



**CYFARFOD BWRDD PRIFYSGOL IECHYD
UNIVERSITY HEALTH BOARD MEETING**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	10 June 2021
TEITL YR ADRODDIAD: TITLE OF REPORT:	Mental Health Legislation Assurance Committee Annual Report 2020/21
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Judith Hardisty, Chair, Mental Health Legislation Assurance Committee
SWYDDOG ADRODD: REPORTING OFFICER:	Andrew Carruthers, Director of Operations

Pwrpas yr Adroddiad (dewiswch fel yn addas) Purpose of the Report (select as appropriate)
Ar Gyfer Penderfyniad/For Decision

**ADRODDIAD SCAA
SBAR REPORT**

Sefyllfa / Situation

The purpose of this paper is to present the Mental Health Legislation Assurance Committee's Annual Report for 2020/21.

The Mental Health Legislation Assurance Committee provides assurances in respect of work that has been undertaken by the Sub-Group during 2020/21 and that the terms of reference are being adequately discharged.

Cefndir / Background

Hywel Dda University Health Board's Standing Orders and the Terms of Reference for the Mental Health Legislation Assurance Committee (MHLAC) require the submission of an Annual Report to summarise the work of the Committee and to identify how it has fulfilled the duties required of it.

Whilst the Board retains overall responsibility and accountability for ensuring the quality and safety of healthcare for its patients, service users, staff and the wider public, it has delegated authority to the Committee to undertake functions as set out within the Terms of Reference of the Committee.

In respect of its provision of advice to the Board, the Mental Health Legislation Assurance Committee is required to:

- Review reports from Healthcare Inspectorate Wales visits, the Delivery Unit and other external scrutiny bodies and approve the action plans for monitoring through its sub-committee structure;
- Review the Mental Health & Learning Disabilities Risk Register bi-annually to ensure that risks relating to compliance with mental health legislation are being appropriately managed by the Mental Health Legislation Scrutiny Group;
- Receive Mental Health Legislation Scrutiny Group updates;
- Consider issues arising from its sub-committee and group structure;
- 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;

- 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.
- Receive Hospital Manager's Power of Discharge Committee Update Report & Minutes from previous meetings.

The Terms of Reference for MHLAC were presented to Board in March 2021, following the meeting on 2nd March 2021, and included a revised structure diagram and to amend the title of Lead Director from Executive / Director of Operations to Director of Operations.

CONSTITUTION

Membership of the Mental Health Legislation Assurance Committee consists of Independent Members. The Vice Chair of the University Health Board (UHB) undertakes the role of Chair of the Committee given their specific responsibility for overseeing the Board's performance in relation to Mental Health Services. Membership of the Committee consists of four Independent Members only – for assurance purposes.

In attendance membership includes UHB manager representation, a wide range of partner organisations, including local authority, police, advocacy, user representation, carer representation, Welsh Ambulance Services NHS Trust and the Community Health Council. The Committee may also request the attendance of any other officers of the UHB as required.

Mr Andrew Carruthers, Director of Operations has been Executive Director for the meeting since December 2019.

MEETINGS

The Committee meets on a quarterly basis. During 2020/21, as a result of the unprecedented situation of the pandemic, the Committee was quorate on the 2 occasions that it met, as follows:

- 1st September 2020
- 2nd March 2021

AREAS OF RESPONSIBILITY

In discharging its duties, the Committee receives information of all activity undertaken in relation to the 1983 Act and the MH Measure which includes:

- Regular reporting on the use of the Mental Health Act within the area served by the University Health Board;
- Regular reporting on the activity and compliance with the Mental Health (Wales) Measure 2010;
- Performance reporting;
- Healthcare Inspectorate Wales reviews.

SUB-COMMITTEE

The Committee has one Sub-Committee following the UHB's governance review in 2015; the Hospital Managers Power of Discharge Sub-Committee.

The Committee agreed to the establishment of the Hospital Managers Power of Discharge Sub-Committee (the Sub-Committee), made up of all Independent Members and Lay Members. Section 23 of the 1983 Act (the power of discharge) was delegated to the Sub-Committee. Officers can attend but are not members. A panel of three or more members

drawn from the Sub-Committee hear individual cases where patients or their nearest relative have applied for discharge. The panels also sit on renewal hearings – these are collectively known as Hospital Managers reviews.

In respect of its provision of assurance to the Board, the Sub-Committee is required to:

- Review and monitor how the operation of the delegated functions under Section 23 of the 1983 Act are being exercised;
- Discuss the work of individual panels;
- Discuss the training requirements of review panel members;
- Discuss any impact of legislative change on the role of Hospital Managers;
- Highlight any impact of service changes; and
- Provide learning opportunities.

The Sub-Committee meetings are held three times each year and are divided into two parts: the first part deals with the Sub-Committee's governance and the second part has a training focus to ensure members are kept up to date with current legislation and of changes within the UHB.

The Chair of the Sub-Committee is Professor John Gammon (Independent Member). This provides an additional level of assurance and scrutiny. The Mental Health Act administration lead is an attendee.

During the year members received training on the following areas:

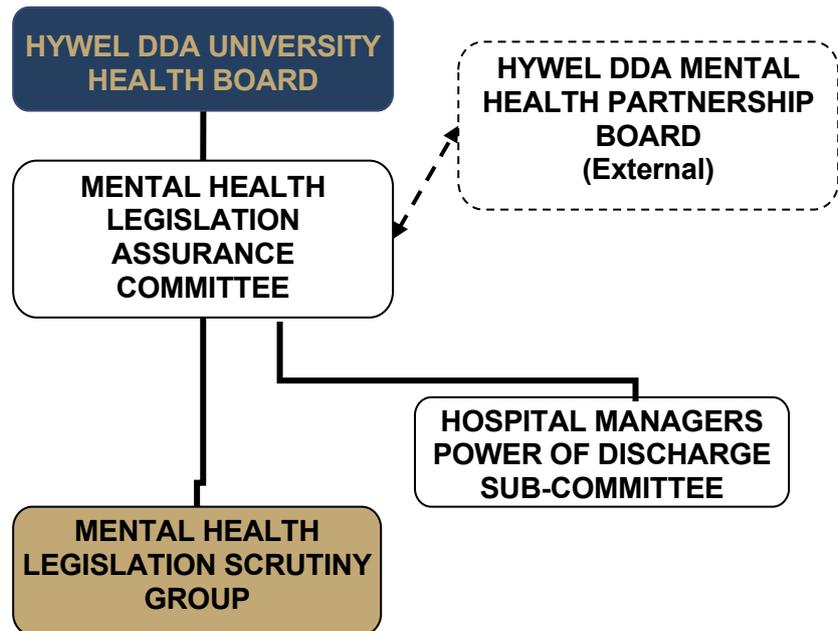
- The role of the nearest relative under the Mental Health Act – Richard Griffiths, Lecturer, School of Health Science
- Human Rights Act and its relation to the Mental Health Act – Richard Griffiths, Lecturer, School of Health Science

Compliance with Mental Health Legislation (Sub-Groups)

The Mental Health Legislation Assurance Committee has one Sub-Group that provides an additional layer of scrutiny to the UHB's compliance with statutory mental health legislation.

SUB-GROUP

The Mental Health Legislation Scrutiny Group (Scrutiny Group) representation consists of senior service managers from health and local authority stakeholders. It also includes representatives of service users, carers and advocacy groups. It is chaired by the Head of Adult Inpatient Services and its Vice Chair will be the Mental Health Legislation Manager. It meets on a quarterly basis, four weeks prior to MHLAC. Its purpose is to scrutinise the UHB's compliance with mental health legislation and to investigate any areas of concern, independently or as directed by MHLAC. It reports directly to MHLAC through a quarterly performance paper and may also provide additional papers to MHLAC on areas of concern being investigated.



The role of the Scrutiny Group is continually evolving; however, its primary benefits to date have been to:

- More clearly identify any areas of concern and present greater clarity of exception reporting to MHLAC;
- Provide a clear line of communication between practicing clinicians and managers to the MHLAC assurance process;
- Quickly identify any areas of concern and instigate further investigation and intervention, thereby improving the quality of care delivery.

During 2020/21, the Scrutiny Group has been asked to particularly focus on some key issues by the Committee, namely:

- Examine the use of Section 2 and 3 of the Mental Health Act for known service users and to explore timelines leading up to these detentions. To report on any findings on inappropriate use of the Act or whether less restrictive methods could have been utilised.
- Examine the use of Section 2 and 3 of the Mental Health Act for unknown service users, considering the escalation to detention and whether on these occasions the admissions under the Act were appropriate and proportionate and least restrictive. To report on any findings.
- To scrutinise the use of Section 136 for known service users and to consider whether any detentions as a result could have been avoided.

Asesiad / Assessment

The Mental Health (Wales) Measure 2010

The Directorate's ability to report against statutory performance targets relating to the Welsh Measure has been hampered throughout much of 2020 as a consequence of a project to migrate from a legacy Mental Health Patient Administration System (PAS) to Welsh PAS. Initial migration of historical data was a significant task, involving 11000 individual patient

referrals. This took longer than expected and, at the same time, the Directorate also suffered hardware issues which resulted in staff being unable to enter new referrals for approx. 3 weeks. A planned scheduled to resume all reporting was completed from January 2021.

Following the initial migration, completed in October 2020, a number of data quality issues have been highlighted by data validation reports. Initially, there was a focus on medical outpatient reporting and validating against previous and more expected levels of activity. Data for this area was submitted to WG in December 2020 as part of a planned schedule to resume all reporting by 1st April 2021.

Inspections

The Healthcare Inspectorate Wales (HIW) Annual Report 20/2021 sets out the findings of the work carried out by HIW during this financial year.

In particular it includes the findings of the inspection that took place at the Llanelli Community Mental Health Team.

Action plans are devised for each visit that takes place and these are monitored through the Mental Health and Learning Disabilities Quality, Safety and Experience Sub-Committee.

Full report can be accessed via the following weblink:

https://hiw.org.uk/sites/default/files/2020-10/20201022HIWAnnualReport2019-20_eng.pdf

Other Areas of Responsibility

- The Committee noted the updated 626 - Section 5(4) Nurses Holding Power Policy.
- As a Chair's action on behalf of the Committee the following policy reviews were agreed: 596 - Section 5(2) Doctors Holding Power, 625 - Community Treatment Order and 363 - Hospital Managers Scheme of Delegation.
- The Committee was provided with an update on the transformation of Mental Health services during COVID-19.
- The Committee also noted the changes in practice by the Mental Health Review Tribunal for Wales and Healthcare Inspectorate Wales SOAD service.

Annual Work Plan

The Committee will continue to review all work undertaken by the UHB which lies within its remit and provide assurance to the Board that its statutory obligations are being met.

The Committee takes an annual work plan-based approach to the management of its work and reminds members and stakeholders at every meeting that they can influence this work plan at any time. In addition to the previous work highlighted within this paper, this included:

- Regular updates from the Mental Health Programme Group on the transformation project
- Regular updates on the All Wales Benchmarking report based upon MHA usage data
- Regular updates from the Mental Health Partnership Board. The Committee will continue to receive regular updates throughout 2020/21
- Regular updates on out-of-area placements
- Service user representations including service user sharing stories and experiences

Argymhelliad / Recommendation

The Board is requested to endorse the Mental Health Legislation Assurance Committee Annual Report 2020/21.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s): Hyperlink to NHS Wales Health & Care Standards	Governance, Leadership and Accountability 2. Safe Care 3. Effective Care 4. Dignified Care
Amcanion Strategol y BIP: UHB Strategic Objectives: Hyperlink to HDdUHB Strategic Objectives	All Strategic Objectives are applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Statement	Support people to live active, happy and healthy lives Improve efficiency and quality of services through collaboration with people, communities and partners

Gwybodaeth Ychwanegol:

Further Information:

Ar sail tystiolaeth: Evidence Base:	Agendas, papers and minutes of the Mental Health Legislation Assurance Committee meeting 2020/21
Rhestr Termiau: Glossary of Terms:	Included within body of the report
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Cyfarfod Bwrdd Iechyd Prifysgol: Parties / Committees consulted prior to University Health Board:	Director of MH&LD Vice Chair of UHB/Chair of Mental Health Legislation Assurance Committee Mental Health Legislation Assurance Committee (3 rd June 2021)

Effaith: (rhaid cwblhau)

Impact: (must be completed)

Ariannol / Gwerth am Arian: Financial / Service:	A sound system of internal control, as evidenced in the Committee's Annual Report, will assist with ensuring financial control, and the safeguard of public funds.
Ansawdd / Gofal Claf: Quality / Patient Care:	SBAR template in use for all relevant papers and reports.
Gweithlu: Workforce:	SBAR template in use for all relevant papers and reports.
Risg: Risk:	SBAR template in use for all relevant papers and reports.

Cyfreithiol: Legal:	<p>A sound system of internal control, as evidenced in the Committee's Annual Report, ensures that any risks to the achievement of the Health Board's objectives are identified, assessed and managed.</p> <p>Compliance with the Health Board's Standing Orders, and the Committee's Terms of Reference, requires the submission of an Annual Report to the Board.</p>
Enw Da: Reputational:	<p>Not applicable</p>
Gyfrinachedd: Privacy:	<p>Not applicable</p>
Cydraddoldeb: Equality:	<p>SBAR template in use for all relevant papers and reports.</p>