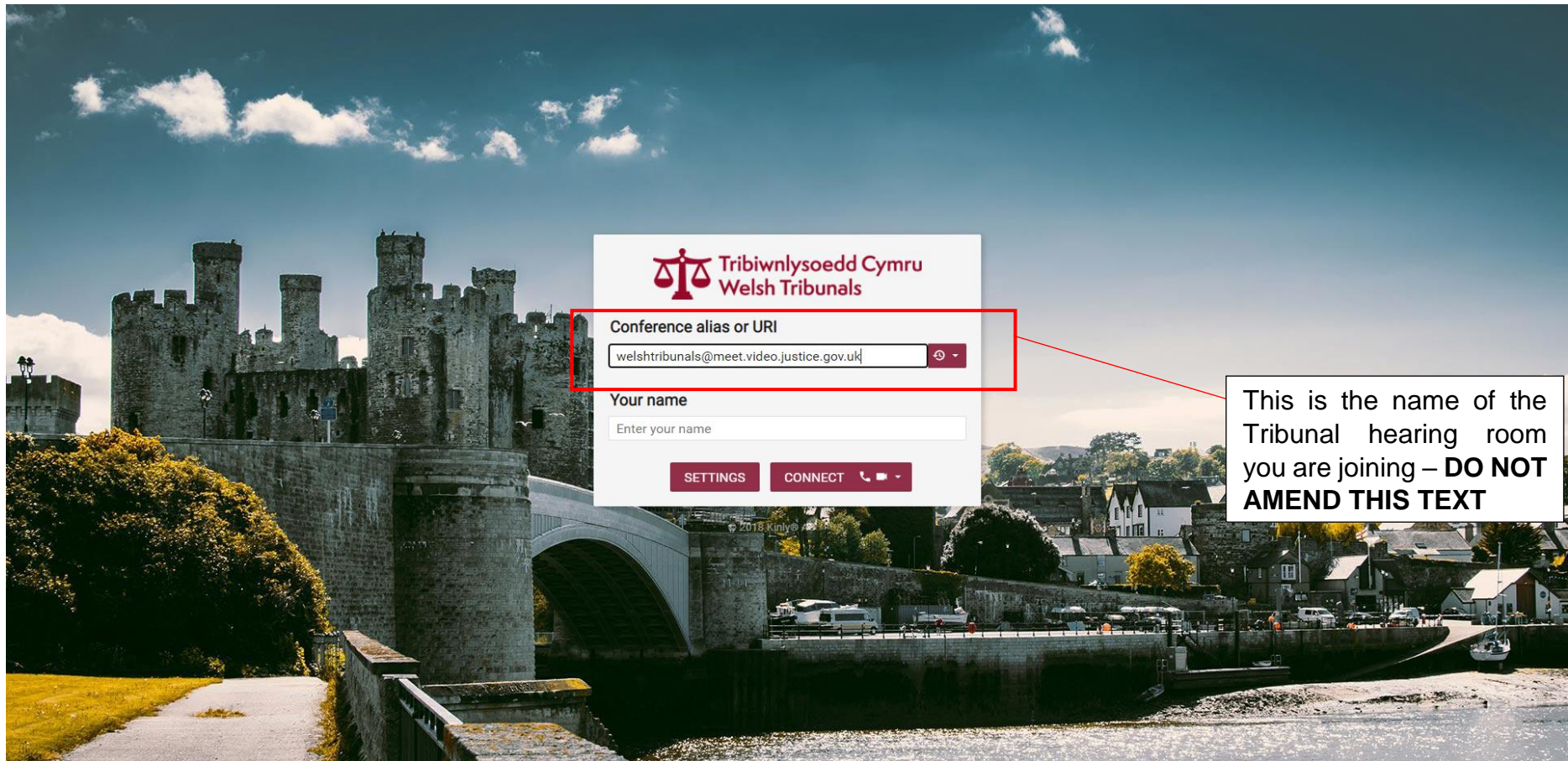
What happens after the hearing?

The Tribunal decision will be issued in the way that it is now, verbally on the first working day after the hearing, followed by the production of full written reasons.

5 July 2021

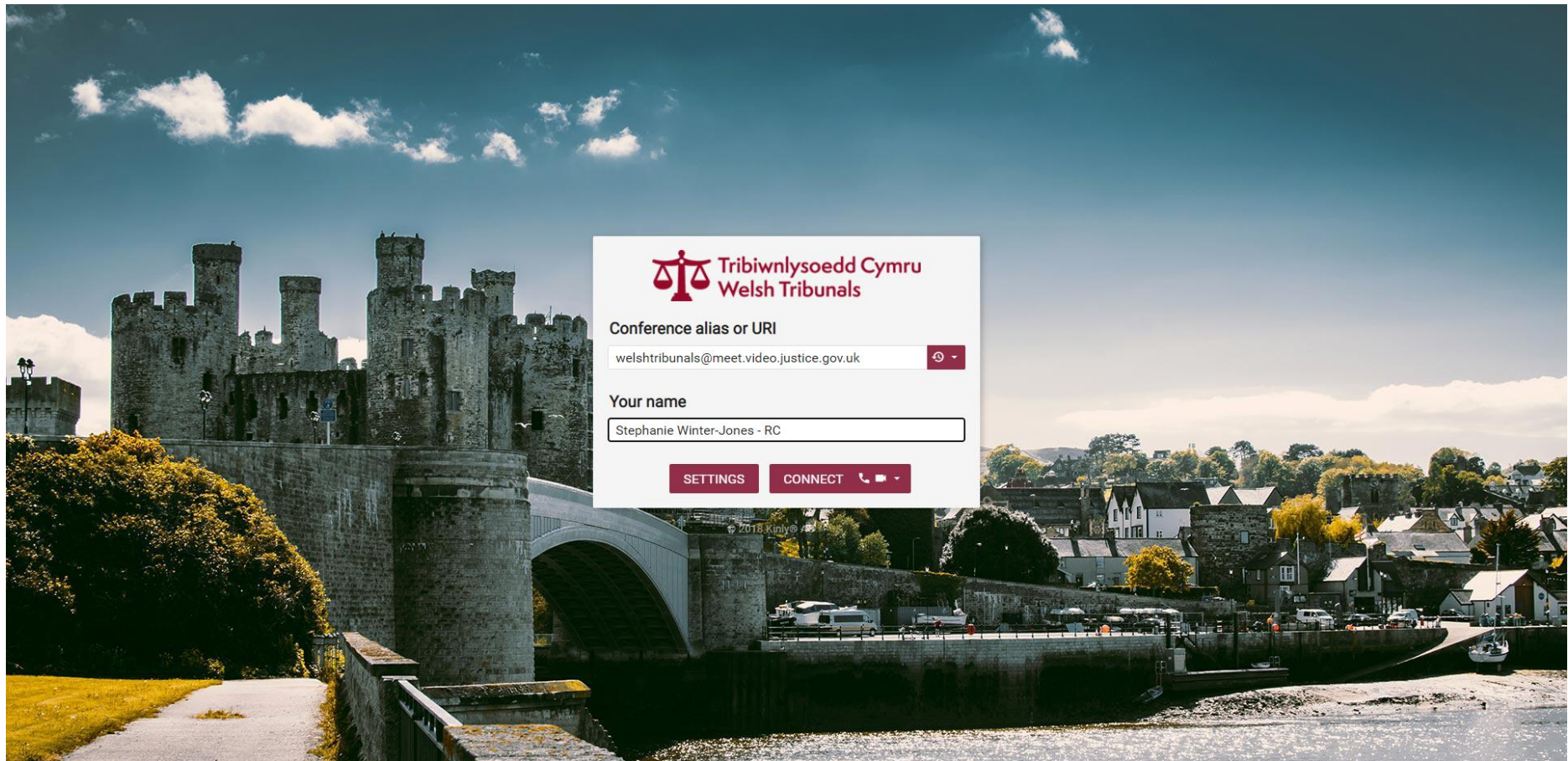
Guidance – Kinly CVP Cloudroom

Once you have clicked the web browser link in the joining instructions email, the page will open as below



Guidance – Kinly CVP Cloudroom

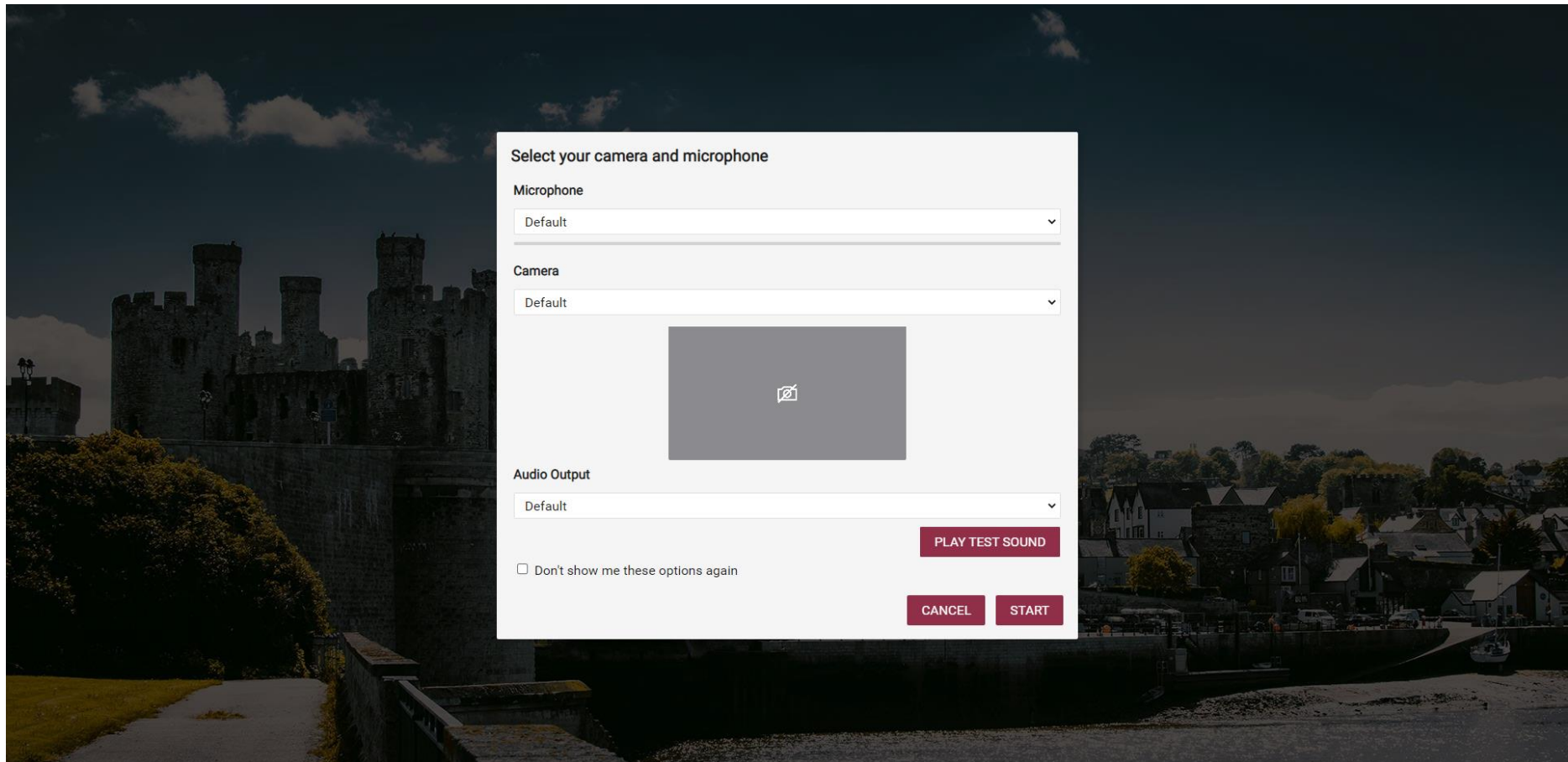
Enter your name and capacity in which you are attending the Tribunal – e.g. Joe Bloggs, RC



Once you have entered your name in the box, press CONNECT

Guidance – Kinly CVP Cloudroom

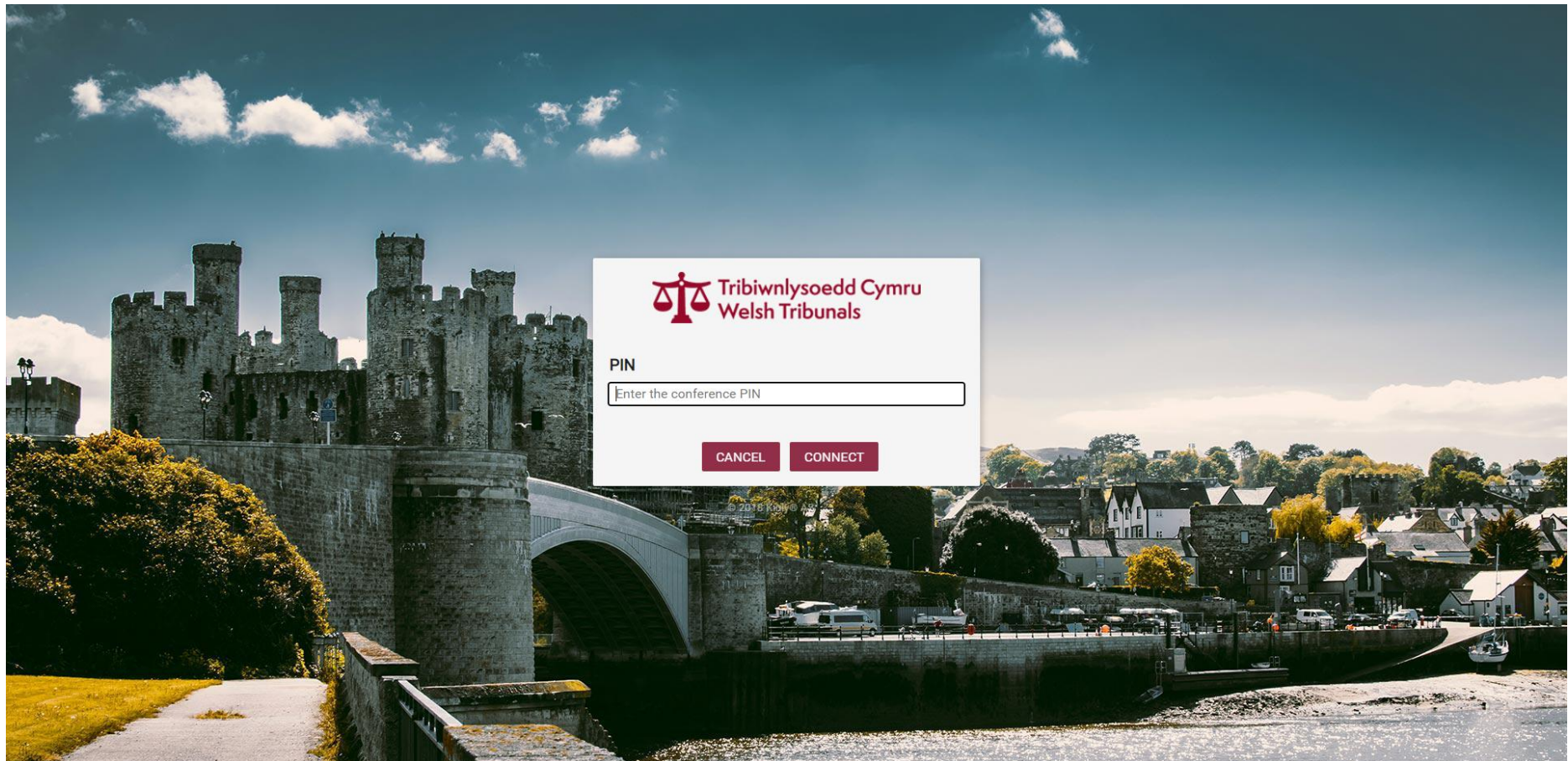
Once you have pressed CONNECT, your options for your video, microphone and sound will open as below.



Check that your settings are correct, and click START

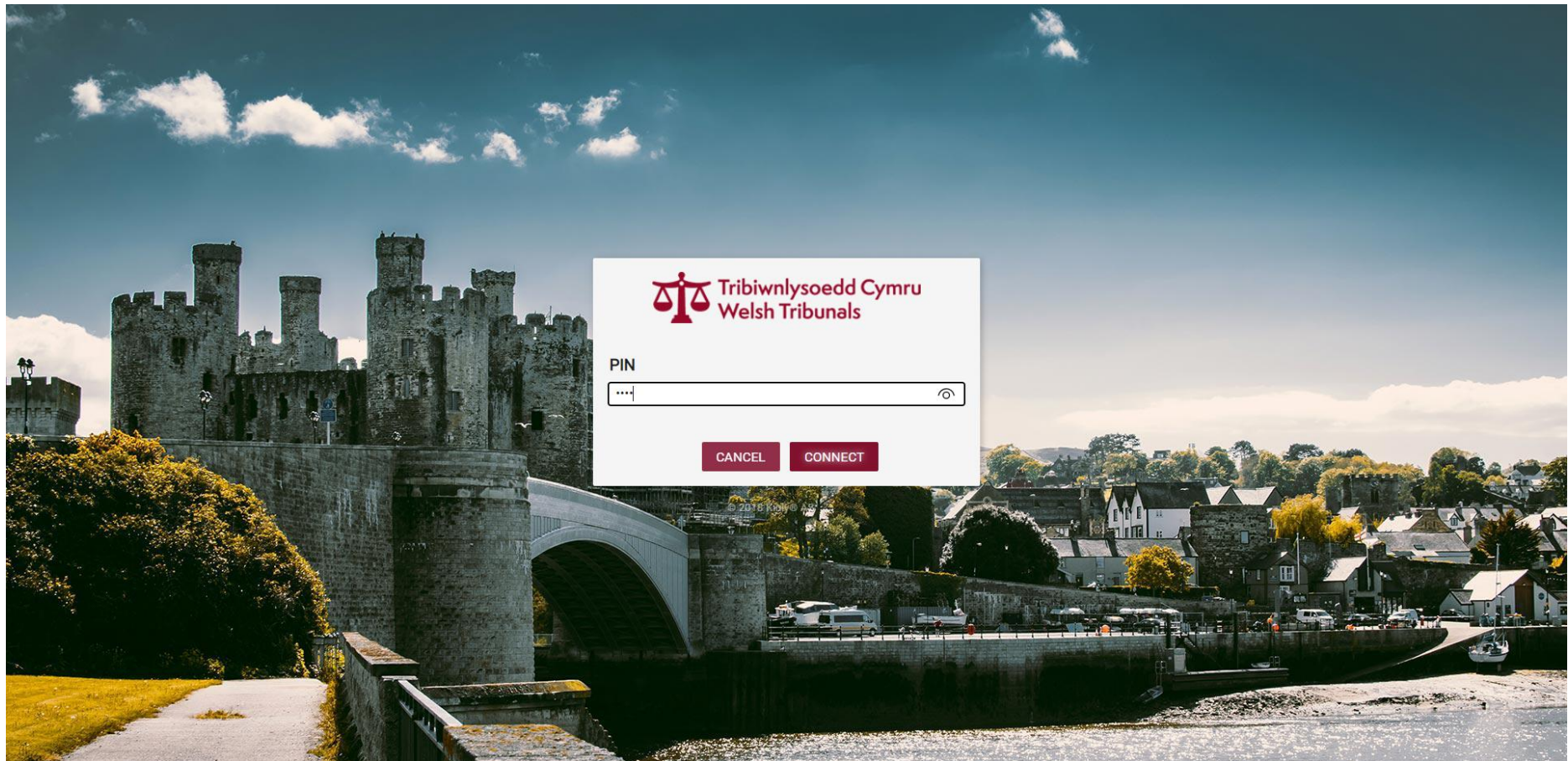
Guidance – Kinly CVP Cloudroom

You will then be taken to the PIN screen



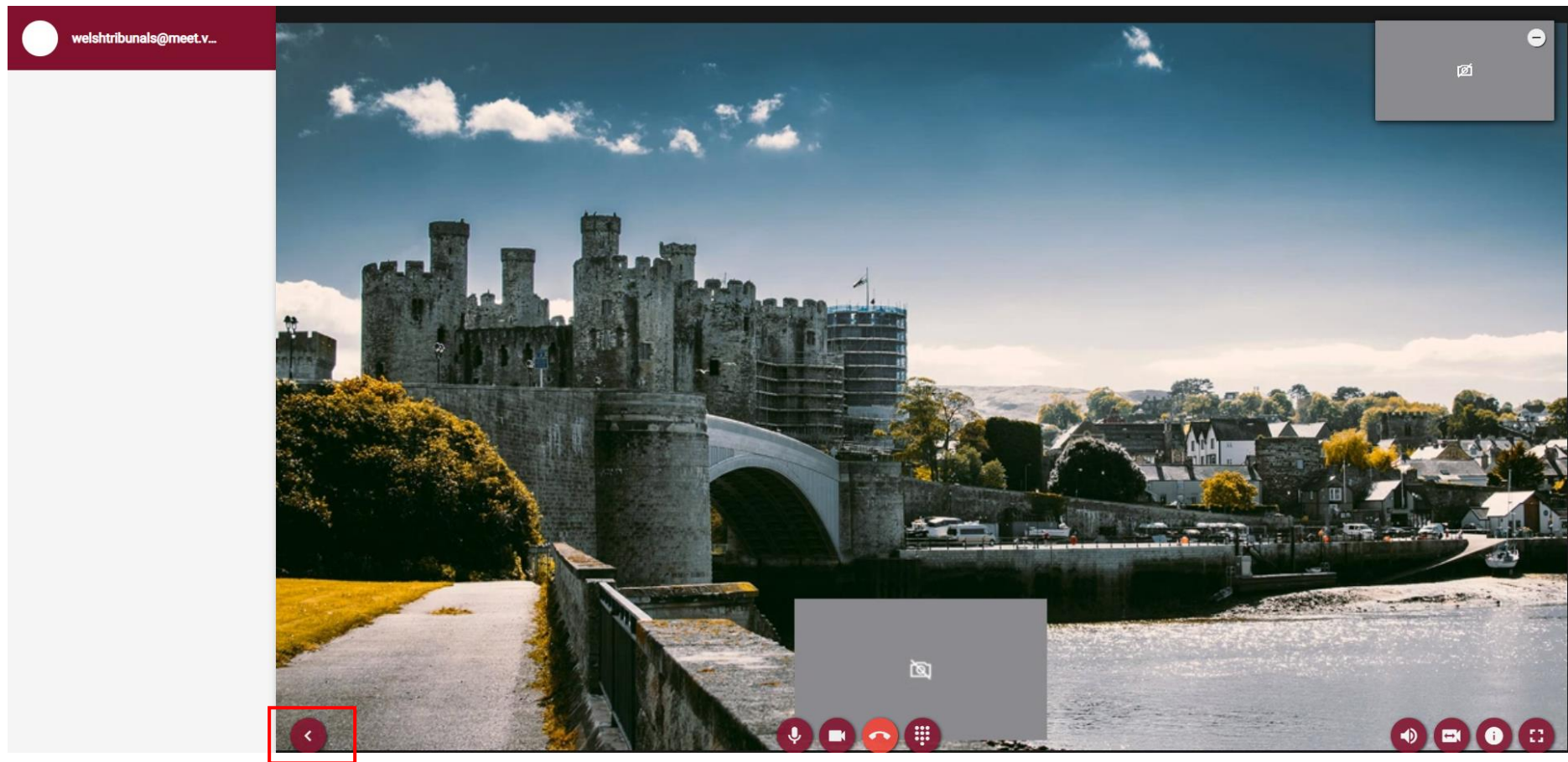
Guidance – Kinly CVP Cloudroom

Enter the Guest PIN from the Tribunal joining email, and click CONNECT



Guidance – Kinly CVP Cloudroom

You will then be taken to the Tribunal lobby, where you will wait for the Legal Chair to admit you to the Conference



Clicking this arrow will collapse the side menu (which is not used during the proceedings) and make the Tribunal hearing screen bigger

Guidance – Kinly CVP Cloudroom

Guide to symbols

