

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

Date and Time of Meeting:	14:30-16:00pm, Monday 18 th December 2023
Venue:	Ystwyth Board Room and Via MS Teams

Present:	Mr Iwan Thomas, Independent Member Mr Rhodri Evans, Interim Vice Chair of Hywel Dda University Health Board Mr Andrew Carruthers, Director of Operations Ms Ann Murphy, Independent Member
In Attendance:	Ms Liz Carroll, Director of Mental Health & Learning Disabilities Dr Warren Lloyd, Associate Medical Director/Consultant Psychiatrist CAMHS Mrs Becky Temple-Purcell, Assistant Director of Nursing MH&LD Ms Kay Isaacs, Assistant Director Mental Health & Learning Disabilities Ms Angela Lodwick, Assistant Director Mental Health & Learning Disabilities Mrs Sarah Roberts, Mental Health Legislation Manager Ms Amanda Davies, Head of Adult Mental Health Service Ms Ruth Bourke, Mental Health Act Administration Lead Mr Mark Evans, Carmarthenshire Local Authority Ms Jane Hitchings, Pembrokeshire Local Authority Ms Karen Richardson, Corporate & Partnership Governance Officer
	Secretariat: Ms Manon Horscroft, PA to Assistant Director of Nursing MH&LD

MHLC (23) 17	Introductions and Apologies for Absence	Action
	Mr Iwan Thomas introduced himself to committee and welcomed all attendees to the meeting. The following apologies for absence were received: <ul style="list-style-type: none"> • Ms Angie Darlington, Director of WWAMH • Ms Lisa Bassett-Gravelle, Head of Adult Mental Health Inpatient Wards and Learning Disabilities • Mr Winston Weir, Independent Board Member • Supt Ross Evans, Dyfed-Powys Police • Professor Chantal Patel, Independent Board Member • Mr Richard Jones, Consultant Nurse/ Responsible Clinician MHL • Mr Neil Mason, Head of Service for Older Adult MH Service 	
MHLC (23) 18	Declarations of Interests No declarations of interest were made.	
MHLC (23) 19	Minutes of the meeting held on 7 September 2023	

	The minutes of the meeting held on 7 September were APPROVED as an accurate reflection of the previous meeting.	
	The Committee NOTED and APPROVED the minutes from the previous MHLC meeting held on the 7 September 2023 .	
MHLC (23) 20	Table of Actions from the meeting held on 7 September 2023	
	<p>The Table of Actions was reviewed, and the following was noted:</p> <p>MHLC (23) 05- Ms Liz Carroll stated no further response has been received from Public Health colleagues. Further correspondence will be made following the meeting.</p> <p>MHLC (23) 06- Ms Liz Carroll has had no response from Mr Keith Jones a further correspondence will be made following the meeting.</p> <p>All other actions were marked as completed and will be removed from the Table of Actions.</p>	
	The Committee NOTED and AGREED the MHLC Table of Actions.	
MHLC (23) 21	Annual Work Plan 2024-2025	
	The Annual Work Plan 2024-2025 was shared with Committee prior to the meeting. Members of the Committee agreed on the Annual Work Plan 2024-2025 which will assist with administration of future meetings.	
	The Committee NOTED and AGREED the Annual Work Plan 2024-2025.	
MHLC (23) 22	Mental Health Legislation Committee (MHLC) Self-Assessment 2023/24 new process	
	<p>Mr Iwan Thomas provided a brief overview to Committee on the MHLC Self-Assessment 2023/2024 new process. The aim of the new process is to be proportionate, achievable and to add value to the governance capability organisation. The self-assessment will reflect on the previous year's Committee meetings in order to illustrate to the Board the difference that the Committee has made.</p> <p>Mr Iwan Thomas noted that the new process should inform the development on the governance arrangements, Board development programme and the alignment with Welsh Government Citizens Centred Governance Principles. Across the organisation, there is a desire to improve cross-committee collaboration.</p> <p>From the week commencing 15th January 2024, all Members and In attendance Members will receive the new digital self-assessment</p>	

	<p>form to complete within a period of two weeks. The outcome of the feedback on the self-assessment will be presented to the Committee on the 26th March 2024.</p> <p>Ms Karen Richardson emphasised that the form would highlight certain Committee-specific topics from a governance standpoint. Ms Richardson will distribute the proposed questions within the following week.</p> <p>Mrs Becky Temple-Purcell underlined the importance of the Committee remaining consistent. In response, Ms Richardson stated that the Self-Assessment process for MHLC is being overseen by the Governance Team to ensure consistency across all Board level Committees.</p>	KR
	<p>The Committee NOTED and AGREED the Mental Health Legislation Committee (MHLC) Self-Assessment 2022/23 new process.</p>	

MHLC (23) 23	Mental Health Act Report	
	<p>Mr Andrew Carruthers referred to the number of areas that the Mental Health Legislation Scrutiny Group discussed, in particular to the Section 136 Multi-agency review work and the changes that have been implemented. There is a need for a greater understanding of the concerns in respect of the increase of 136 cases within A&E which needs to be noted. From an operational view this will become challenging within the winter months. Mr Carruthers also noted that assurance will be needed for Board.</p> <p>Ms Liz Carroll advised that the Directorate is collaborating with A&E colleagues through the 111 press 2 option. Patients should be using this service prior to presenting elsewhere, commenting that work on the access to 111 press 2 service through A&E department will be undertaken. The national launch has yet to take place, however the Directorate has received further funding from the Welsh Government to undertaken local advertising. It should be noted that for the 111 press 2 to become the point of access, more work with Scheduled Care is required.</p> <p>Mr Thomas referenced page 10 of 3.2 that the utilisation of A&E and places of safety is increasing this quarter and enquired to the effect this had on A&E colleagues. Ms Carroll advised that this is part of the email sent to Mr Keith Jones. Ms Kay Isaacs added that the Directorate has recently appointed a new Senior Nurse for Liaison, which will help to create additional relationships with colleagues at the District General Hospitals.</p> <p>Mrs Temple-Purcell commented on the Section 136 arrangements, noting that the Directorate is continuing to scope longer-term plans</p>	

	<p>based on the 136 provisions. Further monitoring of the impact is required, with a multi-agency group has now been established to look and monitor patients on a case by case basis by looking at the patient's background and how they came under Section 136.</p> <p>Ms Ann Murphy advised that staff have expressed concerns relating to the limited space available in A&E. In terms of the police presenting to A&E with patients, Ms Murphy enquired whether the Health Board are collaborating with the Police. Mrs Sarah Roberts provided assurance that the team continue to work with the Police in this regard.</p> <p>Mrs Roberts informed members that there is a joint Section 136 protocol in place that has been written by the Local Authority, Health Board and Dyfed-Powys Police. The Mental Health Act Team monitor Section 136's daily.</p> <p>Mr Thomas referred that the Committee have not received representation from Dyfed-Powys Police in a while. Ms Kay Isaacs raised that the representation they have in Scrutiny is Sian Bamford, and proposed that the MHLC Secretariat contact Dyfed-Powys Police to confirm who will attend future Committee meetings.</p> <p>In response to a query from Ms Carroll relating to the data for the new Community Treatment Orders (CTO's), Mrs Roberts stated that the team have seen a slight rise and will continue to monitor this.</p>	MH
	The Committee RECEIVED and NOTED the Mental Health Act Report.	
MHLC (23) 24	Power of Discharge Sub-Committee (28th November 2023)	
	<p>The previous meeting was held on the 28th of November, where the draft minutes were attached as an appendix for information.</p> <p>Ms Ruth Bourke highlighted that the HIW Annual Report is included for information. The Mental Health Review Tribunal for Wales Annual Report has been deferred to the new year as they are awaiting translation.</p> <p>As the Chair of the Sub-Committee, Mr Thomas noted that useful discussions took place around discharge and an issue highlighted about the rooms that are used. It should be recognised that building work can cause significant distress to patients, however this is beyond the control of employees.</p>	
	The Committee RECEIVED and NOTED the Power of Discharge Sub-Committee (28th November 2023).	
MHLC (23) 25	Scrutiny Group Update, Terms of Reference for approval and the Mental Health (Wales) Measure 2010 Report	

	<p>The previous Mental Health Legislation Scrutiny Group meeting took place on the 9th of November with the focus of the meeting being around the final review of the groups Terms of Reference.</p> <p>Committee members were asked to approve and agree the Mental Health Legislation Scrutiny Group Terms of Reference.</p>	
	<p>The Committee RECEIVED and NOTED the of Scrutiny Group Update.</p> <p>The Committee RECEIVED and AGREED the Mental Health Legislation Scrutiny Group Terms of Reference.</p> <p>The Committee RECEIVED and NOTED the Mental Health (Wales) Measure 2010 Report.</p>	
MHLC (23) 26	Operational Risk Register	
	<p>Mr Carruthers raised that a new risk has been included within the register, this is an area where the Committee has struggled to bring items from the register for review.</p> <p>Ms Carroll highlighted that when Young People are admitted to one of the inpatient wards, they will receive one-on-one observation for their duration on the ward. This is a mitigated risk, however the request on the 136 sections came from the Health and Safety Committee.</p> <p>This risk was identified during the 136 reviews, an action was taken on the risk register by Audit Wales, and Ms Carroll stated that deep dives have been undertaken in areas where this risk was identified. Section 136 has a plan in place, and the Directorate is looking at how the function might be best discharged across the Directorate. Mrs Temple-Purcell raised that another risk would need to be formulated and included on the register around the community base place of safety in Gorwelion. The community base place of safety in Gorwelion has been stood down temporarily, where further discussions on the risk will be welcomed at the next MHLC meeting in March 2024.</p> <p>Ms Isaacs reported that Scrutiny Group has agreed for the risk register to become a standard agenda item at the meeting which led to further discussions on the shortage of Section 12 Doctors. An action was noted during the Scrutiny meeting on including the Section 12 doctor shortage on the register.</p> <p>Committee members were recommended to review and scrutinise the risks within the report and seek assurance that the mitigated risks are in place. Ms Isaacs reported that this risk was not discussed at the previous Scrutiny meeting.</p> <p>Mrs Temple-Purcell added that the assurance is that the risk has been identified and the right actions are in place. In terms of</p>	<p>BTP, LC</p>

	<p>additional information there is a need to fully mitigate the risk however the actions are now in place to move the place of safety.</p> <p>In respect to Children and Young People Mr Mark Evans noted that the Health Board has developed a new establishment in Bro Myrddin and queried whether this would be a suitable environment to mitigate the risk.</p> <p>Ms Angela Lodwick responded that Bro Myrddin Crisis Hub has been developed as an alternative to admission where there are no designated beds. Whilst Young People can come in as a crisis a policy is in place that states the Young Person can be supported up to a period of four hours and can be extended based on individual needs. In terms of admissions this is not a suitable environment, and the purpose of the funding was given to avoid admissions.</p>	
	<p>The Committee RECEIVED and NOTED the Risk Register update.</p>	

<p>MHLC (23) 27</p>	<p>Policies for Approval</p>	
	<p>Mr Carruthers presented the following policies for approval confirming that has been no changes in legislation.</p> <ul style="list-style-type: none"> • 596 Section 5(2) Nurses Holding Policy • 625 Community Treatment Order Policies <p>Mrs Roberts stated that the two policies are part of their three-yearly review process from the Written Control Document Group. The policies have been extensively consulted upon and updated following presentation to various groups.</p> <p>Mrs Roberts noted that the team has included General Hospital Staff particular around the Doctor Holding Power following the increase on this. Mrs Roberts was also invited to the Senior Nurse Management Team Meeting. Both policies have now been approved through various groups and have been presented to this Committee for approval.</p> <p>In response to a query from Mr Thomas on the training provided, Mrs Roberts stated that the training will be tailored to each team with regular updates provided to the Community Mental Health Teams as they are the teams that manage patients on community treatment orders. The training will be tailored to the teams that they are delivering to.</p> <p>Mrs Temple-Purcell acknowledged the hard work that has been undertaken by the Mental Health Act team.</p>	

	The Committee approved the Section 5(2) Doctors Holding Power Policy and Community Treatment Order Policy.	
	The Committee RECEIVED and APPROVED the Section 5(2) Doctors Holding Power Policy.	
	The Committee RECEIVED and APPROVED the Community Treatment Order Policy.	

MHLC (23) 30	Schedule of Meetings 2024-2025	
	For information only.	
MHLC (23) 31	Annual Work Plan 2023-2024	
	For information only.	

MHLC (23) 32	Right Care Right Person	
	<p>Mrs Roberts met with Inspector Dominic Jones who is the lead of the Right Care Right Person project, advising that all four Police Forces across Wales will be introducing the phases of the project at different times.</p> <ul style="list-style-type: none"> • North Wales Police Force will introduce phase one in January 2024. • South Wales and Gwent Police are looking to introduce their phase one in February 2024. • Dyfed Powys Police will launch phase one in June 2024. There is work to be done on data collection, which has caused the force to be delayed. Dyfed-Powys Police need to look at how other forces are implementing each phase. <p>Members noted that discussions have not taken place in Powys, however could be arranged, if needed.</p>	

MHLC (23) 33	Healthcare Inspectorate Wales Annual Report 2022-2023	
	For information only.	

MHLC (23) 34	Any Other Business	
	<p>Members noted that Mr Clive Smith, Carers Representative, has now resigned. Ms Kay Isaacs raised that an individual with lived experiences has not attended the Committee and Scrutiny Group in a while.</p> <p>Ms Isaacs and Ms Angie Darlington are looking at a recruitment process to focus on identifying an individual to attend with lived experiences. Mrs Temple-Purcell commented , West Wales Action for Mental Health are doing work on the Section 136 multi-agency</p>	

	review by collating feedback from service users with lived experiences of Section 136.	
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MHLC (23) 35	Matters for Escalation to Board	
	<ul style="list-style-type: none"> • Looking at the new arrangement to interlink with other Committees. • The Committee were made aware on wider system pressures this winter and this collaboration is key on how we address this. • Dyfed-Powys Police representative for Committee will be revisited outside of the meeting. • Mr Carruthers raised on the new risk on the register with useful discussions occurred. • Community Place of Safety in Gorwelion risk will be included on the register and further discussions on this risk will take place at the March 2024 Committee. • The shortage of Section 12 Doctors was discussed at the Mental Health Legislation Scrutiny Group. • The Young Person provision at Bro Myrddin hub was discussed. • Mr Clive Smith, Carer Representative and has now retired, the Committee will look at having representation of lived experience to attend. 	

MHLC (23) 36	Date, Time and Venue of Next Meeting	
	The next meeting of the Mental Health Legislation Committee will be held on Tuesday, 26th March 2024 at 10:30am. This may be in person and via MS Teams from 10:30am – 13:30pm. The venue for the in-person meeting will be notified nearer to the date of the meeting.	