

**COFNODION Y CYFARFOD
PWYLLGOR SICRWYDD DEDDFWRIAETH IECHYD MEDDWL
CYMERADWYO / APPROVED
MINUTES OF THE
MENTAL HEALTH LEGISLATION COMMITTEE (MHLC)**

Date and Time of Meeting:	09.30-10:30am, Tuesday 13 th June 2022
Venue:	Via MS Teams and Ystwyth Board Room

Present:	<ul style="list-style-type: none"> • Mrs Judith Hardisty, Vice Chair of Hywel Dda University Health Board • Mr Maynard Davies, Independent Member • Mr Winston Weir, Independent Member • Mr Iwan Thomas, Independent Member • Ms Ann Murphy, Independent Member
In Attendance:	<ul style="list-style-type: none"> • Mr Clive Smith, Carer Representative • Mr Andrew Carruthers, Director of Operations • Ms Liz Carroll, Director of Mental Health & Learning Disabilities • Ms Ruth Bourke, Mental Health Act Administration Lead • Ms Kay Isaacs, Head of Service, Adult Mental Health • Ms Sara Rees, Assistant Director of Nursing (MH&LD) • Ms Jane Hitchings, Pembrokeshire Local Authority • Ms Angie Darlington, Third Sector Representative • Ms Sarah Roberts, Mental Health Legislation Manager • Mr Neil Mason, Head of Service Older Adult Mental Health • Mr John Forbes-Jones, Ceredigion County Council • Mr Stuart Bevan, SCAMHs Service Manager • Mr David Murphy, Audit Wales • Ms Emily Evans, Advanced Nurse Practitioner • Secretariat: Ms Manon Horscroft, MH&LD PA

GOVERNANCE		
Agenda Item	Introductions and Apologies for Absence	Action
1.1	<p>Mrs Judith Hardisty welcomed all attendees to the meeting.</p> <p>The following apologies for absence were received:</p> <ul style="list-style-type: none"> • Ms Catrin Convery, Welsh Ambulance NHS Trust • Ms Amanda Davies, Interim Head of Service for Adult Mental Health • Ms Melanie Evans, Head of Learning Disabilities Services • Mr Jeff Morris, Head of Service, Welsh Ambulance NHS Trust • Ms Angela Lodwick, Head of Service SCAMHS & Psychological Therapies • Mr Mark Evans, Carmarthenshire County Council 	
1.2	<p>Declarations of Interests</p> <p>Ms Emily Evans has an honorary contract with Swansea University to teach the MSC Advance Practice and Non-medical Prescribing course.</p> <p>No other declarations of interest were made.</p>	
1.3	Minutes of the meeting held on 1st March 2022	

	The minutes of the meeting held on 1st March 2022 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 1st March 2022 .	
1.4	<p>Table of Actions from the meeting held on 1st March 2022</p> <p>The Table of Actions was reviewed, and the following was noted:</p> <p>MHLC (22) 02- Mrs Judith Hadisty wrote to the Chair of the Mental Health Review Tribunal for Wales on behalf of all the Vice Chairs for Health Boards in Wales. A response was received which didn't provide any confidence that the MHRTfW would facilitate virtual hearings for patients any time soon. Sarah Roberts to follow up with the Advocacy service on MHRT hearings for patients. A copy of the MHRTfW response to be sent to Committee members for information.</p> <p>Ms Ruth Bourke noted that the use of MHRT Hearings on Microsoft Teams has improved slightly but the majority of hearings are still via telephone. There are still no plans to return to face to face. The Hospital Managers hearings are returning face to face, where patients are requesting them.</p> <p>MHLC (22) 03 - Ms Sarah Roberts and Ms Ruth Bourke stated that small figures that could be seen as patient identifiable will not be seen within future reports.</p> <p>MHLC (22) 04 - Ms Sarah Roberts confirmed that no other Health Board records Locked Door Activity or have policies in place. The Heads of Nursing analyse the activity for any DATIX reporting. Members of Scrutiny will continue to look at the Locked Door Activity during the meetings and felt that it no longer needs to be reported at this Committee. At Scrutiny a snapshot figure is shown on how much informal patients Hywel Dda have, how many are under DOLS and how many would attend. This will give an understanding on when the doors are locked.</p> <p>MHLC (22) 05 - Ms Kay Isaacs and Ms Amanda Davies had taken this forward where an update was provided during the meeting.</p> <p>MHLC (22) 06 - The Seclusion Policy has been amended and it will now go to the Written Control Documents Group for ratification, following the meeting the policy will go to Ms Aileen Flynn to finalise the implementation within the Directorate.</p>	<p>SRO</p> <p>MH</p>
	The Committee NOTED and AGREED the MHLC Table of Actions.	
1.5	<p>MHLC Annual Report 2021/2022 for Public Board July meeting</p> <p>Ms Liz Carroll informed Committee that the Annual Report will be presented to the Public Board in July. The report details the focus of the Committee in terms of reviewing reports, HIW and Delivery Unit and Ms Liz Carroll will bring back information in relation of the external reviews of legislation. In terms of constitution within the Terms of Reference, last year the Committee met on the prescribed four occasions.</p>	

	<p>The report covers the Power of Discharge Sub-committee and its functions and the Scrutiny Group, which has representation from key partners in relation to legislation.</p> <p>Under the Assessment section are matters that we focus on in relation to the MH Measure and Mental Health Act that impact upon on the delivery of services and compliance. The report highlights Inspections that have been undertaken and areas of responsibility. Also the policies which have come to the committee for approval over the year of which have been updated and maintained during the pandemic.</p> <p>Members AGREED on the Annual Report and will be presented at Board in July.</p>	
	<p>The Committee RECEIVED and AGREED the MHLC Annual Report 2021/2022.</p>	

	<p>Assurance and Risk</p>	
<p>2.1</p>	<p>Scrutiny Group Update</p> <p>The Vice Chair Mrs Sarah Roberts reported on behalf of the Chair Ms Kay Isaacs. The meeting took place on the 3rd of May. Discussion took place about the overarching trend during Qtr 4 on the decreased use of the Mental Health Act. The Police and Local Authorities also noted that they had seen a decrease in their activity. A reduction of 136 activity was also discussed and the daily Bed Conference are is a robust way of looking at the figures.</p> <p>The Mental Health Measure activity update was provided verbally due to the unavailability of figures. The group were unable to have a discussion on the measure activity and availably as they were received late to the group. Moving forward the group will have two months figures and four months figures presented each meeting to be looked at in detail. Ms Amanda Davies will provide a report in writing around the measure data with a break down to include CAMHS and Learning Disabilities.</p> <p>During the next meeting the focus will be to review the Terms of Reference where a circulated copy will be sent to members prior to the meeting. The Chair Ms Kay Isaacs, Mrs Sarah Roberts and Ms Amanda Davies have already met to discuss membership of the group and felt it would be beneficial for Heads of Services to sit on the Scrutiny Group as opposed to Committee. The group also received a report from Ms Helen Thomas-Bone with the activities from her team. The work noted by the QAPD Team will be included on the Terms of Reference so that the group can cover off all CTP and Training. Section 136 diversion figures will also be included in future reporting.</p> <p>Members of the Committee AGREED on this approach.</p> <p>Mr Clive Smith raised his concerns on the way in which the MH Measure in reported. The process of bringing Care and Treatment Plans up to the standard required from the Delivery Unit report in 2017. Since that time mental health has made enormous progress but some CTPs are very good and some are not with no target date on them. With the shortage of staff that exists we are prioritising on acute care. Despite the concerns Mr Clive Smith did note that the reports seem to suggest that good progress is made</p>	<p>AD</p>

as a lot of focus is on quality control and analysis. We do not monitor the frequency of returns to MH service of those patients subject to CTP.

Ms Liz Carroll thanked Mr Clive Smith for his acknowledgement of the work put into Care and Treatment Planning. Services will continue to refine their approaches over time as there are always improvements that can be made and work to be done. Ms Liz Carroll stated that it has been a particularly pressurized time for the service where this was noted in the measure report. Some areas have been struggling in terms of staffing and services are trying their very best to fill vacancies.

Mrs Judith Hardisty assured the Committee that this concern will be taken back to the next Scrutiny meeting to address these matters with some issues also raised at Public Board. The University of Aberystwyth are providing Mental Health Registered Nurse training with the hope that this will bring more sustainability within our own service if these student placements are made.

Ms Sarah Roberts suggested that the Table of Actions from this Committee should also go to Scrutiny group for discussion. This will help the group when reviewing their Terms of Reference and looking to make sure all areas are covered.

Mrs Judith Hardisty raised that the next report from the Scrutiny group should include the key issues and the impact of staffing and the ability to deal with it. Mrs Judith Hardisty raised that the top of page 2, in the report, it refers to the 136 reduced activity and that it was thought to be due to the implementation of the Out of Hours contact. Mrs Hardisty asked whether there was evidence to show that the Out of Hours calls are having an impact on S136 figures. Scrutiny reporting will include figures to show how many Sec 136's have been avoided and how many consultations have taken place between officers prior to implementing a S136.

Mr Stuart Bevan stated that monthly meetings take place with the Police and Hywel Dda to discuss the 136 sections. It is very apparent that the number of consultations are increasing and the number of 136 applications is reducing because of those consultations.

The Committee **RECEIVED** and **NOTED** the Scrutiny Group Report.

2.2

The Mental Health (Wales) Measure 2010 Report

Ms Kay Isaacs reported on behalf of Ms Amanda Davies. This is the first time that the paper has been provided as a stand-alone report it would usually be included in the Mental Health Act Report. Ms Amanda Davies has set out what the Key Performance Indicators are for the Measure and then included our performance within the report. Where we are below the required standards either in the meeting or outside of the meeting we would speak to the Head of Service so that we've got a comprehensive action plan which we can monitor in the meeting whether that service improves each quarter. That is very detailed in respect of Part 1. Part 2 in not reaching targets where this was applicable to Adult Mental Health due to staffing challenges and prevented us in meeting the 90% requirement. In LD services there were targets not met.

Regarding Part 3, in terms of reporting, the requirement is that we report when a person self refers back into the service that after assessment,

individuals have an outcome within 10 days. More detailed discussions within Part 3 will need to be made with Scrutiny group around this. It was noted that they wanted to review why so few people self-refer and are eligible. Some work will be done around looking at GP referrals and look at those who would have been eligible for self-referral.

In relation to Part 4 there is no reporting requirement but Ms Kay Isaacs and Ms Amanda Davies had received some data from Ward Managers in respect to ask “ when somebody's admitted are they offered an independent mental health advocate.” The data showed that this was Health and Ward Manager led. Moving forward they would like to create an audit with the advocates to make sure they are welcomed to the ward to do what they are expected to do for patients. This paper will grow in relation to the Measure and not just look at performance data but outcomes as well.

Ms Liz Carroll noted on point of accuracy on page 3 January, February, March at the bottom of the table should be 2023.

Ms Angie Darlington confirmed that Part 3 is something Scrutiny group are looking at. The data, often shows that people have asked for the re-assessment when they've been discharged, but the patients will not receive one. Having a discussion and reminder regarding the self-management techniques and self-care techniques that they've learned during their time being supported by the CMHT. Sometimes it is not clear to patients what a re-assessment is.

Ms Liz Carroll raised the Single Point of Access becomes another opportunity for people. If people are ringing, they do have a letter when discharged but needs to be a reminder thereafter that people can do this.

Under Part 3, Mrs Judith Hardisty asked whether there is a Primary Care attendee at the Scrutiny group meetings. It was confirmed that Primary Care attendees does attend the meetings to cover Part 3. Mrs Hardisty suggested that a GP lead could be invited to attend Scrutiny group if they have a specific interest in MH. A conversation could take place between Shaun James, Assistant Medical Director for Primary Care and Cath Morrell, Primary Care Lead for 111 and Richard Swain is a GP in Carmarthenshire who has an interest in MH and a cluster lead.

KI

Mr Andrew Carruthers noted from a service and Health Board perspective that they want to see Part One and the CAMHS aspects of those measures with the improvement in performance that needs to be achieving a target level. The delivery of that is featured within the monthly performance meeting with Welsh Government. There is a lot of scrutiny and work that the Directorate are doing to deliver an appropriate action plan where the Committee can see the trajectories that are in the report for improving performance against those areas.

Mr Andrew Carruthers also noted that a detailed conversation will take place at the Board Seminar on Thursday around Mental Health Performance. There will be an update to the Public Board in July.

The Committee **RECEIVED** and **NOTED** The Mental Health (Wales) Measure 2010 Report.

2.3

Power of Discharge Sub-Committee (5th April 2022)

	<p>Ms Manon Horscroft to re circulate the embedded Terms of Reference to members following the meeting.</p> <p>Ms Ruth Bourke referred to the papers are in reference to the meeting which took place in April. Ms Ruth Bourke highlighted that during the meeting they had realised that it was an early opportunity to appraise the Hospital Managers that all appraisals have been concluded with just one outstanding</p> <p>This was Prof John Gammon last meeting as Chair where he has chaired the meetings for the last 6 years. The Committee thanked Prof John Gammon for his dedicated work towards the group.</p> <p>The Terms of Reference require approval from this Committee. The group are unaware of who the new Chair will be for the meeting moving forward but hopes to have a new Chair by the beginning of August.</p>	MH
	<p>The Committee RECEIVED and NOTED the of Discharge Sub-Committee (5th April 2022).</p> <p>The Committee RECEIVED and APPROVED the Terms of Reference for Discharge Sub-Committee</p>	
2.4	Risk Register	
	<p>Ms Liz Carroll provided a verbal update on the Risk Register. A periodical check was made where it was noted that no Risks were to be reported to Committee. Ms Liz Carroll will continue to check on the register and report to the Committee when appropriate.</p> <p>The Committee RECEIVED and NOTED the Risk Register update.</p>	

	PERFORMANCE	
3.1	Quarterly Performance Report – Quarter 4	
	<p>Ms Ruth Bourke raised additional information within the report regarding the low figures during this quarter. The low figures do not seem to be a trend as the figures have now appeared back up to normal.</p> <p>Ms Manon Horscroft to re-circulate the embedded the documents within the report following the meeting and any questions from Committee to be sent to Ms Ruth Bourke.</p>	MH
	The Committee RECEIVED and NOTED the Quarterly Performance Report for Quarter 4.	

	POLICIES	
4.1	Extension of policy report	
	A request came through to extend the Locked Door Policy, but the paper was not received. Mrs Judith Hardisty proposed that if the report does come through for it to be circulated to Committee then Mrs Judith Hardisty will take this on as a Chair's action.	

	The Mental Health Legislation Assurance Committee APPROVED and AGREED the extension as requested based on the Chair's Action.	
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	FOR INFORMATION	
5.1	Annual Work Plan 2022-2023	
	<p>The Annual Work Plan 2022-2023 was received by the Committee for information. Ms Manon Horscroft will check all policy dates for inclusion within the Work Plan, this will notify Committee when the Policies will be expected to come through.</p> <p>Mr Stuart Bevan raised that information has been provided by Ms Amanda Davies and will be circulated to Ms Manon Horscroft for distribution to members following the meeting.</p>	SB, MH
	The Committee RECEIVED and NOTED the Annual Work Plan 2022-2023.	

6.	Date, Time and Venue of Next Meeting	
	The next meeting of the Mental Health Legislation Committee will be held on Monday, 19th September 2022 at 13.30pm. This may be in person and via MSTeams from 13.30pm – 16.30pm. The venue for the in person meeting will be notified nearer to the date of the meeting	