



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

DYDDIAD Y CYFARFOD: DATE OF MEETING:	09 May 2024
TEITL YR ADRODDIAD: TITLE OF REPORT:	Mental Health Legislation Scrutiny Group Update
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Andrew Carruthers, Director of Operations
SWYDDOG ADRODD: REPORTING OFFICER:	Kay Isaacs, Chair, Mental Health Legislation Assurance Scrutiny Group

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Er Gwybodaeth/For Information

**ADRODDIAD SCAA
SBAR REPORT**

Sefyllfa / Situation

The Mental Health Legislation Scrutiny Group is a Sub-Group of the Mental Health Legislation Committee (MHLC).

The purpose of this paper is to present the Mental Health Legislation Committee an update from the Mental Health Legislation Scrutiny Group meeting held on the 9th of May 2024.

Cefndir / Background

The following papers are submitted as standing items on the MHLSG agenda in line with the principal duty of the scrutiny group as described within the Terms of Reference alongside any other relevant reports.

- Mental Health Act Use which includes a Specialist Child & Adolescent Mental Health Service (SCAMHS) report on admissions to the designated bed on Morlais Ward
- Mental Health Measure performance report
- Three County Local Authority Mental Health Act Data reports
- Quality Assurance and Practice Development paper

Papers are sent out to members of the MHLSG at least seven days in advance of the meeting and members are expected to read all papers to allow for scrutiny and discussion in respect of information provided.

Section 136 Place of Safety Option Appraisal

Following an invite by Dyfed Powys Police to a S136 workshop in June to discuss a wide range of issues regarding the S136 process with all relevant stakeholders, the option appraisal work has been paused.

The interim centralised arrangement to provide a place of safety in Llanelli on Bryngofal ward continues.

Risk Register

There is one service risk on the register in relation to Gorwelion Community Place of safety, which is temporary closed due to safety concerns, this risk will be managed as part of the S136 option appraisal process.

There was discussion in relation to the risk of no bed availability when an individual has been assessed in the community under the Mental Health Act (MHA). There are a number of incidences, where there are two medical recommendations but the Approved Mental Health Professional (AMHP) is unable to apply for a section due to no bed availability. This risk will be processed by the adult in-patient service onto their service risk register and monitored in SG.

Key Discussion Points under Matters Arising

Scrutiny Group have been debating the requirement that an AMHP informs the GP of all individuals who have been assessed under S136 of the MHA. There is a consensus to adopt this practice but there has been some caution voiced if an individual does not consent. The SG GP representative strongly advocates that this should happen following all assessments, as it is imperative GPs receive pertinent information about their patients arguing that there would need to be compelling reasons for not sharing information. Further updates will follow on this matter.

A Section 136 Pathway to undertake an initial medical assessment following detention under the Act has been drafted. This is supported by colleagues, including first on-call Doctors in order that Health Board medical staff are the first point of contact to undertake an initial S136 assessment before this is commissioned externally.

Mental Health Act Report

Mental Health Act data was provided in a report format and was circulated prior to the SG meeting. This data was scrutinised and debated and the Mental Health Act report on the agenda will cover this.

Measure Report

Mental Health Measure, there was no exceptional data in the key performance targets, the two services that had reduced compliance for Part Two of the Measure were able to provide a rationale and a positive trajectory for the next quarter.

All discharge letters now include information in respect of Part Three of the Measure advising that self-referral can also be provided via 111 Press 2.

Quality Assurance and Practice Development Team Update (QAPD):

The QAPD team has responsibility for auditing Mental Health Measure documentation and this includes a recently revised assessment document. The audit has been paused whilst audit documentation and the audit cycle are reviewed.

Local Authority Reports

The Ceredigion report highlighted ten incidences of delays with regard to detention under the Act and required admission to hospital, which further informs the risk register decision referenced earlier.

Carmarthenshire continues to have the highest number of mental health act activity that is largely due to population size and the location of the S136 Place of Safety.

Pembrokeshire provided a paper with their data but there was not a representative at the meeting. There was no exceptional data noted in the report.

The previous paper for Committee proposed that SG explore the following;

- Recording data where a Mental Health Act Assessment (MHAA) has been avoided by Local Authorities.
- To examine Emergency Department (ED) data in respect to S136 detentions to ascertain if there was a medical requirement to attend ED.

This data was available to SG for the May meeting, which provides a benchmark to monitor in the future.

Section 17 Leave

The S17 Leave Policy is under review and has been shared throughout the Health Board and with all relevant external partners as part of this process.

Scrutiny Group would like to formally thank Mark Evans, Service Lead, at Carmarthenshire Local Authority for his dedicated involvement to both SG and for the many occasions when he has represented the authority at Committee. Mark announced at the meeting that he will be semi-retiring and no longer in this role.

Argymhelliad / Recommendation

The Committee is asked to receive the Mental Health Legislation Scrutiny Group Update.

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 Termau: 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.