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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



		Agenda Item	2.4 iv
Freedom of Information Status		Open	
Reporting Committee	Mental Health Legislation Committee		
Author	Liz Stauber, Head of Corporate Governance		
Chaired by	Steve Spill, Vice Chair		
Lead Executive Director (s)	Gareth Howells, Executive Director of Nursing and Patient Experience (Interim)		
Date of last meeting	02 February 2023		

Matters to Draw to the Attention of the Board (particularly areas relating to risk or quality)

- **Mental Health Act Monitoring Report**

Key Matters Raised by Members for Board Attention: members raised concern around attendance at statutory and mandatory training as there was no way of monitoring whether this was being completed. It was explained that with the operational pressures, it was becoming increasingly more challenging for staff to be released to complete training but it was essential that they were as they needed to be compliant with all modules. It was agreed that a referral be made to the Workforce and OD Committee regarding the concerns raised for mandatory and statutory training compliance generally, with reference to mental health legislation.

Other Areas of Discussion: it was noted that there had been an increase in the use of section 5(2) however there had also been an increase in the number of community treatment orders, which was a positive as it meant more people were being treated at home rather than admitted. The health board had 55 inpatient beds and these should be seen as a last resort. There were plans to step-down the support provide to South Wales Police triage to manage complex calls but assurance provided that this support was now readily available through 111 (press two) and the single point of access across Wales for the police to seek advice.

- **Mental Capacity Act and Deprivation of Liberty Safeguards Monitoring Reports**

Key Matters Raised by Members for Board Attention: it was noted that two additional best interest assessors had been recruited, bringing the total to three, but as the team received around 65 referrals a month, this was not a sufficient number to manage the current workload, let alone address the backlog, which would continue to grow with breaches each month. Members reflected on the entry on the risk register for best interest assessors, the score for which had been reduced from 16 (4x4) to 15 (3x5) and questioned whether the mark for 'consequence' should be four, rather than three, given it was a breach in the law, and likelihood to remain at five, giving a score of 20. **They asked that this be considered by the board.**

Other Areas of Discussion: the referral form had been revised to help nursing staff to know when to mark referrals as urgent or standard, which would hopefully reduce the number of unnecessary urgent ones and make the timescales more manageable. Additional funding

had also been received to recruit a business administrative manager and a clinical nurse educator to support training delivery.

Other Areas of Discussion

- **Preparedness Surrounding Liberty Protection Safeguards**

Progress had been made to prepare for the transfer to Liberty Protection Safeguards but there was yet to be an established date for implementation. One was expected now that the consultation had closed but would likely be 2024 at the earliest. Proposals were being developed to revert back to having a dedicated Mental Capacity Act team with a lead to oversee the role of the service and the court of protection cases would need to be a feature of this.

- **Mental Health (Wales) Measure 2010 Monitoring Report**

The health board consistently met the 80% target for part one of the measure but once CAMHS (child and adolescent mental health services) data was incorporated this reduced the performance. It was hoped once CAMHS had been repatriated back to the health board (this was currently in progress), performance would improve but for now, the data would be reported separately. Parts two, three and four had been met consistently in the last quarter.

Decisions Made for Approval by the Board

No decisions were made requiring board approval.

Updates Received from Sub-Groups

No updates received from sub-groups.

Matters Referred to Other Committees

The concerns raised around compliance with statutory and mandatory training were referred to the Workforce and OD Committee.

Date of next meeting

04 May 2023