

**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, Monday 3 rd October 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 Winston Weir, Independent Member Mr Iwan Thomas, Independent Member
In Attendance:	<ul style="list-style-type: none"> Mr Andrew Carruthers, Director of Operations Ms Liz Carroll, Director of Mental Health & Learning Disabilities Dr Warren Lloyd, Associate Medical Director and Clinical Director Ms Ruth Bourke, Mental Health Act Administration Lead Mrs Sara Rees, Assistant Director of Nursing (MH&LD) Ms Jane Hitchings, Pembrokeshire County Council Ms Sarah Roberts, Mental Health Legislation Manager Ms Angela Lodwick, Head of Service SCAMHS & Psychological Therapies Ms Melanie Evans, Head of Service Learning Disabilities Ms Amanda Davies, Head of Service Adult Mental Health Ms Emma Thomas, Ceredigion County Council Mr Richard Jones, Consultant Nurse MH&LD Mr Ken Jones, Community Health Council Representative <p>• Secretariat: Ms Manon Horscroft, MH&LD PA</p>

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"> Mr Clive Smith, Carer Representative Ms Angie Darlington, Third Sector Representative Ms Kay Isaacs, Interim Assistant Director of Nursing MHL D Ms Ann Murphy, Independent Member Mr John Forbes-Jones, Ceredigion County Council Ms Catrin Convery, Welsh Ambulance Service NHS Trust Mr Neil Mason, Head of Older Adult MHL D Superintendent Ross Evans, Dyfed-Powys Police Mr Mark Evans, Carmarthenshire County Council 	
1.2	<p>Declarations of Interests</p> <p>No declarations of interest were made.</p>	
1.3	<p>Minutes of the meeting held on 13th June 2022</p> <p>The minutes of the meeting held on 13th June 2022 were APPROVED as an accurate reflection of the previous meeting.</p> <p>The Committee NOTED and APPROVED the minutes from the previous MHLC meeting held on the 13th June 2022.</p>	

1.4	Table of Actions from the meeting held on 13th June 2022	
	<p>The Table of Actions was reviewed, and the following was noted:</p> <p>MHLC (22) 03 - Due to Ms Kay Isaacs's annual leave, the action will remain open. Mrs Judith Hardisty noted a name correction that Ms Manon Horscroft will correct after the meeting.</p> <p>All other actions were marked as completed and will be removed from the Table of Actions.</p>	MH
	The Committee NOTED and AGREED the MHLC Table of Actions.	

1.5	Review of Terms of Reference and Committee Membership	
	<p>The Terms of Reference, which are reviewed annually were discussed by Committee. Following the meeting, Ms Manon Horscroft will make the following amendments:</p> <ol style="list-style-type: none"> 1. Mrs Judith Hardisty stated that under 4.1, there are now only two Independent Members across all Committees of the Health Board, rather than three. 2. Under version 10, the date on the Terms of Reference should be 2021 rather than 2022. 3. Pursuant to Section 3.3 of the Terms of Reference, the Committee only receives an update report from the Mental Health Legislation Scrutiny Group, not the previous meeting's minutes. 4. The Head of SCAMHS and Psychological Therapies to be included under section 4.2. <p>There were no further changes made. Members APPROVED the Terms of Reference, which will be presented to Board for approval in November.</p>	MH
	The Committee RECEIVED and APPROVED the Terms of Reference for Mental Health Legislation Committee.	

	Assurance and Risk	
2.1	Scrutiny Group Update	
	<p>The Vice Chair Ms Sarah Roberts reported on behalf of the Chair Ms Kay Isaacs. The meeting took place on August 8, 2022. Ms Sarah Roberts mentioned that the group intends to review their Terms of Reference, Membership, and Workplan, which will be discussed at the next meeting on November 1st, 2022.</p> <p>There was no specific reporting on Mental Health Act activity, but Ms Sarah Roberts noted that they had addressed the 136 consultations with Dyfed-Powys Police, as there had previously been an increase of 136's without consultation. Ms Sarah Roberts informed the meeting that they are currently working on form completion and face-to-face training with officers.</p> <p>The Quality Assurance and Professional Development team provided a detailed report on their work in relation to Care and Treatment plans, as well as their production of the Assessment Document for Care Co-ordinators.</p>	

	<p>The three Local Authorities provided comprehensive reports on their activity, which highlighted staffing issues and absence shortages in some areas. The number of section 12 Doctors available has been a recurring theme this quarter.</p> <p>The 117 procedure was presented to the group during the meeting, and members agreed that it should be brought to the Mental Health Legislation Committee. Ms Sarah Roberts also presented an update on the Mental Health Bill at the meeting.</p> <p>Mrs Judith Hardisty noted the impact and implications of invalid detentions. Ms Sarah Roberts mentioned that Section 15 of the Mental Health Act has strict criteria.</p> <p>Mrs Judith Hardisty also commented on the report's Local Authority Data and whether the discussion on AMHP shortages is taking place at an All-Wales level or being taken to the Local Partnership Board. Ms Sarah Roberts stated that Mr Mark Evans had updated the Bronze Group on the AMHP shortage and how they are attempting to address this. Ms Liz Carroll mentioned that Carmarthenshire is also looking into Social Work Assistant positions to assist the AMHPs. Ms Jane Hitchings stated that Pembrokeshire County Council has a five-year training plan in place.</p> <p>Mrs Sara Rees informed Committee Members that a new HIW Mental Health Strategy had been published, which may help with the problem.</p> <p>The Committee RECEIVED and NOTED the Scrutiny Group Report.</p>	
2.2	The Mental Health (Wales) Measure 2010 Report	
	<p>Mr Andrew Carruthers reflected on the Welsh Government's response to the Health Boards accountability Conditions, specifically on the delivery of Part One relating to CAMHS. Welsh Government will now track and monitor how the Health Board delivers this service as an organisation.</p> <p>Ms Amanda Davies raised that this report is still being developed. The goal of the Scrutiny meetings is to provide more data and show activity within the Community Mental Health Teams, the number of new patients coming in under CTP, and the patients being discharged.</p> <p>Part Three of the Measure is currently being looked at in more detail by Ms Amanda Davies, with the hope that the next report will show that the service is keen to look at the service users who are re-referring under the Measure and include those who could've been referred under the Measure but weren't. Part Four examines in greater depth what the advocates provide.</p> <p>Mrs Judith Hardisty was pleased to see the recovery plan and timescales for CAHMS. Mrs Judith Hardisty requested for an update at the next meeting around the timescale of improvement.</p> <p>Mrs Judith Hardisty questioned the significance of the figures for Older Adults and Adults from March to June and whether this could be a trend. Ms Amanda Davies will research these figures in preparation for the next Committee meeting.</p>	<p>AD</p> <p>AD</p>

	<p>Mr Andrew Carruthers stated that the service's challenge will be to maintain the figures with the report, which the Welsh Government acknowledged at the last Performance Meeting.</p> <p>Ms Angela Lodwick emphasized the expansion of SCAMHS in Part One, where the target appears to be on track. The Delivery Unit has reduced the level of scrutiny that CAMHS was subjected to following the initial concerns, and this will now be addressed in Scrutiny Meetings.</p>	
	The Committee RECEIVED and NOTED The Mental Health (Wales) Measure 2010 Report.	
2.3	Power of Discharge Sub-Committee (2nd August 2022)	
	<p>Committee Members received the minutes from the previous meeting held 2nd of August 2022. This was the first meeting Chaired by Ms Chantal Patel and was also attended by Professor John Garman in his new role as Lay Member. Ms Ruth Bourke stated that the meeting reviewed the data from April to June and concluded that all processes were carried out in accordance with the Code of Practice.</p> <p>Ms Sarah Roberts informed the Committee that the Hospital Managers have now returned to some face-to-face hearings. Hywel Dda is currently the only Health Board in Wales to do so.</p>	
	The Committee RECEIVED and NOTED the of Discharge Sub-Committee (2 nd August 2022).	
2.4	Risk Register	
	<p>Ms Liz Carroll stated that there was no legislation to report on the Risk Register.</p> <p>The Committee RECEIVED and NOTED the Risk Register update.</p>	

	PERFORMANCE	
3.1	Quarterly Performance Report – Quarter 1	
	<p>Ms Ruth Bourke recalled during the previous Committee Meeting that the figures reported during quarter four were very low. This quarter's figures showed that everything was back to normal. There have been no trends during this quarter. Section 15 Scrutiny of errors has seen increased numbers with some incidents involving errors in General Hospital Wards. Ms Ruth Bourke informed members that they had met with their counterparts at the General Hospital sites to conduct training. A brief training presentation is now available on the MHA Team Sharepoint page.</p> <p>Mr Iwan Thomas raised the errors under Section 15 are due to basic administrative errors.</p> <p>Ms Ruth Bourke stated that a lot of work has been done and that she is looking forward to seeing the results in the coming quarter. A training video was released, which was followed by training in General Hospital wards.</p> <p>Dr Warren Lloyd expressed his appreciation to Mr. Henwood, who has been extremely helpful in supporting the training initiative.</p> <p>Mr Ken Jones was pleased with the fact that the papers were distributed a week before the meeting. Concerning the data in Section 2, the Committee can see trends in the report dating back to 2020. The Committee may recall</p>	

	<p>people being taken to custody for a place of safety under Section 136, but there have been no admissions to custody this quarter.</p> <p>Ms Sarah Roberts stated that the Mental Health Act Bill is currently being reviewed in Parliament. The review will end the use of custody entirely under Section 136.</p> <p>Ms Liz Carroll stated that the improved Out of Hours services have helped with the figures. Staff will have access to records, contingency plans, and additional resources as the service becomes available 24 hours a day, seven days a week. In November, the 111 service will also become a 24-hour service.</p>	
	The Committee RECEIVED and NOTED the Quarterly Performance Report for Quarter 1.	

	POLICIES	
4.1	Section 117 After-care Procedure Mental Health Act, 1983	
	<p>As part of the Written Control Document Group Process, the Section 117 Policy was due for a three-year annual renewal. Ms Sarah Roberts stated that they attempted to have a policy in place with the Local Authorities as a joint document where it had previously come to Committee, but no agreement was made to be signed off by the Local Authorities. Ms Sarah Roberts was advised to redraft the document in order for it to become a procedure, specifically for Health Board employees. The redrafted Section 117 Procedure is now nearing completion by receiving approval from this Committee and the Clinical Written Control Document Group.</p> <p>Mr Andrew Carruthers stated that conversations need to be clearer with the fundamental wording from the previous policy on funding being split in half, and the Health Board is not legally in a position to agree with this in all cases.</p> <p>Ms Liz Carroll raised that this is an area being led by Jill Patterson on the Task and Finish Group looking at the legacy of the approach being 50/50 in certain circumstances. The challenge within the organisation particularly with the Long Term Care Team would not see themselves as a funding residential care. It will be difficult on creating a formular that helps the organisation to have these conversations with the Local Authorities.</p>	
	The Mental Health Legislation Assurance Committee APPROVED and AGREED the Section 117 After-care Procedure Mental Health Act, 1983	

5.1	New Mental Health Act	
	<p>Ms Sarah Roberts informed the Committee that the Mental Health Bill Committee will report to Parliament on December 16th, with a follow-up report brought to this Committee meeting in March 23. Some of the consequences will be significant for the Health Board. There is no timetable at this time. The changes to the Act will affect not only the Health Board, but also the Mental Health Review Tribunal and the Healthcare Inspectorate Wales.</p>	SRo

	Mr Winston Weir mentioned that many changes are taking place in England regarding the reorganisation of Health Services. Before making any decisions, the government should take the time re-implementing the Act.	
	The Committee RECEIVED and NOTED the New Mental Health Act.	
6.1	Any Other Business	
	Mrs Judith Hardisty informed Committee that this was Mrs Sara Rees' final committee meeting. Mrs Judith Hardisty thanked Mrs Sara Rees for her contributions and work to the Health Board and wished her a happy retirement.	
7.	Date, Time and Venue of Next Meeting	
	The next meeting of the Mental Health Legislation Committee will be held on Monday, 12th December 2022 at 13.30pm. This may be in person and via MS Teams from 09.30am – 12.30pm. The venue for the in person meeting will be notified nearer to the date of the meeting	