



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

Date and Time of Meeting:	10.30-13:30pm, Thursday 15 <sup>th</sup> June 2023
Venue:	Ystwyth Board Room and Via MS Teams

Present:	<ul style="list-style-type: none"> <li>• Mrs Judith Hardisty, Vice Chair of Hywel Dda University Health Board</li> <li>• Mr Iwan Thomas, Independent Member</li> <li>• Ms Ann Murphy, Independent Member</li> <li>• Mr Maynard Davies, Independent Member</li> </ul>
In Attendance:	<ul style="list-style-type: none"> <li>• Ms Liz Carroll, Director of Mental Health &amp; Learning Disabilities</li> <li>• Dr Warren Lloyd, Associate Medical Director/Consultant Psychiatrist CAMHS</li> <li>• Mrs Becky Temple-Purcell, Assistant Director of Nursing Mental Health &amp; Learning Disabilities</li> <li>• Ms Kay Isaacs, Assistant Director Mental Health &amp; Learning Disabilities</li> <li>• Ms Angela Lodwick, Assistant Director Mental Health &amp; Learning Disabilities</li> <li>• Ms Jane Hitchings, Pembrokeshire County Council</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 Mental Health</li> <li>• Mrs Sarah Roberts, Mental Health Legislation Manager</li> <li>• Ms Ruth Bourke, Mental Health Act Administration Lead</li> <li>• Mr Craig Templeton, Dyfed-Powys Police</li> <li>• Mr Simon Thomas, Ceredigion County Council</li> <li>• Mr Clive Smith, Carer Representative (attended part of the meeting)</li> <li>• Mr Mark Evans, Carmarthenshire County Council</li> <li>• Ms Melanie Evans, Head of Strategy &amp; Service Planning</li> </ul> <p>• Secretariat: Ms Manon Horscroft, MH&amp;LD PA</p>

<b>GOVERNANCE</b>		
<b>Agenda Item</b>	<b>Introductions and Apologies for Absence</b>	<b>Action</b>
1.1	<p>Mrs Judith Hardisty welcomed all attendees to the meeting. Introductions were made for the new Assistant Director of Nursing MH&amp;LD.</p> <p>The following apologies for absence were received:</p> <ul style="list-style-type: none"> <li>• Mr Andrew Carruthers, Director of Operations</li> <li>• Ms Angie Darlington, Director of West Wales Action for Mental Health</li> <li>• Mr Winston Weir, Independent Member</li> <li>• Supt Ross Evans, Dyfed-Powys Police</li> <li>• Ms Amanda Davies, Head of Service Adult Mental Health</li> <li>• Mr Richard Jones, Consultant Nurse</li> </ul>	
1.2	<p><b>Declarations of Interests</b></p> <p>No declarations of interest were made.</p>	

1.3	<p><b>Minutes of the meeting held on 13<sup>th</sup> March 2023</b></p> <p>The minutes of the meeting held on <b>13<sup>th</sup> March 2023</b> were <b>APPROVED</b> as an accurate reflection of the previous meeting.</p>	
	<p>The Committee <b>NOTED</b> and <b>APPROVED</b> the minutes from the previous MHLC meeting held on the <b>13<sup>th</sup> March 2023</b>.</p>	
1.4	<p><b>Table of Actions from the meeting held on 13<sup>th</sup> March 2023</b></p> <p>The Table of Actions was reviewed, and the following was noted:</p> <p><b>MHLC (23) 04</b> Ms Liz Carroll highlighted that there was no representation from S-CAMHS at the previous Committee meeting, however moving ahead, Ms Liz Carroll stated that a representative would attend future Committee meetings.</p> <p>All other actions were marked as completed and will be removed from the Table of Actions.</p>	
	<p>The Committee <b>NOTED</b> and <b>AGREED</b> the MHLC Table of Actions.</p>	
1.5	<p><b>Mental Health Legislation Committee Terms of Reference</b></p> <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> Mrs Judith Hardisty and Committee members agreed that under 3.5 <i>‘Receive the Hywel Dda Mental Health Partnership Board Annual Report and consider issues in relation to the implementation of the Mental Health Strategy across the Hywel Dda area’</i>, this item has not been taken to Committee and will therefore be removed from the Terms of Reference.</p> <p>Ms Sarah Roberts noted that within the Terms of Reference it states under 3.6 that Committee will <i>‘Receive update reports from the Mental Health Programme Group on improvement programmes for high quality, safe and sustainable mental health services which are consistent with the Board’s overall strategic direction.’</i> Mrs Judith Hardisty stated that this group no longer meets and will be removed from the Terms of Reference.</p> <p>Regarding 3.11 <i>‘Arrangements for the delegated authority of approval for Approved Clinicians and Section 12 Doctors in Wales are compliant with the Directions and Guidance from Welsh Government and are monitored through the Mental Health Legislation Scrutiny Group’</i>. Ms Sarah Roberts raised whether this should remain on the Terms of Reference or be removed due to this being raised in the Mental Health Legislation Scrutiny</p>	

Group. Ms Sarah Roberts stated that this could be an item that will be included within the Mental Health Legislation Scrutiny Group report that is submitted to Committee. Ms Liz Carroll and Ms Sarah Roberts agreed to meet with the Corporate Governance Team for clarification.

LC, SRo

#### **4.Membership**

The Committee membership will be amended as follows:

- Head of Nursing Mental Health & Learning Disabilities will be changed to Assistant Director of Nursing Mental Health & Learning Disabilities.
- Head of Service for Older Adult Mental Health and Head of Service for Head of Adult Mental Health Inpatient Wards and Learning Disabilities will be noted as two separate members.
- Mental Health Legislation Manager will be included as a formal member.
- The nominated representative from Hywel Dda Community Health Council will be changed to a nominated representative from Hywel Dda LLAIS.

#### **5. Quorum and Attendance**

No changes were raised by Committee.

#### **6. Agenda and Papers**

Ms Ann Murphy remarked that the Table of Actions should be given to Independent Members within two days of the Committee meeting, as indicated in other Terms of References. Ms Liz Carroll and Mrs Sarah Roberts will discuss with Corporate Governance if the Terms of Reference for the Mental Health Legislation Committee should be aligned with this.

LC/SRo

#### **7. In Committee**

Mrs Judith Hardisty clarified that confidential and sensitive material should only be raised at Committee if it is an individual patient or if it is commercially confidential. Ms Ruth Bourke questioned subheading 7.1 due to confidential and sensitive material that takes place at the Power of Discharge Sub-Committee.

#### **8. Frequency of Meeting**

Committee raised no changes.

#### **9. Accountability, Responsibility and Authority**

Committee raised no changes.

#### **10. Reporting**

Committee raised no changes.

#### **11. Secretarial Support**

Committee raised no changes.

#### **12. Review Date**

The Terms of Reference will continue to be reviewed on an annual basis.

The revisions mentioned will be incorporated into the Terms of Reference and presented to the Public Board for approval in July 2023.

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	The Committee <b>RECEIVED</b> and <b>AGREED</b> the Mental Health Legislation Committee Terms of Reference.	
1.6	<p><b>Mental Health Legislation Committee Annual Report 2022-2023</b></p> <p>Ms Liz Carroll stated that the Mental Health Legislation Committee Annual Report 2022-2023 would be presented at the Public Board meeting in July 2023. The report provides an overview and summarisation of responsibilities and work within the Committee. The report gives an overview and summary of the Committee's tasks and work. The Committee will be able view all of the audits and reviews completed throughout the annual reporting period in the report.</p> <p>Ms Sarah Roberts stated that the Committee convened their meetings in 2022-2023 using a hybrid model, which would be changed in the report before it is given to the Public Board in July. Members of the committee agreed that the diagram from the Mental Health Legislation Scrutiny Annual Update should be removed from the report.</p> <p>Before examining the Annual Report and presenting it to the Public Board, Mrs Judith Hardisty noted that advice from Corporate Governance is required from the Committee's Terms of Reference. Ms Liz Carroll will meet with the Corporate Governance Team to clarify the Terms of Reference and the Annual Report.</p>	LC
	The Committee <b>RECEIVED</b> and <b>AGREED</b> the Mental Health Legislation Committee Annual Report 2022-23.	

	<b>Assurance and Risk</b>	
2.1	<p><b>Scrutiny Group Update</b></p> <p>The previous meeting of the Mental Health Legislation Scrutiny Group took place on May 11, 2023. Ms Kay Isaacs expressed concern that the meeting was not adequately attended by Local Authority Representatives, however each County gave data ahead of the meeting.</p> <p>Carmarthenshire Local Authority representative Mr Mark Evans attended the previous meeting where great discussions took place on training needs however there was no participation from Dyfed-Powys Police to resolve the issues that were addressed. Ms Kay Isaacs has now liaised further with Ms Sian Bamford from Dyfed-Powys Police on the training needs discussion following the meeting.</p> <p>During the previous meeting Mr Mark Evans raised that Carmarthenshire Local Authority are now attending the Improved Mental Health Professional Training through the University of South England this was previously attended through Swansea University but due to having previous issues with Swansea University Mr Mark Evans noted that they will be now comparing both Universities with their courses and will be providing further information on the findings when available to the Scrutiny Group. Mr Mark Evans noted that Carmarthenshire Local Authority would still be using Swansea University despite colleagues going to the University of South England for comparison.</p>	

Ms Kay Isaacs raised that during each Scrutiny Group meeting the Quality Assurance Practice Development team provide a report that covers all of the Audits, Governance and Quality work that they undertake through Legislation. Discussions took place during the update on Healthy Ward Checks and how to co-produce the process.

Mrs Judith Hardisty raised the matter of Carmarthenshire Local Authority transferring their University of Study to the Bristol Course and offered the Health Board assistance if problems with Swansea University arose.

Mr Iwan Thomas raised under page three of the Quality Assurance and Practise Development report regarding the Community Teams that were mentioned on the Healthy Ward Checks that are continued to be undertaken but looking to develop singular process for Community Teams and what time of timescales are being looked at. As noted by Ms Kay Isaacs, this is currently in the engagement stage and is firmly established on the wards.

**Quarterly Performance Report- Quarter 4:**

During the Mental Health Legislation Committee Agenda Setting meeting it was agreed by Mrs Judith Hardisty that the Mental Health Legislation Scrutiny Group update will now incorporate the Quarterly Performance report.

Mr Maynard Davies inquired about the discharge figures for the Mental Health Tribunal activity within the Quarterly Performance Report, wondering how our discharge figures compare to the rate of discharge figures by the Mental Health Tribunal and. Mrs Sarah Roberts stated that the service has always reported to other Health Boards and that the Tribunal has seen that information. This is the first quarter in which this has not been included in the report due to Tribunal informing the team that they will no longer give data on a quarterly basis and will only provide them on an annual basis.

Mrs Judith Hardisty requested that Mrs. Sarah Roberts and Ms. Ruth Bourke to share this with the peers in other Health Board to determine whether there is a general concern that should be flagged up to the Vice-Chair individually.

Ms Ruth Bourke raised that the Mental Health Act Activity Report includes information from January to March 2023. During the quarter the figures were relatively low, and nothing significantly stood down during the quarter. Ms Ruth Bourke stated that the biggest discussions that took place were around the increase under the increased use of Section 136s when patients are taken to A&E. Section 4 is utilised three times this quarter, and it is only used when there is only one Doctor available.

Within the report Committee will be able to view the errors that were raised during this quarter, the MH Act department are very quick picking up the errors and there is a scope of getting these ratified within 14 days.

Mrs Judith Hardisty raised on Section136's being used in A&E. Ms Kay Isaacs stated that we don't expect someone to go to A&E unless there is a medical emergency. It was raised that there are limited places where we can take people to a place of safety. Mrs Sarah Roberts noted that these

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	<p>people have gone with to A&amp;E with the Police on a voluntary basis, once arriving in A&amp;E the person will refuse to stay in A&amp;E and that's when the police will then implement 136 as this is safer to do that.</p> <p>Mr Mark Evans raised that some data on Page 4 of the performance report that gives you a 10-year picture on what has been happening in terms of use of Section 2 and 3 and when looking at Adult Mental Health the 2012 levels in terms of the figures in 2022 of application of the Sections. Mr Mark Evans compared this with Older Adult trend as this is on an upward trajectory and wondered if there was any intelligence around this.</p> <p>Mr Neil Mason addressed the figures viewed as a systemic problem, as the majority of Older Adult Service clients have Dementia, and the Mental Health Act was not initially meant for this, and many people are imprisoned in areas with biological triggers. Mr Neil Mason noted that this is a common occurrence and that a more alternate atmosphere that is more integrated might have been more beneficial. The impact of the COVID pandemic and the withdrawal of social care services has been enormous throughout all counties, and it is still difficult to respond to day-care face-to-face contact.</p> <p>Mrs Judith Hardisty inquired if the service can estimate demand because the Directorate is aware that populations in West Wales are ageing. Mrs Judith Hardisty highlighted that these discussions would take place at the next meeting of the Mental Health Legislation Scrutiny Group. This will be included in the Public Board Committee report for additional input from the teams that look at demand in capacity planning.</p> <p>The Committee <b>RECEIVED</b> and <b>NOTED</b> the Scrutiny Group Report.</p>	<p>KI, NM</p>
<p>2.2</p>	<p><b>The Mental Health (Wales) Measure 2010 Report</b></p>	
	<p>Due to receiving apologies from Ms Amanda Davies, Ms Kay Isaacs presented the report to Committee on her behalf. Based on the target two data Primary Mental Health is at 100% but despite CAMHS trajectory improving as a service, they continue to not meeting their targets. A lot of detail has been included within the report under S-CAMHS to address what work has been undertaken to look at the targets.</p> <p>Within the report, the Committee will be able to note on the information contained in the MH&amp;LD Directorate's Risk Register where this will be an area to progress overcoming months within the meeting. Within the report, information on the 111 + 2 service has been included, with the service attempting to determine who is familiar to the measure and which individuals are new.</p> <p>Mr Maynard Davies raised on page two of the report it mentions the procurement for diagnostic assessments and the anticipation that 300 assessments are done per year with a grand total of 800 by the end of 2025. Ms Liz Carroll stated that this is an area that requires greater monitoring, and with staff capacity and what we have procured will not meet the demand. This is an area that the Directorate are working closely with the Delivery Unit and intensive scrutiny on enhanced monitoring.</p> <p>Ms Angela Lodwick mentioned that the ASD for Children and Young People service is seeing continued demand, and it's difficult to predict those trajectories, but the service has been successful in procurement, with two companies working, and the service has uploaded 150</p>	

assessments to date. The assessment quality is outstanding, and the service is scrutinising them to ensure that our client's patients receive high-quality care. On average, 125 referrals are received by the Children's programme, and the staff only has capacity to handle 28-30 referrals. The service have 30 assessments on average being picked up by the independent procurement. Ms Angela Lodwick noted that the team are very small with only seven staff delivering across the three counties and this all impacts on the capacity of the team.

In terms of the shared platform, Ms Angela Lodwick raised that they have had a presentation about the Do It Profile which has been explored and developed in Wales. Ms Angela Lodwick stated that there is a need to look into this further and grasp the financial aspect of it before committing to the project. Ms Angela Lodwick is collaborating with Barry Norman on this.

Ms Liz Carroll raised on the meeting with the Delivery Unit in February where an action came from the meeting for them to support the service to meet the trajectory, but they are unable to help in areas more than what the service is already doing. Ms Liz Carroll also stated that the service will need to look on centralising the Neurodevelopmental service where people can go to the centre for elements of the assessment. One Assessment can take up to 21 hours.

Ms Angela Lodwick assured the Committee that the service is fully engaged with the Delivery Unit in their new role. The Delivery Unit is conducting a national review of demand and capacity in the Neurodivergent Service, which includes the Children ADHD Service. The service will work together to provide data to the Delivery Unit. Ms Angela Lodwick stated that this is a national crisis in respect of the lack of services for all Neurodivergent service.

Mrs Becky Temple-Purcell raised the issue of compliance statistics within the Measure, and it struck her that the targets can either be passed or failed. Services may have a better grasp of how far away they are and whether people are waiting much longer than expected or if the services are missing this by a day or a week.

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

2.3

**Power of Discharge Sub-Committee (4<sup>th</sup> April 2023)**

The previous Power of Discharge Sub-Committee took place on the 4<sup>th</sup> of April 2023. Ms Ruth Bourke stated that the minutes and Terms of Reference from the Sub-committee are embedded within the report. The Sub-Committee has requested that the Terms of Reference be received and approved by this Committee.

During the Sub-Committee members looked at the data for Section 23 and received a report that looked at any impact within service changes. The Sub-Committee also welcomed the new Hospital Manger Richard Jackson to the meeting.

Mrs Judith Hardisty and Committee Members approved the Terms of Reference for the Power of Discharge Sub-Committee.

The Committee **RECEIVED** and **NOTED** the of Discharge Sub-Committee (4th April 2023).

	The Committee <b>RECEIVED</b> and <b>APPROVED</b> the Discharge Sub-Committee Terms of Reference.	
2.4	<b>Risk Register</b>	
	Ms Liz Carroll stated that there was no legislation to report on the Risk Register.	
	The Committee <b>RECEIVED</b> and <b>NOTED</b> the Risk Register update.	

	<b>POLICIES</b>	
3.1	<b>Section 5 (4) Nurses Holding Power Policy</b>	
	<p>Mrs Sarah Roberts mentioned that the Section 5 (4) Nurses Holding Power Policy is up for a three-year review, and that the Policy has gone through all internal review processes as well as being sent out to Global for input. There were no comments received on the policy through Global, and the policy will be taken to the Clinical Written Control Documentation Group before being updated on the internet.</p> <p>From a governance perspective Mrs Judith Hardisty noted that following approval from the Mental Health Legislation Committee the policies will not need to go to any other meetings for further approval. Mrs Sarah Roberts raised that the process has been the same from bringing policies to the Mental Health Legislation Committee for approval and is then presented to the Clinical Written Control Documentation Group for final sign off.</p> <p>Mrs Judith Hardisty raised that the Policy Procedure for the Committee needs to be discussed with the Policy Co-ordinator for clarity on the process. Ms Liz Carroll and Mrs Sarah Roberts will meet with Ms Christine James following the meeting for further guidance.</p>	<b>LC, SRO</b>
	The Committee <b>RECEIVED</b> and <b>AGREED</b> Section 5 (4) Nurses Holding Power Policy.	
3.2	<b>The Provision and Access to the Independent Mental Health Advocacy (IMHA Service) Policy</b>	
	Mrs Sarah Roberts raised the Provision and Access to the Independent Mental Health Advocacy (IMHA Service) Policy is up for its three yearly review. The policy has been reviewed internally and distributed to Global for consultation, with no additional input received.	
	The Committee <b>RECEIVED</b> and <b>AGREED</b> the The Provision and Access to the Independent Mental Health Advocacy (IMHA Service) Policy.	

	<b>For Information</b>	
4.1	<b>Schedule of Meetings 2023-2024</b>	
	For information only.	
4.2	<b>Annual Work Plan 2023-2024</b>	



	For information only	
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5.1	<b>Any Other Business</b>	
	No further up updates were received.	

6.	<b>Date, Time and Venue of Next Meeting</b>	
	The next meeting of the Mental Health Legislation Committee will be held on Tuesday, 5th September 2023 at 10:30am. This may be in person and via MS Teams from 10.30am – 13.30pm. The venue for the in person meeting will be notified nearer to the date of the meeting.	