

**COFNODION Y CYFARFOD PWYLLGOR SICRWYDD DEDDFWRIAETH  
GYMERADWYO / APPROVED MINUTES  
MENTAL HEALTH LEGISLATION COMMITTEE (MHLC)**

Date and Time of Meeting:	10:30-12:00pm, Monday 2 <sup>nd</sup> December 2024
Venue:	Ystwyth Board Room and Via MS Teams

Present:	Mr Iwan Thomas, Independent Member Ms Ann Murphy, Independent Member Ms Chantal Patel, Independent Member
In Attendance:	Ms Liz Carroll, Director of Mental Health & Learning Disabilities Mrs Becky Temple-Purcell, Assistant Director of Nursing MH&LD Dr Warren Lloyd, Associate Medical Director/Consultant Psychiatrist CAMHS Ms Kay Isaacs, Assistant Director of MH&LD Mrs Sarah Roberts, Mental Health Legislation Manager Ms Ruth Bourke, Mental Health Act Administration Lead Ms Jane Hitchings, Pembrokeshire Local Authority Mr Simon Thomas, Ceredigion Local Authority Ms Corinne Everett-Guy, Carmarthenshire Local Authority Ms Angie Darlington, West Wales Action for Mental Health Mr Neil Mason, Head of Service for Older Adult Mental Health Service Ms Amanda Davies, Head of Service for Adult Mental Health Service Ms Angela Lodwick, Assistant Director of MH&LD  Secretariat: Ms Manon Horscroft, PA to Assistant Director of Nursing MH&LD

MHLC (24) 68	Introductions and Apologies for Absence	Action
	Mr Iwan Thomas introduced himself to committee and welcomed all attendees to the meeting.  The following apologies for absence were received: <ul style="list-style-type: none"> <li>Ms Eleanor Marks, Vice Chair of Hywel Dda University Health Board</li> <li>Mr Andrew Carruthers, Chief Operating Officer</li> <li>Mr Winston Weir, Independent Member</li> <li>Mr Richard Jones, Consultant Nurse/Responsible Clinician MH&amp;LD</li> <li>Mr Christian Newman, NHS Executive</li> <li>Supt Chris Neve, Dyfed-Powys Police</li> </ul>	
MHLC (24) 69	Declarations of Interests	
	No declarations of interest were made.	

MHLC (24) 70	<b>Minutes of the meeting held on 3<sup>rd</sup> September 2024</b>	
	The minutes of the meeting held on <b>3 September 2024</b> were <b>APPROVED</b> as an accurate reflection of the previous meeting.	
	The Committee <b>NOTED</b> and <b>APPROVED</b> the minutes from the previous MHLC meeting held on the <b>7 June 2024</b> .	
MHLC (24) 71	<b>Table of Actions from the meeting held on 3 September 2024</b>	
	The Table of Actions was reviewed, all actions were marked as completed and will be removed from the Table of Actions.	
	The Committee <b>NOTED</b> and <b>AGREED</b> the MHLC Table of Actions.	
MHLC (24) 72	<b>Annual Work Plan 2025-2026</b>	
	The Annual Work Plan 2025-2026 was shared with Committee prior to the meeting. Members of the Committee agreed on the Annual Work Plan 2025-2026 which will assist with administration of future meetings.	
	The Committee <b>NOTED</b> and <b>AGREED</b> the Annual Work Plan 2025-2026.	
MHLC (24) 73	<b>Mental Health Legislation Committee Self-Assessment 6 month review</b>	
	Mr Thomas highlighted the purpose of the report was to provide an update to the actions that were agreed by committee in response to the self-assessment process. The Committee took assurance from the progress made against the actions being undertaken to improve the effectiveness of the Committee.	
	The Committee <b>RECEIVED</b> and <b>ASSURED</b> Mental Health Legislation Committee Self-Assessment 6 month review.	
MHLC (24) 74	<b>Mental Health Legislation Scrutiny Group Terms of Reference</b>	
	The Mental Health Legislation Scrutiny Group Terms of Reference were up for their annual review in November. The membership of the group was updated to include GP Cluster representative. Mrs Sarah Roberts noted that the Terms of Reference now includes Right Care Right Person as a standard agenda item which is led by Dyfed-Powys Police.  Committee received and ratified the Mental Health Legislation Scrutiny Group Terms of Reference.	
	The Committee <b>RECIEVED</b> and <b>RATIFIED</b> Mental Health Legislation Scrutiny Group Terms of Reference	
MHLC (24) 73	<b>Power of Discharge Sub-committee</b>	

	<p>The Power of Discharge Sub-committee was stood down where Ms Ruth Bourke confirmed that the next report will be received in readiness to the Committee meeting in March 2025.</p>	
	<p>The Committee <b>RECEIVED</b> and <b>NOTED</b> the Power of Discharge Sub-committee.</p>	
<p><b>MHLC (24) 74</b></p>	<p><b>Mental Health Act Report</b></p>	
	<p>The Mental Health Act Report highlighted the usage of the act during quarter two. The extensive report had been previously shared with Committee ahead of the meeting. Mrs Roberts noted during quarter two there was a lower use of Section 136 and a higher increase of Section 3 and Dr Holding Power. Mrs Roberts also stated that Section 2 usage was lower than previous quarters.</p> <p>Mrs Becky Temple-Purcell noted that the reduction in overall activity that prior to the holiday season Dyfed-Powys Police had approached the Directorate to pre plan the impact on the amount of visitors that would be in the area with the ability to be able to respond in particular to Section 136. From the data within the report the spike from the holiday season is not seen but what is noticeable from the data within the report is the slight drop in activity. Mrs Roberts noted that during this holiday season the team did not see as many out of area people picked up by Section 136's as the previous summer.</p> <p>Mrs Temple-Purcell noted under page 64 of the report on the breakdown of Community Treatment Order activity within each county. Mrs Temple-Purcell noted on the ethnicity breakdown within the report and compared the data with Mental Health Act in general there is a higher representation of Community Treatment Order for people who are other than White British ethnicity.</p> <p>Ms Angie Darlington highlighted under page 12 of the report of the usage of restraints and how many times restrains were used in terms of Section 136. Ms Darlington noted that the five occasions where under 18's were detained under Section 136 handcuffs were used. These figures should be monitored through the Mental Health Legislation Scrutiny Group.</p> <p>Mrs Temple-Purcell updated Committee that some members were a part of the Mental Health Strategic Program meeting board where the Mental Health Bill was referenced. During the meeting there was acknowledgement of the movement where it is likely to be an engagement programme developed from an All Wales perspective with relevant stakeholder panels around the Mental Health Bill to develop a plan on what this would mean to Wales.</p>	
	<p>The Committee <b>RECEIVED</b> and <b>NOTED</b> the Mental Health Act Report.</p>	

<b>MHLC (24) 75</b>	<b>Mental Health Legislation Scrutiny Group</b>	
	<p>The previous Mental Health Legislation Scrutiny meeting occurred on 14<sup>th</sup> November which was well attended by members. There were two legislation risks that are still open and was highlighted during the meeting. One risk is in relation to the temporary closure of the place of safety in Aberystwyth and the other risk was identified at the Mental Health Legislation Scrutiny meeting in respect of a delay in a bed being available when someone has been detained in the community under the Mental Health Act.</p> <p>Section 135 warrant to search for and remove patients Interagency procedure and Information to Patients right procedure were reviewed during the meeting.</p>	
	The Committee <b>RECEIVED</b> and <b>NOTED</b> the Scrutiny Group Update Report.	
<b>MHLC (24) 76</b>	<b>Mental Health (Wales) Measure 2010 Report</b>	
	<p>Ms Liz Carroll stated within the Mental Health (Wales) Measure 2010 Report that CAMHS Part B has improved for October and now within target. This was an area that was targeted intervention for the Directorate.</p> <p>Ms Amanda Davies noted on the slight increase to the CMHT referrals made from people through the 111 option two service. A lot of promotion has been made for 111 option two service due to the closer of MIU in Llanelli. Ms Davies noted to Committee that the service has received additional funding from Welsh Government to create more social media and radio advertisement for the service.</p>	
	The Committee <b>RECEIVED</b> and <b>NOTED</b> the Mental Health (Wales) Measure 2010 Report.	
<b>MHLC (24) 77</b>	<b>Operational Risk Register</b>	
	<p>Ms Carroll raised that one additional risk has been to the operational Risk Register which is on the Capacity demand in terms of the inpatient pathway that's mitigated through the two day, twice daily bed conference meetings. The Community Place of Safety risk and the Section 136 risk remains on the Operational Risk Register.</p> <p>The CAMHS Section 136 is a mitigated risk but once the minor works are complete Ms Carroll believes that this risk will be closed.</p>	
	The Committee <b>RECEIVED</b> and <b>ASSURED</b> the Risk Register update.	

<b>MHLC (24) 78</b>	<b>Policies for Approval</b>	
	<p>The Section 135 warrant to search for and remove patients interagency procedure and Information to Patients right procedure was shared with Committee prior to the meeting. Both policies have been through the Health Board formal process. Both policies have been updated in line with the three yearly review.</p> <p>The Mental Health Legislation Committee received and approved both policies.</p>	
	<p>The Committee <b>RECEIVED</b> and <b>APPROVED</b> the Section 135 warrant to search for and remove patients interagency procedure.</p> <p>The Committee <b>RECEIVED</b> and <b>APPROVED</b> the Information to Patients right procedure.</p>	
<b>MHLC (24) 79</b>	<b>Smoke Free NHS Policy</b>	
	<p>Ms Darlington shared a presentation to Committee around feedback from patients on Smoke Free NHS legislation in Mental Health Settings. Ms Darlington has been working closely with Lucy Duncanson from Public Health Wales who is the lead for the Smoking and wellbeing team. The legislation was brought into Mental Health settings from September 2022.</p> <p>Ms Darlington shared the challenges, opportunities, general feedback and recommendations from patients in 2022-2023.</p> <p>The presentation was circulated to Committee following the meeting for full information.</p> <p>Ms Carroll noted that most people who come into the inpatient services under the Mental Health Act, there is an immediate deprivation of liberty that the individual is subject to, but on top of this patients are taken away their decision of smoking.</p>	
<b>MHLC (24) 80</b>	<b>MIND Cymru- Raising the Standard Improving Inpatient Mental Health Care in Wales</b>	
	<p>Mrs Temple-Purcell shared the MIND Cymru- Raising the Standard Improving Inpatient Mental Health Care in Wales report with Committee as it is valuable to include on the agenda as it focuses on how to build and support the mental health workforce and how to engage people with lived experiences.</p> <p>The report gives an insight and useful on the themes and areas that is raised throughout. Within the report Mrs Temple-Purcell noted that care and treatment planning is included and it's not just the numbers. The Quality Assurance and Practice Development Team along with Service leads through the Directorate are looking at a new approach to audit of Care and Treatment plans that are more focused around quality.</p>	

	Mrs Temple-Purcell assured Committee that as a Directorate the Reducing Restrictive Practice reports are received bi-monthly through the MH&LD Directorate Quality Safety and Experience group meeting. The report notes the patient safety programme that is happening across Wales where the programme has a number of focus areas one being the relational safety and within the work stream, there is a piece of work looking at what kind of activities and therapeutic activities are currently happening across wards in Wales.	
<b>MHLC (24) 81</b>	<b>Schedule of Meetings 2024-2025</b>	
	For information only.	
<b>MHLC (24) 82</b>	<b>Annual Work Plan 2024-2025</b>	
	For information only.	
<b>MHLC (24) 83</b>	<b>Schedule of Meetings 2024-2025</b>	
	For information only.	
<b>MHLC (24) 84</b>	<b>HIW Annual Plan 2023-2024</b>	
	For information only.	
<b>MHLC (24) 85</b>	<b>Any Other Business</b>	
	No updates for the meeting.	
<b>MHLC (24) 86</b>	<b>Matters for Escalation to Board</b>	
	<p><b>Alert:</b></p> <ul style="list-style-type: none"> <li>• No items to raise.</li> </ul> <p><b>Advise:</b></p> <ul style="list-style-type: none"> <li>• No items to raise.</li> </ul> <p><b>Assure:</b></p> <ul style="list-style-type: none"> <li>• The Mental Health Legislation Committee Self-Assessment 6-month review was discussed at the December 2024 meeting. Actions that raised within the Self-Assessment were discussed. The Mental Health Legislation Committee took assurance from the progress being made against the actions undertaken to improve the effectiveness of the Committee.</li> <li>• The Mental Health Act Report focused on quarter 2 data. No specific trends were seen during this quarter. It was highlighted at Committee that there was lower usage of Section 136, with higher usage of Section 3 and Doctors Holding Power.</li> <li>• The Mental Health Legislation Scrutiny Group met on 11 November 2024, with the main discussions around the review of the Group's Terms of Reference. Membership of the Group was reviewed, with this now to include a GP</li> </ul>	

Cluster representative. Within the Terms of Reference, Right Care Right Person has now been included as a standard agenda item, to be led by Dyfed-Powys Police. The Mental Health Legislation Scrutiny Group focused discussions on the two legislation service risks on the Mental Health and Learning Disabilities Risk Register. Firstly "The temporary closure of the Community Place of Safety at Gorwelion, Aberystwyth". This remains unchanged whilst the S136 Multi Agency Review Meeting progresses an option appraisal in respect of future S136 place of safety provision. The second risk is on "Delayed admission to hospital posts recommended detention under the Act, following a Mental Health Act Assessment (MHAA)".

- Section 135 warrant to search for and remove patients interagency procedure and Information to Patients right procedure policies were due for their three year renewal. Both policies had gone through the Health Board formal processes and were approved by the Committee.

**Review of Risks:**

- The corporate risk 1857 'Risk of significant delay in admission for individuals with medical recommendations for admission under the Mental Health Act' was raised at the Committee meeting. The risk score has increased, as demand outweighs capacity at present, with delays possible for patients awaiting beds.
- The Committee highlighted risk 1752, 'Risk to Young People's privacy, dignity and Health and Safety due to the 136 suite on Morlais being unsuitable', The risk is significantly reduced due to the relocation of the suite. Minor works are now required to provide a separate entrance for the 136 suite.
- The Committee noted that there were no changes to the status of the 1781 'Risk of being unable to provide a Community Place of Safety (CPOS) to individuals detained under Section 136 in Ceredigion county' Corporate Risk.

<b>MHLC (24) 87</b>	<b>Date, Time and Venue of Next Meeting</b>	
	The next meeting of the Mental Health Legislation Committee will be held on Tuesday, 11th March at 10:30am. This may be in person and via MS Teams from 10:30am- 12:00pm. The venue for the in-person meeting will be notified nearer to the date of the meeting.	