

## PWYLLGOR MONITRO'R DDEDDF IECHYD MEDDWL MENTAL HEALTH LEGISLATION ASSURANCE COMMITTEE

<b>DYDDIAD Y CYFARFOD: DATE OF MEETING:</b>	August 10 <sup>th</sup> 2023
<b>TEITL YR ADRODDIAD: TITLE OF REPORT:</b>	Mental Health Legislation Scrutiny Group Update
<b>ARWEINYDD CYFARWYDDWR: EXECUTIVE LEAD:</b>	Andrew Carruthers
<b>SWYDDOG ADRODD: REPORTING OFFICER:</b>	Kay Isaacs, Chair of 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 Assurance Committee (MHLAC).

The purpose of this paper is to present the Mental Health Legislation Assurance Committee an update from the Mental Health Legislation Scrutiny Group meeting held on August 10th 2023.

#### 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 relevant reports or memorandum of understanding

- Mental Health Act Use which includes a SCAMHS update report on admissions to the designated bed on Morlais Ward
- Mental Health Measure performance report
- Three County Local Authority Data
- Quality Assurance and Practice Development Team 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.

#### **Summary of the August Meeting**

#### **Review of the Terms of Reference (ToR)**

The ToR was reviewed and amended following discussion and majority agreement by the group members present.

It was noted SG need to include risk register as an agenda item so that any risks relating to mental health legislation are scrutinised by the group and escalated to Committee. Service risk registers are reviewed by the Director of MH&LD during Business Assurance & Planning Group (BPAG) when they undertake a deep dive of the services, going forward SG will be notified of all legislation related risks.

It was noted that the group does not have a member with lived experience and previously West Wales Action for Mental Health (WWAMH) suggested this can be challenging position to recruit into due to sensitivity around detention under the Act that may have been experienced. It was suggested that we repeat these discussions with WWAMH in order to progress.

For any amendments where disharmony remains this will need to be concluded at the next meeting so that the revised ToR can be agreed.

The duration of term that members serve will be debated at the next meeting. As serving chair for four years my term will end after this meeting and I am pleased to announce that Mel Evans, Head of Strategy and Service Planning MH/LD will assume this role from November. We welcomed Dr Richard Leonard to the group as medical representative and thanked Dr Rhys Bevan for his time served in this role.

### **Out of Area Report for Individuals subject to the MHA and or Measure**

Matt Richards, Head of Commissioning attended the meeting and presented his report that concerns Hywel Dda patients in commissioned residential or low secure hospital placements.

#### **Location of placements**

The paper detailed the number and location of current placements that are out of area for our patients. The majority of placements are either within the Health Board area or over the western border/ Swansea area. Placements made beyond this are generally due to the need for a specialist service that is not available locally or patient choice. 74% of MH & LD placements are in the Hywel Dda area, 20% are out of area but in Wales and 6% are out of Wales.

The Commissioning team undertake reviews in addition to the ongoing review arrangements by Care coordinators which take place at least annually in line with CTP requirements.

SG need to agree the detail and frequency of information required from commissioning going forward. It was noted to be a comprehensive report but it would be helpful to better understand the review process and in particular inclusion of family and carers.

### **Mental Health Act Report**

The data report was circulated by the Mental Health Act Administration lead prior to the meeting. The data was scrutinised and debated at SG and the Mental Health Act Committee report outlines this detail alongside any actions required. This is contained as an appendix to this report and salient points will be presented verbally at Committee by the author.

### **Measure Report**

The Measure data report was presented by Head of Service for Adult Mental Health and circulated to Scrutiny members ahead of the meeting. The Measure committee report outlines the

scrutiny and any actions allocated by MHLSG. This is contained as an appendix and salient points will be presented verbally at Committee by the author.

### Quality Assurance and Practice Development (QAPD) Report

This report was circulated ahead of the meeting but unfortunately the author was not able to attend and on this occasion no representation was possible. Comments were noted in the minutes and will be addressed at the next meeting.

### Local Authority Data

All counties provided reports detailing MHA activity and due diligence was provided by the group. Carmarthen provide a map to illustrate the home location of person's assessed during this period. It was noted that this data could inform any future re-structuring of resources to ensure capacity can meet demand in the community.

### Policies

No policies were discussed

### Argymhelliad / Recommendation

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 Risk Register Reference:	
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	Governance, Leadership and Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives:	All Strategic objectives are applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: <a href="#">Hyperlink to HDD UHB Well-being Statement</a>	Improve population health through prevention and early intervention Support people to live active, happy and healthy lives Improve efficiency and quality of services through collaboration with people, communities and partners
Deddf Llesiant Cenedlaethau'r	

Dyfodol (Cymru) 2015 - Pum dull o weithio:  The Well-being of Future Generations (Wales) Act 2015 - 5 Ways of Working:	Long term - the importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs
	Prevention – the importance of preventing problems occurring or getting worse
	Integration - the need to identify how the Health Board's well-being objectives may impact upon each of the well-being goals, on its other objectives, or on the objectives of other public bodies
	Collaboration – acting in collaboration with anyone else (or different parts of the organisation itself) which could help the Health Board to meet its well-being objectives
	Involvement - the importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the Health Board serves

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

Parties / Committees consulted prior to the Mental Health Legislation Assurance Committee:	MHLSG Mental Health Act Legislation Manager
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<b>Effaith: (rhaid cwblhau)</b> <b>Impact: (must be completed)</b>	
<b>Ariannol / Gwerth am Arian:</b> <b>Financial / Service:</b>	Non-compliance with Mental Health Legislation could result in legal proceedings being brought against the University Health Board.
<b>Ansawdd / Gofal Claf:</b> <b>Quality / Patient Care:</b>	SBAR template in use for all relevant papers and reports.
<b>Gweithlu:</b> <b>Workforce:</b>	SBAR template in use for all relevant papers and reports.
<b>Risg/Cyfreithiol:</b> <b>Risk/ Legal:</b>	<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>
<b>Enw Da:</b> <b>Reputational:</b>	Not Applicable
<b>Gyfrinachedd:</b> <b>Privacy:</b>	Not Applicable
<b>Cydraddoldeb:</b> <b>Equality:</b>	Not Applicable