

MENTAL HEALTH LEGISLATION COMMITTEE

ANNUAL REVIEW REPORT

2024/2025

1. Introduction and Chair's summary

In line with Standing Orders the Mental Health Legislation Committee must submit an Annual Report to the Board through the Chair within 6 weeks of the end of the reporting year setting out its activities during the year and including the review of its performance and that of any Sub-Committees it has established, setting out how the Committee has met its Terms of Reference during the financial year.

The Board uses this annual report to inform:

- The ongoing development of its governance arrangements, including its structures and processes:
- Its Board Development Programme, as part of an overall Organisation Development framework: and

Chair's Reflections

The committee has received assurance on work undertaken to strengthen processes for communicating assessment outcomes to General Practitioners following section 136 interventions, ensuring more effective information sharing. While improvements have been introduced, work will continue to monitor the impact of systems and address any inconsistencies in implementation.

Movement of the Section 136 facility within Morlais ward has been a crucial step in enhancing privacy, dignity, and safety for children and young people undergoing assessment under Section 136. Further work to review provision of 136 facilities for adults across the Health Board footprint remains in progress.

Workforce pressures, particularly concerning recruitment and retention across key professional groups in specific localities—including doctors, social workers, and nurses—continue to generate service risks. The committee has monitored the impacts of risks on compliance with mental health legislation and sought assurance on mitigation strategies. Given the persistent nature of these challenges, ongoing scrutiny remains essential to ensure that any gaps in service provision do not compromise patient care or statutory obligations. The committee will continue to seek assurance on intervention measures and that recruitment and retention strategies align with service demands and legislative responsibilities.

The committee has received assurance on implementation of Right Care, Right Person, a significant shift in approach, aiming to ensure the most appropriate professionals respond to individuals in crisis. The transition has required careful monitoring and will remain a focus as the full impact of the model unfolds through next phases.

2. Terms of Reference and Workplan

The Terms of Reference for the Mental Health Legislation Committee is reviewed on an annual basis or following any significant changes. The Terms of References were last reviewed on 7 June 2024.

[Mental Health Legislation Terms of Reference June 2024](#)

The Mental Health Legislation Committee has a work plan to enable forward planning for the forthcoming year. The work plan is produced to incorporate the duties outlined in the Committee's Terms of Reference and any suggested areas of focus identified during the self-assessment process.

The Mental Health Legislation Committee work plan covers a range of activities including statutory reporting duties, regular items of business and priority planned pieces of work which support Board and Committee's objectives.

The work plan is regularly updated throughout the year to ensure it remains responsive to emerging issues and risks.

[Mental Health Legislation Committee Work plan 2024-2025](#)

3. Sub-Committee

The Power of Discharge Sub-Committee reports into the Mental Health Legislation Committee with its own terms of reference and work plan for the year.

The Power of Discharge Sub-Committee Sub-Committee's TOR were last reviewed on 7 June 2024.

In line with their Terms of Reference, the Sub-Committee is required to provide a report after each meeting, as well as produce an annual report which is scheduled to be presented to the Committee on 5 June 2025 reporting on activity throughout the year.

4. Table of attendance

Membership	Date 07/06/24	Date 03/09/24	Date 02/12/24	Date 11/03/25
Eleanor Marks Independent Member with responsibility for Mental Health (Health Board Vice-Chair) (Chair)		✓		✓
Iwan Thomas Independent Member (Third Sector) and (Vice Chair)	✓	✓	✓	✓
Ann Murphy Independent Members (Trade Union)	✓	✓	✓	✓
Winston Weir Independent Members (Finance)	✓			

In Attendance	Date 07/06/24	Date 03/09/24	Date 02/12/24	Date 11/03/25
Andrew Carruthers Director of Operations (Lead Director)	✓			
Liz Carroll Director of Mental Health & Learning Disabilities Services (Lead Officer)	✓	✓	✓	
Dr Warren Lloyd Associate Medical Director for Mental Health Services	✓	✓	✓	✓
Angela Lodwick Assistant Director of Nursing Mental Health & Learning Disabilities	✓	✓	✓	✓
Amanda Davies Head of Adult Mental Health Service			✓	✓
Neil Mason Head of Older Adult Mental Health Services		✓	✓	✓
Lisa Bassett-Gravelle Head of Adult Mental Health Inpatient Wards and Learning Disabilities Service				
Sarah Roberts Mental Health Legislation Manager	✓		✓	✓
Ruth Bourke Mental Health Act Administration Lead	✓	✓	✓	✓
Kay Isaacs Chair of Mental Health Legislation Scrutiny Group		✓	✓	✓
Nominated representative from Dyfed/Powys Police				
Nominated representative from Welsh Ambulance Services NHS Trust				
Nominated representative from Carmarthenshire County Council	✓	✓	✓	✓
Nominated representative from Ceredigion County Council	✓	✓	✓	✓
Nominated representative from Pembrokeshire County Council	✓	✓	✓	✓
Nominated representative from West Wales Action for Mental Health (WWAMH)	✓	✓	✓	✓
2 x Nominated Service Users: patient representative and carer representative				
Nominated representative from Primary Care: GP Lead				
Nominated representative from Llais (not counted for quoracy purposes)				
Nominated representative from Advocacy Network				
Meeting quorate?	Yes	Yes	Yes	Yes

Include the quoracy requirements setting out Membership and In Attendance requirements for the Committee are within the Terms of Reference.

A quorum shall consist of no less than two of the membership and must include as a minimum the Chair or Vice Chair of the Committee and one other Independent Member, together with a third of the In Attendance Members.

5. Committee Activities – alert, advise and assure.

The Committee is required to report to the Board after each Committee meeting by presenting a report highlighting the key discussion items at the Committee.

(Include highlights of work undertaken as headings. Include any decisions made by the Committee. Any feedback from patients or staff)

Alert – *The following matters were areas where the Committee was unable to take an assurance or had a lack of confidence that the action in place was sufficient to address the issue satisfactorily and/or it was within the scope of the operational team to resolve, and were alerting the Board as engagement action or intervention was required.*

The Mental Health Legislation Committee did not alert Public Board of any matters during 2024-2025.

Advise – *The following matters were areas of concern where assurance had been taken on actions in place but required close monitoring.*

Mental Health (Wales) Measure 2010 Report – Under a number of the agenda items discussed in at the June 2024 Committee meeting, the main highlights raised under the Mental Health (Wales) Measure 2010 Report was in respect to the Multi-agency Section 136 Workshop that is being facilitated by Dyfed-Police Colleagues on 18 June 2024 in Llanelli. The workshop is facilitated due to the number of operational issues that the Police wish to discuss. During the September 2024 meeting, the Committee was advised that Older Adult Mental Health Service had some breaches under part three and part four of the measure. The numbers were small; however, were impacting on the statistics within the report. The reasons for the breaches were reviewed and related to an omission by the service and delays in entering data. The Committee was also made aware of breaches under the Continuous Performance Test (CPT) Learning Disabilities Service, but the numbers are minimal.

Power of Discharge Sub-Committee- advised Committee in June 2024 that discussions occurred at the previous meeting from Senior Members of the Sub-Committee, which was in respect to Hospital Managers, had not received a pay increase since 2019. Work is being undertaken in respect of the Hospital Managers pay increase, with the Chair of the Sub-Committee is also working closely with the Director of Finance on this.

Capturing Good Practice/Patient Stories – An open discussion occurred at the Mental Health Legislation Committee in September 2024 on capturing Good Practice/Patient Stories. The unique role of the Committee was recognised in respect of the ability to capture patients' experiences and stories.

During the March 2025 **Mental Health Legislation Committee**, a concern was raised regarding a Pembrokeshire Local Authority risk due to recruitment and retention issues with Social Work Staff. The Committee raised concerns and would like to advise the Board that this is impacting on health and performance under the Mental Health (Wales) Measure 2010.

Assure – *The following matters were areas where there was confidence that robust actions are in place and are sufficient to address the issues to operate effectively.*

Mental Health Act report – At the June 2024 Committee the report highlighted the high usage of Section 3 not only for adult, but also for older adult across the three counties. During this quarter, there was a continued increase of Section 136 cases, where patients were taken to A&E settings, which did present some operational issues. Within this quarter, patients are being brought to the Mental Health Place of Safety. The Mental Health Legislation Scrutiny group are looking into the usage of Place of Safety, to the General Hospital Settings. During the September 2024 Committee the report was focused on Quarter 1 data. Following the previous Mental Health Legislation Committee, an action from the Self-Assessment outcome was to split the Mental Health Act Report into Adult and Specialist Child and Adolescent Mental Health (S-CAMHS). However, due to the figures for S-CAMHS being under five, the report will not be split to protect patient confidentiality. During the December 2024 Committee the 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. During the March 2025 Committee, focused on quarter 3 data. No specific trends were seen during this quarter. It was highlighted at Committee that there was lower usage of Section 3, with Accident and Emergency continuing to be used as a Place of Safety.

Mental Health Legislation Scrutiny Group- during the groups meeting in August 2024, Committee advised Board in September the main discussions being around the two Risks raised at Committee. The new risk 1857, was identified at the Mental Health Legislation Scrutiny meeting due to a delay in bed availability. Communication challenges with Primary Care colleagues in relation to Section 136 were highlighted, together with improvements made following input from GP colleagues to the meeting. During the December 2024 Committee 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 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. Committee were assured at the March 2025 meeting that the Group was able to finalise discussions in respect of the 'S136 Frequently Asked Questions' leaflet to progress this to the next phase, the Written Controlled

Document Group for ratification. The Group focused discussions on the Section 136 Review Multi Agency Meeting that was scheduled for late February to complete a Quality Impact Assessment document and then complete a final paper for the Executive Team and Board meetings in May 2025.

Power of Discharge Sub-committee- met on 6 August 2024, focusing on the Hospital Managers work carried out during Quarter 1. The meeting focused on specific issues relating to panel hearings and training relating to the Mental Health Act.

Mental Health Legislation Committee Self-Assessment 6-month review- was discussed at the December 2024 Committee. 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.

Mental Health (Wales) Measure 2010 report- was presented at the March 2025 Committee. Part 1 and 2 of the Measure are achieving the trajectory. Adult Mental Health will be continuing to monitor the outcomes of part 3 assessments to improve compliance. This is now being closely monitored via the Business Manager and the Team Leaders.

Items approved by the Committee during the year:

Section 17 Leave Policy- was due for its three yearly review in June 2024. It was confirmed that there have been no changes in legislation within the last three years. The policy has been widely shared and been out on global for two weeks for consultations. The Committee approved the review of the Section 17 Leave Policy.

The Power of Discharge Sub Committee Terms of Reference was approved at the June 2024 Mental Health Legislation Committee.

The Mental Health Legislation Committee Terms of Reference had been undertaken, with multiple queries raised at the meeting and actions approved from the Vice Chair and Committee. All changes to the Terms of Reference have been noted and these are appended was approved by the Board in July 2024.

The **Mental Health Legislation Committee Annual Report 2023-2024** was presented and discussed at Committee. The Annual Report outlines how the Mental Health Legislation Committee has complied with the duties set through its Terms of Reference and identifies key actions to address developments The Annual Report was approved by the Committee and Public Board in July 2024.

The **Mental Health Legislation Scrutiny Group Terms of Reference** were approved at the December 2024 Mental Health Legislation Committee.

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 at the December 2024 Committee. Both policies had gone through the Health Board formal processes and were approved by the Committee.

Section 136 Joint Procedure policy is due for its 3 yearly review by 24 March 2025 and, following discussion within Mental Health Services, a request was made to the Committee that the policy is given a 6-month extension which the Written Control Document Group agreed to on 28 January 2025. The Mental Health Legislation Committee agreed the extension of the Section 136 Joint Procedure.

6. Committee Effectiveness - Feedback from self-assessment process

As stipulated within Standard Orders, the Board introduced a process of regular and rigorous self-assessment and evaluation of the performance of the Mental Health Legislation Committee.

- For the Mental Health Legislation Committee this involved the completion of a short digital form which requested feedback on the following areas:
 - Governance and administration
 - Committee's inputs
 - Conduct of Committee meetings
 - Interface with other Committees, including the Board
 - Committee's impact
 - Individual role on Committee

The results from which were fed into an action plan, combining information and Auditor/Regulator feedback.

The process was undertaken during the year and reported to the Committee on 7 June 2024

[Mental Health Legislation Committee \(MHLC\) Self Assessment Outcome Report 2023/24](#)

The Committee received an update on progress at the mid-year point on 2 December 2024.

7. Conclusion

The Committee is satisfied that it continues to operate effectively and in line with the Terms of Reference. Issues have been escalated to Board as appropriate, and the Committee uses feedback from the self-assessment process to evolve and continually improve.