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Bwrdd Iechyd Prifysgol  
Bae Abertawe  
Swansea Bay University  
Health Board



		Agenda Item	5.1 (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>	Martyn Waygood, Interim Vice-Chair		
<b>Lead Executive Director (s)</b>	Christine Williams, Interim Director of Nursing and Patient Experience		
<b>Date of last meeting</b>	05 November 2020		
<b>Summary of key matters considered by the committee and any related decisions made.</b>			
<b>Mental Health Act (MHA) 1983 Monitoring Report;</b>			
<p>The committee received an update on performance against the MHA. During the period, there had been <i>thirty seven exceptions</i> and <i>no invalid detentions</i> identified by the department and there were no breaches to the Mental Health Act of in-patients admitted who were under the age of 18. During the period, 22 Hospital Managers' panels had taken place, of which 3 were postponed and 1 was adjourned. Overall performance in this area had improved. One Healthcare Inspectorate Wales Tier 1 quality check was undertaken on a Ward in Caswell Clinic in August. The review focussed on the ward's preparedness for and response to COVID 19, and was largely positive with two areas of improvement identified.</p>			
<b>Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards Update (DoLS);</b>			
<p><b>Mental Capacity Act 2005</b> – The Independent Mental Capacity Advocate Service (IMCA) had reported a consistent level of referrals despite the pandemic. Safeguarding training had been postponed since March 2020 but the first virtual MCA training was carried out by Swansea University in July and feedback was positive.</p>			
<p><b>DoLS</b> - Members were updated on the DoLS quarter 1 and 2 position and advised there had been 176 referrals of which 54 were completed by the dedicated assessors. In quarter 2, 177 referrals were received, of those 48 were completed by the dedicated assessors. Although the number of breaches had reduced most breaches were due to the continuing lack of assessors and COVID-19 restrictions.</p>			
<p>Members were advised that during the pandemic, there had been no adjustments made to MCA and DoLS responsibilities. In terms of DoLS, there were ongoing risks to the health board compliance with the legislation due to lack of BIA assessors and COVID restrictions on visiting wards and reduced footfall on hospital sites.</p>			

**Mental Health Measure 2010 Monitoring Report;**

The overall performance against the measure was on or above target for all four areas. Members relayed how particularly pleased they were with the performance for Child and Adolescent Mental Health Services (CAMHS). The consistency of high performance across all areas provides the committee, the Board and Welsh Government with assurance.

**Care and Treatment Planning Update;** Members were provided with an update on progress within the three CTP action plans. There were a number of outstanding recommendations within each of the locality plans and members raised concern that some actions had been set with completion dates prior to COVID-19 and should have already been actioned. They reiterated the need to have clear and robust plans in place and clear time-scales for completion.

**Key risks and issues/matters of concern of which the board needs to be made aware:**

As above.

**Delegated action by the committee:**

None identified.

**Main sources of information received:**

As above.

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

None identified.

**Matters referred to other committees**

None identified.

**Date of next meeting**

04 February 2021