



**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:	11:00-12:30pm, Friday 7 June 2024
Venue:	Ystwyth Board Room and Via MS Teams

Present:	Mr Iwan Thomas, Independent Member Mr Andrew Carruthers, Director of Operations Ms Ann Murphy, Independent Member Mr Winston Weir, Independent Member
In Attendance:	Ms Liz Carroll, Director of Mental Health & Learning Disabilities Mrs Becky Temple-Purcell, Assistant Director of Nursing MH&LD Dr Warren Lloyd, Associate Medical Director/Consultant Psychiatrist CAMHS Ms Angela Lodwick, Assistant Director Mental Health & Learning Disabilities Mrs Sarah Roberts, Mental Health Legislation Manager Ms Ruth Bourke, Mental Health Act Administration Lead Ms Jane Hitchings, Pembrokeshire Local Authority Mr Simon Thomas, Ceredigion Local Authority Mr Mark Evans, Carmarthenshire Local Authority  Secretariat: Ms Manon Horscroft, PA to Assistant Director of Nursing MH&LD

MHLC (24) 15	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"> <li>Ms Eleanor Marks, Vice Chair of Hywel Dda University Health Board</li> <li>Ms Lisa Bassett-Gravelle, Head of Adult Mental Health Inpatient Wards and Learning Disabilities</li> <li>Mr Neil Mason, Head of Service: Older Adult MH</li> <li>Ms Kay Isaacs, Assistant Director of MH&amp;LD</li> <li>Supt Chris Neve, Dyfed-Powys Police</li> <li>Ms Amanda Davies, Head of Adult Mental Health Service</li> </ul>	

MHLC (24) 16	Declarations of Interests	Action
	No declarations of interest were made.	

MHLC (24) 17	Minutes of the meeting held on 26 March 2024	Action
	Mrs Becky Temple-Purcell raised under page three section Mental Health Act Report, that two actions should be placed on the Table of Actions for representation to attend the Mental Health Legislation Scrutiny Group meetings. The second action is in	

	<p>respect for the Committee to commission a deep dive from Mental Health Legislation Scrutiny Group meeting around Mental Health Act activity within general hospital settings. Ms Manon Horscroft will update the minutes and table of actions accordingly.</p> <p>The minutes of the meeting held on <b>26 March</b> were <b>APPROVED</b> as an accurate reflection of the previous meeting.</p>	<b>MH</b>
	The Committee <b>NOTED</b> and <b>APPROVED</b> the minutes from the previous MHLC meeting held on the <b>26 March 2024</b> .	

<b>MHLC (24) 18</b>	<b>Table of Actions from the meeting held on 26 March 2024</b>	
	The Table of Actions was reviewed, all actions were marked as completed and will be removed from the Table of Actions.	
	The Committee <b>NOTED</b> and <b>AGREED</b> the MHLC Table of Actions.	

<b>MHLC (24) 19</b>	<b>Annual Review of Mental Health Legislation Committee Terms of Reference</b>	
	<p>The Terms of Reference for the Mental Health Legislation Committee were distributed to members prior to the meeting. The following were the results of an open discussion about changes and amendments to the current Terms of Reference:</p> <p><b>1. Constitution:</b> No changes were raised by Committee.</p> <p><b>2. Purpose</b> No changes were raised by Committee.</p> <p><b>3. Key Responsibilities</b> No changes were raised by Committee.</p> <p><b>4. Membership</b> Mrs Becky Temple-Purcell queried whether Committee requires representation either from the A&amp;E Department or from the General part of the Health Board. Representation from these departments would support input and feedback to the Mental Health Act discussions that occur at Committee. No objections were raised by Committee.</p> <p>Ms Ann Murphy stated that within the in-attendance section 4.2 of the Terms of Reference some representatives rarely attend and do not send representative on their behalf to attend. Ms Murphy suggested for a letter to be sent to those in attendees that rarely attend that they need to record their attendance moving forward and send a nominated substitute on their behalf to attend the meeting. Mr Thomas agreed on the suggestion, where a review of</p>	<b>EM, IT, MH</b>

	<p>attendance will be made and for letters to be circulated on behalf of the Chair Ms Eleanor Marks.</p> <p>Ms Murphy also queried whether the Committee have now appointed a new carer representative since the previous representative retired. Ms Liz Carroll stated that further discussions need to occur with Ms Jo Wilson in relation to Service User Carer representative.</p> <p>Mr Mark Evans had no objections for a representative from the General Hospital to attend Committee, but Mental Health is one element of their work, but an alternative approach Mr Evans stated that they could be co-opt at certain times as appose being a standard Committee member. Ms Carroll stated that Mental Health Legislation Scrutiny Group will need to review their membership ahead of nominating new members to Committee if this is not covered at scrutiny.</p> <p><b>5. Quorum and Attendance</b> No changes were raised by Committee.</p> <p><b>6. Agenda and Papers</b> No changes were raised by Committee.</p> <p><b>7. In Committee</b> No changes were raised by Committee.</p> <p><b>8. Frequency of Meeting</b> No changes were raised by Committee.</p> <p><b>9. Accountability, Responsibility and Authority</b> No changes were raised by Committee.</p> <p><b>10. Reporting</b> No changes were raised by Committee.</p> <p><b>11. Secretarial Support</b> No changes were raised by Committee.</p> <p><b>12. Review Date</b> The Terms of Reference will continue to be reviewed on an annual basis.</p>	<p>LC</p> <p>KI, SRO</p>
	<p>The Committee <b>NOTED</b> and <b>APPROVED</b> the Annual Review of Mental Health Legislation Committee Terms of Reference.</p>	

<b>MHLC (24) 20</b>	<b>Mental Health Legislation Committee Annual Report 2023-2024</b>	
	<p>The Mental Health Legislation Committee Annual Report provides assurance to Public Board in respect of the work that has been undertaken by the Committee during 2023/24, and that the terms of</p>	

	reference as set by the Sub Committee are being appropriately discharged.	
	Committee approved the Annual Report 2023-24 ahead of being presented at Public Board for further endorsement in July.	
	The Committee <b>NOTED</b> and <b>AGREED</b> the Mental Health Legislation Committee Annual Report 2023-2024.	

<b>MHLC (24) 21</b>	<b>Mental Health Legislation Committee Self-Assessment Outcome Report</b>	
	<p>The purpose of this report is to present to the Mental Health Legislation Committee (MHLC) the outcome of the MHLC Self-Assessment 2023/24 process. A refreshed approach to the Committee self-assessment process was developed in 2023 which was intended to be proportionate, achievable and add value to the organisation’s governance capability.</p> <p>There are five key actions for Committee highlighted within the report presented with key timeframe noted by each one. Ms Carroll noted that the report is in line with the Health Board standing orders and all Board Committees have to undertake this process.</p> <p>Ms Murphy raised that all hard work that has gone into the Self-assessment presents well. Ms Murphy stated that the papers submitted to Committee have improved. From Summer 2024 there will be a split within the agenda to focus separately on Children and Adult.</p> <p>Ms Murphy queried whether the refresher training has been established for the Independent Members. Mrs Sarah Roberts noted the report itself refers to the Mental Health Legislation Scrutiny Group and does not reference the Power of Discharge Sub-committee which is the only Sub-committee of this Committee. The Sub-committee have their own delegated duties one of those is to review any applications of discharge and within the Sub-committee Mrs Roberts noted that reports from the Mental Health Act Team are reviewed in relation to applications from both Adult and under 18’s.</p> <p>The number of under 18’s being detained are very small, with this being so small it could mean that it would make that information patient identifiable.. Mrs Roberts assured Committee that these discussions are taking place at the Power of Discharge Sub-committee.</p> <p>In respect to training, Mrs Roberts stated that every Power of Discharge Sub-committee is split into two parts, the first covers the Committees business and the second is for ongoing training which IMs who attend hearings and Hospital Mangers attend. All training</p>	

	<p>is also updated on the dedicated Hospital Managers Microsoft Teams channel.</p> <p>Mrs Temple-Purcell reflected and noted under part '<i>what we could do better</i>' states that the first point is on clear terms of reference on responsibilities, membership, and expectation. Mrs Temple-Purcell wanted Committee to be compliant and proactive.</p>	
	The Committee <b>CONSIDERED</b> and <b>AGREED</b> the Mental Health Legislation Committee Self-Assessment Outcome Report.	

<b>MHLC (24) 22</b>	<b>Power of Discharge Sub-committee</b>	
	<p>The previous meeting was held 9<sup>th</sup> of April, which focused on the Hospital Managers work that has been carried out during quarter four. Ms Ruth Bourke highlighted that there are seven new Hospital Managers but have now dropped to six due to one withdrawing.</p> <p>Discussions occurred during the meeting from Senior Members of the Sub-committee which was in respect to Hospital Managers had not received a pay lift since 2019 and work is being done behind the scenes to investigate this work.</p> <p>At the next Power of Discharge Sub-committee, it was agreed that IT Training will be provided to the Hospital Managers. The Sub-committee also reviewed their Terms of Reference that have been submitted to Committee for approval. Mr Thomas has also raised the Hospital Managers pay lift with the Director of Finance.</p> <p>Committee approved the terms of reference of the Power of Discharge Sub-committee.</p>	
	<p>The Committee <b>RECEIVED</b> and <b>NOTED</b> the Power of Discharge Sub-committee.</p> <p>The Committee <b>RECEIVED</b> and <b>APPROVE</b> the Power of Discharge Sub-committee Terms of Reference.</p>	
<b>MHLC (24) 23</b>	<b>Mental Health Act Report</b>	
	<p>During this quarter the report highlighted the high usage of Section 3 and this seen not only for Adult but also for Older Adult across the three Counties. Mrs Roberts also noted that during this quarter there was a continued increase of Section 136 cases, where patients were taken to A&amp;E settings which did present some operational issues.</p> <p>In respect to Section 136, Mrs Roberts noted that within this quarter patients are now being brought to the Mental Health Place of Safety. The Mental Health Legislation Scrutiny group are looking</p>	

	<p>into the usage of Place of Safety in particular to the General Hospital Settings.</p> <p>Mrs Temple-Purcell stated the importance of the ethnicity statistics seen within the report. From a statistics view within the report it notes there is 92% of assessments undertaken are people categorised as White British. The 8% of assessments who are not White British is disproportionately high but not uncommon.</p> <p>Mr Thomas queried the figures of Section 136 within the General Hospital settings. Mrs Roberts raised that some patients under Section 136 are regularly seen by the Police and are placed under a Section 136 that was seen during this quarter.</p>	
	<p>The Committee <b>RECEIVED</b> and <b>NOTED</b> the Mental Health Act Report.</p>	
<p><b>MHLC (24) 24</b></p>	<p><b>Scrutiny Group Update and Mental Health (Wales) Measure 2010 Report</b></p>	
	<p>The previous meeting occurred on 9<sup>th</sup> May that was well attended by members. A number of items were discussed at the meeting with the main focus of the meeting around the Section 136 workshop that is due to occur with Dyfed-Powys Police in June. The workshop is being facilitated due to the number of operational issues that the Police want to discuss.</p> <p>In respect to the Section 136 discussions, Mrs Roberts stated that the group wanted to ensure that following an assessment AMHP's would ensure that the patients GP would receive an outcome of the assessment. The GP would be aware that the patient is subject to a Section 136 and in crisis.</p> <p>A GP representative attended the meeting and felt that GP's should have this information moving forward. The group also discussed the Section 136 pathway and how the assessments are being carried out and supported by the on call Doctors.</p> <p>During the meeting members also received a report from the Quality Assurance Practice Development team and the three Local Authorities provided their comprehensive reports on activity during the quarter. Section 17 leave policy was also approved at the meeting.</p> <p>Mr Simon Thomas highlighted the impact in relation to Section 136 where there isn't a place of safety for assessment in Ceredigion. This was raised at a regional meeting on the expectations and the role of the Police with the conveyance. This does have an impact on the individual traveling a long distance to the closest place of safety which is Morlais. In respect to A&amp;E activity in Ceredigion it is low. Some of the delays in assessments are due to not being able to use Gorwelion.</p>	

	<p>Ms Jane Hitchings stated the Place of Safety for the evenings is out of County. During the quarter Pembrokeshire had the same individual under Section 136 four or five times. Ms Hitchings raised that the Local Authority have updated their AMHP assessment forms that now document who receive the forms as this was a particular request from GP's.</p> <p>In respect to Carmarthenshire Local Authority, Mr Evans highlighted bed availability and the issue where two medical recommendations are needed before an individual is hospitalised. Following this the Approved Mental Health Professional was unable to effect the admission. Mr Evans was noticing some periods where they couldn't get someone admitted and was seen as an issue during the quarter.</p> <p>In respect to the Individual who presented on Section 136 on several occasions in Pembrokeshire, Ms Carroll queried whether Ms Hitchings endeavours on seeing the individual through an assessment clinic when they're not in crisis. Ms Hitchings noted that this individual was open to Carmarthenshire CMHT and not Pembrokeshire. If this patient was detained under Section 136 in Pembrokeshire a professionals meeting would've been arranged</p> <p>Ms Liz Carroll stated under the section of risk register, Gorwelion is included within the report and not Morlais. The risks should be reflected as shown within the Risk Register paper.</p> <p>Dr Warren Lloyd thanked the three Local Authority representatives on their issues raised and contributions to the twice daily bed state conference meetings. It is encouraging that the multi-agency discussions occur twice daily and how the Directorate can meet individual's needs within the Community and support discharges from the wards to facilitate access to beds.</p> <p>In respect to the last quarter there has been an increase of equity, but in terms of the improvement of flow Dr Lloyd raised that the work on the Sector Base Model of Care is ongoing. Dr Lloyd is encouraged that the level of engagement and support from Consultant Colleagues on the adoption a new module. There is a number of work streams to look at further improvement and decision making of Patient Flow.</p>	
	<p>The Committee <b>RECEIVED</b> and <b>NOTED</b> the Scrutiny Group Update and Mental Health (Wales) Measure 2010 Report.</p>	
<p><b>MHLC (24) 25</b></p>	<p><b>Operational Risk Register</b></p>	
	<p>There are no changes to the scores of the risks noted within the papers. Ms Carroll raised that in respect to the Section 136 workshop both risks are linked to the day, however Morlais is in relation to estates issues. Section 136 is a working process with multi-agency partners.</p>	

	The Committee <b>RECEIVED</b> and <b>ASSURED</b> the Risk Register update.	

<b>MHLC (24) 26</b>	<b>Policies for Approval</b>	
	<p>Mrs Roberts presented the Section 17 Leave Policy that was having its three yearly review. Mrs Roberts confirmed that there have been no changes in legislation within the last three years. The policy has been widely shared and been out on global for two weeks for consultations.</p> <p>Updated the section 17 leave form and consulted with the staff. Hoping to have gone to an electrical form and in the next 3 yearly review hoping to have moved to an electronic form.</p> <p>Ms Murphy queried whether all policies should only show individuals job roles rather than their names. This was suggested due to people moving roles. Mrs Roberts agreed with the suggestion and will amend the policy. This will also be raised with Jo Wilson for all Health Board Policies to follow the same process.</p> <p>The Committee approved the Section 17 Leave Policy.</p>	SRo, LC
	The Committee <b>RECEIVED</b> and <b>APPROVED</b> the Section 17 Policy.	

<b>MHLC (24) 27</b>	<b>Schedule of Meetings 2024-2025</b>	
	For information only.	
<b>MHLC (24) 28</b>	<b>Annual Work Plan 2024-2025</b>	
	For information only.	

<b>MHLC (24) 29</b>	<b>Any Other Business</b>	
	On behalf of the Committee Mr Thomas thanked Mr Evans for his contributions to the Mental Health Legislation Committee and Mental Health Legislation Scrutiny Group. Mr Evans will be retiring from his role with Carmarthenshire Local Authority.	

<b>MHLC (24) 30</b>	<b>Matters for Escalation to Board</b>	
	<p><b>Alert:</b></p> <ul style="list-style-type: none"> <li>Nothing to note</li> </ul> <p><b>Advise:</b></p> <ul style="list-style-type: none"> <li>The Power of Discharge Sub-committee advised Committee that discussions occurred at during the meeting from Senior</li> </ul>	

	<p>Members of the Sub-committee, which was in respect to Hospital Managers, had not received a pay lift since 2019.</p> <ul style="list-style-type: none"> <li>• Section 136 Workshop being facilitated on June 18<sup>th</sup> by Dyfed-Powys Police colleagues.</li> <li>• Under the approval of Section 17 Leave Policy, Committee agreed during the meeting that policies should only capture the job title and individual names should be removed due to changes within job roles. Committee suggested for discussions to be had for all Health Board Policies to follow the same structure.</li> </ul> <p><b>Assure:</b></p> <ul style="list-style-type: none"> <li>• The annual review of the Mental Health Legislation Terms of Reference was due. All changes to the Terms of Reference have been noted and will be shared at Public Board for final approval.</li> <li>• The Mental Health Legislation Annual Report 2023-2024 was presented and discussed at Committee. The Annual Report was approved by Committee ahead of its presentation to Public Board in July.</li> <li>• The Mental Health Act report highlighted the high usage of Section 3 not only for Adult but also for Older Adult across the three Counties. During this quarter, there was a continued increase of Section 136 cases, where patients were taken to A&amp;E settings, which did present some operational issues. Within this quarter, patients are being brought to the Mental Health Place of Safety. The Mental Health Legislation Scrutiny group are looking into the usage of Place of Safety in particular to the General Hospital Settings.</li> </ul> <p><b>Review of Risks:</b></p> <ul style="list-style-type: none"> <li>• No changes with risk scores</li> </ul> <p><b>Sharing of learning:</b></p> <ul style="list-style-type: none"> <li>• Nothing to note</li> </ul>	
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<b>MHLC (24) 31</b>	<b>Date, Time and Venue of Next Meeting</b>	
	The next meeting of the Mental Health Legislation Committee will be held on Tuesday, 3 <sup>rd</sup> September 2024 at 10:30am. This may be in person and via MS Teams from 10:30am- 12:00pm. The venue for the in-person meeting will be notified nearer to the date of the meeting.	