



GIG  
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WALES

Bwrdd Iechyd Prifysgol  
Bae Abertawe  
Swansea Bay University  
Health Board



		Agenda Item	2.4 (iii)
<b>Freedom of Information Status</b>		Open	
<b>Reporting Committee</b>	Mental Health Legislation Committee		
<b>Author</b>	Claire Mulcahy, Corporate Governance Manager		
<b>Chaired by</b>	Stephen Spill, Vice Chair		
<b>Lead Executive Director (s)</b>	Gareth Howells, Executive Director of Nursing and Patient Experience (Interim)		
<b>Date of last meeting</b>	04 November 2021		
<b>Summary of key matters considered by the committee and any related decisions made.</b>			
<p><b>Mental Health Measure 2010 Monitoring Report;</b>            The health board met the target for Part 1b (assessments) during the 12 month period but Part 1b (inventions) for under 18's (CAMHS), compliance was variable. The health board met the target for Part 2 of the measure for eight of the 12 months with most recent data at below 84%. A performance management process had been established to address this.</p>			
<b>Key risks and issues/matters of concern of which the board needs to be made aware:</b>			
<p><b>Mental Health Act (MHA) 1983 Monitoring Report;</b>            During the period, 1<sup>st</sup> April 2021 and 30<sup>th</sup> June 2021 there had been <i>fifty-one exceptions</i> and <i>two invalid detentions</i> identified by the department. There were three admissions to an adult acute ward for those under the age of 18's. Police detentions had increased due to a high prevalence of drug and alcohol related incidents and there was <i>fifty-five</i> Section 136 detentions during the period. It was encouraging to see an increase in Voluntary Assessments.</p> <p>Key Matters raised by members;</p> <ul style="list-style-type: none"> <li>- <i>Unlawful detention due to incomplete/incorrect documentation;</i> further training is required for staff on the completion of documentation particularly on the general wards. An online suite of training guides has been developed. Doctor's errors have been escalated to the Service Group Medical Director and these will be reported and incorporated into appraisal meetings going forward.</li> <li>- <i>The digitalisation of the Statutory Documentation;</i> Currently not introduced in Wales as it is in England. Members to raise with Welsh Government colleagues on behalf of the committee.</li> </ul> <p><b>Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards Update (DoLS);</b></p> <p><b>Mental Capacity Act 2005</b> –The Safeguarding training continued via a virtual platform for levels 1 and 2. Safeguarding training was now raised as part of the completion of ward and department Safeguarding Assurance Audits.</p>			

**DoLS** - Members were updated on the DoLS quarter 2 position and advised there had been 238 referrals of which the dedicated best interest assessors (BIA'S) had completed 23 and external BIA's completed 28. The total amount of breaches for the period stood at 109 and this was a concern, breaches were due to the continuing lack of assessors. There was a delay in relation to the legislation (Liberty Protection Safeguards) but an allocation of £327k had been received in preparation. Work was being progressed to address the DoLS backlog. A dedicated lead had been identified and additional hours offered to nurse assessors as well as BIA training via Swansea University. A DoLS dashboard was also being developed

Key matters raised by members;

- *Low MCA training numbers*; Members were assured that the dedicated lead would focus on training; the need to ensure on the right track prior to the onset of the LPS was a priority.
- *Addressing the DOLs backlog*; the importance of addressing the backlog prior to the onset of LPS was reiterated by members.

**Delegated action by the committee:**

None identified.

**Main sources of information received:**

- Mental Health Act Monitoring Report
- Mental Capacity Act Report and Deprivation of Liberty Safeguards
- Mental Health Measure Monitoring Report
- A verbal update on the Powers of Discharge Committee was **received**.
- The Powers of Discharge Committee Annual Report 2020-21 (Appendix 1) was **received** and **approved**.

**Highlights from sub-groups reporting into this committee:**

None identified.

**Matters referred to other committees**

None identified.

**Date of next meeting**

03 February 2022