



**PWYLLGOR DEDDFWRIAETH IECHYD MEDDWL
MENTAL HEALTH LEGISLATION COMMITTEE**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	04 June 2026
TEITL YR ADRODDIAD: TITLE OF REPORT:	Mental Health Legislation Scrutiny Group Update
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Andrew Carruthers, Chief Operating Officer
SWYDDOG ADRODD: REPORTING OFFICER:	Becky Temple-Purcell, Chair of the Mental Health Legislation Scrutiny Group

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Er Sicrwydd/For Assurance

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

This report provides the Mental Health Legislation Committee (MHLC) with a summary and update from the Mental Health Legislation Scrutiny Group (MHL SG) meeting held on 15 May 2026, outlining key areas of performance, risk, governance and development across mental health legislation systems.

Cefndir / Background

The Mental Health Legislation Scrutiny Group operates as a formal sub-group of the MHLC, with responsibility for providing assurance regarding compliance with the Mental Health Act (1983) and the Mental Health (Wales) Measure (2010). The group routinely considers performance, quality, and governance information including Mental Health Measure data, Mental Health Act activity, risk register oversight, Local Authority reporting and policy updates. At the May meeting, attendance was limited, including the absence of Local Authority representation, and while quoracy was uncertain the group agreed to proceed. A key theme arising from discussion was the need to strengthen the qualitative aspects of reporting, particularly in relation to patient experience and outcomes, which are currently underrepresented within existing data.

Asesiad / Assessment

Governance

In relation to governance arrangements, the group reviewed prior meeting records and agreed amendments to ensure accuracy before recirculation. Primary Care representation has not been established at Scrutiny Group meetings to date. Whilst Local Authority, Police and Lived Experience Representatives are typically in attendance, they were unable to attend this meeting, which impacted the breadth of multi-agency scrutiny and assurance.

Patient Experience

To address gaps in qualitative insight, it was agreed that advocacy-led thematic reporting will be introduced on a quarterly basis to better capture patient experience and narrative alongside existing quantitative data.

Review of Risks

The review of the risk register confirmed that key risks remain largely unchanged. Workforce pressures in Ceredigion continue to present a risk despite some improvement in staffing levels, and the position requires ongoing monitoring. The risk relating to Gorwelion Community Based Place of Safety remains dependent on progression of the Section 136 proposal, due to be presented to Board in June 2026. Bed availability has re-emerged as a concern, reflected in further recent use of private out-of-area beds as a mitigation. Members highlighted the need for more detailed risk reports to be provided to the group in order to support effective scrutiny and strengthen oversight.

Mental Health (Wales) Measure 2010

Performance information for the Mental Health Measure identified variability across services during the reporting period. Adult Mental Health performance in Part 1A of the Measure experienced a temporary decline in January 2026 which was attributed to sustained demand, increasing clinical complexity of cases and workforce pressures, although improvement, meeting expected levels of compliance, has been noted in subsequent months. Child and Adolescent Mental Health Services (CAMHS) performance demonstrated a more significant dip in Part 1B of the Measure, linked to workforce capacity and annual leave patterns, with early indications suggesting recovery following improved planning. Compliance with Care and Treatment Planning requirements is broadly above expected levels, although some variation remains at a local level. Challenges were reported in relation to 72-hour follow-up, particularly where patients are transferred between services or placed out of area. Strategic discussion also highlighted the potential implications of Open Access models on performance expectations and delivery.

Mental Health Act 1983

Fluctuations in activity across different sections of the Mental Health Act were noted as a normal pattern, with recent variation including a reduction in Community Treatment Orders following higher use in the previous quarter; overall trend data remains relatively stable. There has, however, been a sustained increase in the use of the Act within general hospital settings, particularly in relation to Sections 5(2) and 2. Section 136 activity has also increased, although the completeness of data is impacted by inconsistent completion of monitoring forms. Discussion also considered the operation of Hospital Managers and Mental Health Review Tribunals, with ongoing concerns regarding the default use of remote hearings, which can present challenges for some patients and participants including Next of Kin, particularly where access to technology is limited. In addition, it was agreed that future reporting will include trend analysis of detention rates by sex, with broader consideration given to demographic data, including ethnicity to better understand patterns and support effective oversight.

Concerns were raised regarding the completeness and consistency of Local Authority data submissions, limiting the group's ability to fully scrutinise system performance. To address this,

work is proposed to develop a more standardised reporting template to support improved consistency and transparency across partner organisations.

Policy Review

The outcome of policy review work was shared in relation to the Independent Mental Health Advocacy (IMHA) and Section 5.4 policies which remain up to date with no amendments required and will progress for approval at Mental Health Legislation Committee.

National Developments

An update was received on the Thalamos programme of work being undertaken on behalf of the national NHS Performance and Improvement team to explore opportunities for streamlining and digitalising Mental Health Act administration processes. A principal recommendation arising from this work is the national adoption of mandated digital signatures and forms to enable more consistent and efficient processes.

Recommendation

The Committee is asked to:

- NOTE the key issues highlighted within the Mental Health Legislation Scrutiny Group Update, including ongoing workforce and system capacity risks, variability in performance and the need to strengthen multi-disciplinary engagement.
- RECEIVE ASSURANCE from the continued development of reporting arrangements, including improved Local Authority data submissions and enhanced qualitative insight, and the further analytical work to strengthen assurance and oversight.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	10.4.1 Report formally, regularly and on a timely basis to the Board on the Scrutiny Groups activity. This includes the submission of a Committee update report, as well as the presentation of an annual report within six weeks of the end of the financial year.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not Applicable
Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com)	7. All apply
Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com)	6. All Apply

Amcanion Strategol y BIP: UHB Strategic Objectives:	All Strategic Objectives are applicable
Amcanion Cynllunio Planning Objectives	All Planning Objectives Apply
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022	4. Improve Population Health through prevention and early intervention, supporting people to live happy and healthy lives 8. Transform our communities through collaboration with people, communities and partners

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Agendas, papers and minutes of the Mental Health Legislation Scrutiny Group.
Rhestr Termiau: Glossary of Terms:	MHLSG – Mental Health Legislation Scrutiny Group MHLOG – Mental health Legislation Operational Group CWCDG – Clinical Written Control Document Group MH/LD – Mental Health / Learning Disabilities WCDG – Written Control Document Group WMF – Ward Managers Forum CRHT – Crisis Resolution Home Treatment QAPD – Quality Assurance Practice Development AMH – Adult Mental Health IMHA – Independent Mental Health Advocate SSWA – Social Services and Wellbeing Act MHA – Mental Health Act MHM – Mental Health Measure DOL – Deprivation of Liberty HIW – Healthcare Inspectorate Wales CIW – Care Inspectorate Wales CHC – Community Health Council CTP – care and Treatment Plan CMHT – Community Mental Team CTLD – Community team Learning Disability OAMH – Older Adult Mental Health
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Deddfwriaeth lechyd Meddwl: Parties / Committees consulted prior to Mental Health Legislation Committee:	MHLSG Mental Health Act Legislation Manager

Effaith: (rhaid cwblhau)
Impact: (must be completed)

Ariannol / Gwerth am Arian: Financial / Service:	Non-compliance with Mental Health Legislation could result in legal proceedings being brought against the University Health Board.
Ansawdd / Gofal Claf: Quality / Patient Care:	SBAR template in use for all relevant papers and reports.
Gweithlu: Workforce:	SBAR template in use for all relevant papers and reports.
Risg: Risk:	<p>Risk of non-compliance with the 1983 Act and with the Welsh Government's Mental Health Act 1983 Code of Practice for Wales; the Mental Health (Wales) Measure 2010 Code of Practice; and with the Good Governance Practice Guide – Effective Board Committees (Supplementary Guidance) Guidance.</p> <p>Safety of patients</p> <p>Assurance – use of statutory mechanisms</p>
Cyfreithiol: Legal:	Not Applicable.
Enw Da: Reputational:	Not Applicable.
Gyfrinachedd: Privacy:	Not Applicable.
Cydraddoldeb: Equality:	Not Applicable.