

Unconfirmed
MINUTES OF THE
MENTAL HEALTH LEGISLATION COMMITTEE
HELD ON 6th AUGUST 2020 AT 9.30AM
MILLENNIUM ROOM, SBU HEADQUARTERS/MICROSOFT TEAMS

Present

Martyn Waygood	Interim Vice Chair (in the chair)
Maggie Berry	Independent Member
Jackie Davies	Independent Member (until minute 20/20)
Christine Williams	Interim Director of Nursing and Patient Experience
Chris White	Director of Primary Care, Community and Mental Health
Dai Roberts	Service Director, Mental Health and Learning Disabilities

In Attendance

Ian Stevenson	Interim Mental Health Act Manager
Claire Mulcahy	Corporate Governance Manager
Nicola Edwards	Head of Safeguarding (Minute 26/20)
Tanya Spriggs	Interim Unit Nurse Director (Minute 26/20)

MINUTE		ACTION
17/20	WELCOME AND INTRODUCTIONS	
	Martyn Waygood welcomed all to the meeting.	
18/20	APOLOGIES FOR ABSENCE	
	Apologies for absence were received from Pam Wenger, Director of Corporate Governance.	
19/20	DECLARATIONS OF INTEREST	
	There were none.	
20/20	MINUTES OF THE PREVIOUS MEETING	
	The minutes of the meeting held on the 6 th February 2020 were received and approved as a true and accurate record.	
21/20	MATTERS ARISING	
	There were none.	
22/20	ACTION LOG	
	The action log was received . Martyn Waygood and Christine Williams agreed to meet outside of committee to review the action log.	MW/CW
Resolved:	<ul style="list-style-type: none"> - Martyn Waygood undertook to meet with Christine Williams outside of committee to review the action log; - The report be noted. 	MW/CW/CM
23/20	WORK PROGRAMME 2020/21	

MINUTE		ACTION
	<p>The work programme for 2019/20 was received</p> <p>In discussing the work programme, Chris White advised that it would be helpful to work through the work programme to establish what the legislative committee would need to know following COVID-19. Martyn Waygood and Chris White undertook to take this discussion outside of committee.</p>	MW/CW
Resolved	<ul style="list-style-type: none"> - Martyn Waygood and Chris White to discuss the work-programme outside of committee; - The report be noted. 	MW/CW
24/20	MENTAL HEALTH LEGISLATION COMMITTEE ANNUAL REPORT 2019-20	
	<p>The Mental Health Legislation Committee Annual Report for 2019-20 was received and approved for submission to the Board.</p>	
25/20	CHANGE TO AGENDA ORDER	
Resolved	<p>The agenda order be changed and Item 3.1 be taken next – Mental Health Act Monitoring Report 1983.</p>	
26/20	MENTAL HEALTH ACT MONITORING REPORT 1983	
	<p>A report providing an update on performance against the Mental Health Act 1983 was received.</p> <p>In introducing the report, Dai Roberts highlighted the following points:</p> <ul style="list-style-type: none"> - During the reporting period, there had been 70 exceptions and four invalid detentions identified by the Mental Health Act (MHA) Department; - Exceptions had increased and a detailed piece of work was being undertaken to ascertain the reason for this and whether there has been a difference in interpretations within the MHA department; - Section 136 was enacted on 60 occasions during the 2 quarters. South Wales Police were one of two forces in Wales and England to see a reduction in Section 136's; - The health board had seen a reduction of 58% for 2019-20 in comparison to 2018-19; - A mental health team in South Wales Police provide support via a telephone triage system with the aim of working collaboratively for the needs of the patient. Funding has been committed to fund the team on a recurrent basis; - During the pandemic, Hospital Managers' panels had be suspended but these have now been reinstated and the backlog has been cleared; - There had been no Healthcare Inspectorate Wales visits 	

MINUTE		ACTION
	<p>during the period due to the pandemic;</p> <ul style="list-style-type: none"> - Training and awareness sessions were being explored through virtual means and through the use of new software; - A review of the current systems operating with the Mental Health Act team is currently taking place, to meet the changes in technology post COVID-19, to enhance and improve communication and finally to rectify errors quickly. <p>In discussing the report, the following points were raised:</p> <p>Jackie Davies raised concern with regards to the 70 breaches/exceptions, adding that the figures appeared to be getting worse. David Roberts advised that this was being investigated further, it did not appear to be an increase in errors but a difference in reporting processes and work was underway to understand the difference in interpretations.</p> <p>Penny Cram provided some assurance that work to improve the position had already started with a very simple program of education using a flowchart and checklists. There did appear to be slight improvement in the rate of errors.</p> <p>Maggie Berry made reference to section 12 in relation to minor errors commenting that these should not be happening. Penny Cram replied that although these errors appear simple, there was pressure within the services on those staff completing documentation and this was something that could not be eradicated immediately.</p> <p>Ian Stevenson informed there had been some recruitment within the MHA team and there was now a stronger link with the delivery units in terms of the team's ability to go onto site to address issues. He added that training had been an issue but the team were working to address this. Maggie Berry stated she felt the MHA Team had always been pro-active and were frequently out on site in the delivery units.</p> <p>Chris White queried how frequently audits were being undertaken in order to identify errors within the documentation. Penny Cram replied that the team were now more pro-active in getting these rectified. Chris White replied that it was clear to see improvements were starting to be made, requested that members had sight of these improvements and that they were included within the next iteration of the report.</p> <p>Ian Stevenson informed that a software package was in development for use within the units and this should be in place by the end of the year. He added that internal processes within the MHA Team were being reviewed in order to make things more streamlined. An update would also be provided in the next iteration of the report.</p> <p>In conclusion, Martyn Waygood stated that improvement was needed in this area with a potential re-set of processes He stated that he would like to see information on the consequences of errors and what this would mean for the health board and service users. He further added that it was positive to see the retrieval on the backlog</p>	<p>DR/IS/PC</p>

MINUTE		ACTION
	of the hospital manager's hearings.	
Resolved	<ul style="list-style-type: none"> - Update on improvements made within the MHA team be provided within the update report for November's committee - The report be noted. 	DR/IS/PC
28/20	MENTAL CAPACITY ACT 2005 AND DEPRIVATION OF LIBERTY SAFEGUARDS MONITORING REPORT	
	<p>Tanya Spriggs and Nicola Edwards were welcomed to the meeting.</p> <p>A report providing an update on performance against the Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards (DoLS) was received.</p> <p>In introducing the report, the following points were highlighted;</p> <ul style="list-style-type: none"> - The report provided performance information for quarter 4 and a summary of 2019-20 performance for the Mental Health Act 2005 and DoLS; - The DoLS Team and Improvement Group have continued to work on and complete actions as identified in the internal audit; - During the period 1st April 2019 to 31st March 2020 the health board received 877 referrals; 335 assessments were completed by external BIAs, 284 by internal with 221 of those being undertaken by the 2 dedicated BIAs; - For Quarter 4, 221 referrals were received: internal BIA's completed 58 assessments, of those 47 were completed by the 2 dedicated BIAs, the external BIAs completed 54. - Out of the 221 referrals in quarter 4, 35 were assessed within the required timeframe and 41 breaches out of area. The number of assessments completed within timeframe stood at 61% in comparison to last year's figure at 26%; - Although the number of breaches had reduced, most breaches were due to a continuing lack of BIA Assessors, 6 more internal staff have been trained, however, they were not fully operational and only 2 of the 6 newly trained BIA's had undertaken any assessments; - The legislative changes moving from Deprivation of Liberty Safeguards to Liberty Protection Safeguards had been delayed due to COVID-19 and would now be implemented in April 2022; - Mental Capacity Act level 1 and 2 training continues to be delivered via e-learning, level 3 training was facilitated as a workshop. In quarter 4, training was suspended due to COVID-19 which accounts for the decrease in numbers in comparison to quarter 3; - For the period 1st January 2020 to 31st March 2020, the total number of instructions for an Independent Mental Capacity 	

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	<p>Advocate (IMCA) was 23 ;</p> <ul style="list-style-type: none"> - All court of protection cases were now recorded and maintained on Datix. All delivery units were responsible for managing and maintaining the records via this method; <p>In discussing the report, the following points were raised;</p> <p>With regards to the MCA training session, Maggie Berry stated that she was pleased that this was now delivered virtually but was disappointed about the low attendance. She queried how well the training was promoted. Nicola Edwards advised the team did promote the training as much as possible. She stated that discussions were underway with Swansea University with regards to how this can be best facilitated moving forward.</p> <p>Maggie Berry stated that the challenge of internal Best Interest Assessors (BIA'S) not being released from their roles had been an ongoing issue. This issue needed to be resolved and there needed to be commitment from management to release these staff.</p> <p>Chris White concurred stating that an investment had been made in this training however it hasn't come to fruition. Rota development and competing demands on the units, has meant staff have been unable to be released at short notice. He stated that there was a need for a different model on this as there was always a risk at unit level due to the competing demands on services. Tanya Spriggs concurred stating a review was needed and a balanced approach to this. Success has come from the designated BIA's expertise with the reduced number of the DoLS applications.</p> <p>Martyn Waygood stated that this was an important area of focus as we are in breach of legislation. We need a new model with the optimal route and assurance regarding what the plan is going forward. Tanya Spriggs replied that due to the changes in legislation, this hasn't been progressed and there was a need to ensure that the health board was in line with new guidelines. The new implementation date for the legislation was April 2022, therefore we cannot wait until then to resolve the matter. Chris White requested that some demand and capacity work was carried out in order to establish what was needed in terms of BIA's.</p> <p>Martyn Waygood queried whether the establishment of a MCA lead had progressed. Nicola Edwards informed that work was currently being configured as to where MCA and DoLS would best sit and these elements were being worked through.</p>	<p>TS</p>
<p>Resolved</p>	<ul style="list-style-type: none"> - Demand and capacity work to be carried out in order to establish what is required in terms of best interest assessors; - The report be noted. 	<p>TS</p>
<p>29/20</p>	<p>MENTAL HEALTH MEASURE 2010 MONITORING REPORT</p>	
	<p>A report providing an update on performance against the Mental Health (Wales) Measure 2010 during May 2020 was received.</p> <p>In introducing the report, Dai Roberts highlighted the following points:</p>	

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	<ul style="list-style-type: none"> - For Part 1a, which related to access to local primary mental health services (LPMHSS) there was improvement in compliance which stood at 95% (including CAMHS) of assessments taking place within the 28 day referral period; the target is 80% - For Part 1b (interventions), 100% of interventions started within the 28 days following an assessment by LPMHSS - Part 2, which relates to care and treatment plans (CTPs), 92.% of patients who were in receipt of secondary mental health services had valid care and treatment plans in place at the end of the month; - Parts 3 and 4 of the measure (relating to self-referral and advocacy) were met throughout the period; <p>In discussion of the report, the following points were raised;</p> <p>Dai Roberts further advised that COVID-19 had impacted on performance in these areas, in particular where patients have not been attending GPs and referrals have dropped. Also, the inability to provide face to face services had made an impact. He advised that there was an expectation that demand would increase in this area and a group had been established to prepare and monitor this and will be presented to the health board in the future.</p> <p>Chris White commented that in terms of targets, it was good to see the consistency in these areas. He stated that the health board would need to have mental health at the forefront of thinking following the mental health implications of COVID-19. Benchmarking and pathway changes would need to be at the front and centre.</p> <p>Ian Stevenson advised the committee of the possibility of revised target dates due to national changes and a review of pathways. He stated that target dates may change in order to meet the increase in demand.</p> <p>Martyn Waygood commented that the performance figures were excellent, and gave the committee confidence that these targets can be achieved but the issue cannot be underestimated. He added that mental health was a high profile issue for Welsh Government pre, post and during covid-19.</p>	
Resolved:	The report be noted .	
30/20	CHANGE IN AGENDA ORDER	
Resolved:	The agenda order be changed and Item 2.2 be taken next – Hospital Managers’ Powers of Discharge Committee.	
31/20	HOSPITAL MANAGERS’ POWERS OF DISCHARGE COMMITTEE ANNUAL REPORT 2019-20.	
	<p>The Hospital Managers’ Powers of Discharge Committee annual report 2019-20 was received.</p> <p>In discussion, the following points were raised;</p>	

MINUTE		ACTION
	<p>On behalf of Jackie Davies, Maggie Berry raised a query with regards to the next Hospital Managers' Powers of Discharge Committee, stating that as per terms of reference the committee was due to meet shortly but arrangements had not been firmed up. Penny Cram advised that the plan was to deliver the committee virtually via Microsoft teams, and devices to undertake this were in the process of being arranged for Hospital Managers. Chris White advised that this had been agreed and would be rolled out shortly.</p> <p>Martyn Waygood commented that the ability to carry out the backlog of hearings virtually had gone well and this was positive.</p> <p>Martyn Waygood queried in relation to page 4 of the report, whether a clerk had been present at each hearing. Penny Cram informed that this was the case and there was an experienced member of staff co-ordinating and attending these hearings and would continue going forward.</p> <p>Ian Stevenson advised that a number of internal processes within the MHA team were being reviewed, practical issues will be discussed through the operational group and then fed through to the committee. Ian Stevenson undertook to check arrangements for the next committee date regarding the progress on devices and training for hospital managers and feedback this information.</p>	
Resolved	<ul style="list-style-type: none"> - Ian Stevenson undertook to check arrangements for the next committee date, the progress on devices and training for hospital managers and feedback this information - The report be noted. 	IS
32/20	CARE AND TREATMENT PLANNING UPDATE	
	<p>A report on progress following the review on Care and Treatment Planning was received.</p> <p>In introducing the report, Dai Roberts highlighted the following points;</p> <ul style="list-style-type: none"> - NHS Wales Delivery Unit visited the unit in September 2018 and provided a report with key recommendations for care and treatment planning; - Locality plans within the Delivery Unit had been developed that incorporate action against the main four areas; <i>outcome measures and formulation for CTPs; risk management within CTP's; multidisciplinary involvement in CTPs; quality of CTP's</i>. - Although good progress has been made, it was apparent that the COVID-19 pandemic has had an effect on a number of the actions; - Outstanding action would be picked up in the second half of the year and an update will be provided through the next progress report in November; <p>In discussion, the following points were made;</p> <p>Chris White commented that the report does provide a level of</p>	

MINUTE		ACTION
	<p>assurance on the progression of actions but there was a need to continue that improvement trend and for it to be presented in November's update paper. He further advised that a phased improvement plan would be needed in this area.</p> <p>Martyn Waygood requested that completion dates within the action plan are firmed up. Dai Roberts undertook to do this for the next iteration.</p>	
Resolved	<ul style="list-style-type: none"> - Dai Roberts to ensure completion dates within the action plan are firmed up for the next iteration of the report; - The report be noted. 	DR
33/20	ANY OTHER BUSINESS	
	There was none.	
34/20	DATE OF THE NEXT MEETING	
	The next meeting would take place on Thursday, 5th November 2020	