

**Confirmed Minutes of the
Mental Health and Capacity Legislation Committee
Held on 22nd October 2019 at 10.00am
Coed Y Bwl, Woodland House**

Present:

Chair:

Sara Moseley	SM	Independent Member – Third Sector
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In Attendance:

Julia Barrell	JB	Mental Capacity Act Manager
Eileen Brandeth	EB	Independent Member – ICT
Jeff Champney-Smith	JCS	Chair, Powers of Discharge sub-Committee
Nicola Foreman	NF	Director of Corporate Governance
Akmal Hanuk	AH	Independent Members – Community
Robert Kidd	RK	Consultant Clinical and Forensic Psychologist
Scott McLean	SM	Director of Operations – Children & Women
Amanda Morgan	AM	Service User
Sunni Webb	SW	Mental Health Act Manager
Dr Stuart Walker	SW	Executive Medical Director
Ian Wile	IW	Head of Operations, Mental Health

Secretariat:

Laura Tolley	LT	Corporate Governance Officer
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Apologies:

Steve Curry	SC	Chief Operating Officer
Dr Jane Hancock	JH	Service User
Dr Jenny Hunt	JH	Clinical Psychologist
Kay Jaynes	KJ	Nurse Director – PCIC Clinical Board
Lucy Phelps	LP	Service User

<p>MHCL 19/10/001</p>	<p>Welcome & Introductions</p> <p>The Committee Chair (CC) welcomed everyone to the public meeting. The CC explained that she had taken over the role as Committee Chair on an interim basis on behalf of Charles Janczewski who had taken the role as UHB Interim Chair.</p> <p>The Head of Operations – Mental Health, Mental Health Act Manager, Service User, Consultant Clinical and Forensic Psychologist and Chair, Powers of Discharge sub-Committee advised the CC that they had not received papers prior to the meeting. The Director of Corporate Governance apologised and informed the Committee that a similar situation would not occur in future. Hard copies and electronic papers were provided to those members who required them and the CC advised should there be any queries with any of the papers after the meeting members should advise the Corporate Governance Officer.</p>	<p>Action</p>
<p>MHCL 19/10/002</p>	<p>Apologies for Absence</p> <p>Apologies for absence were noted.</p>	

MHCL 19/10/003	Declarations of Interest The CC declared her interest as Director of Mind Cymru.	
MHCL 19/10/004	Minutes of the Committee Meeting held on 4th June 2019 The Committee reviewed the minutes of the meeting held on 4 th June 2019. The Committee resolved that: (a) the minutes of the meeting held on 4 th June 2019 be approved as a true and accurate record.	
MHCL 19/10/005	Action Log following the meeting held on 4th June 2019 The Committee reviewed the action log following the meeting held on 4 th June 2019. The Committee Resolved that: (a) the Action Log updates were noted.	
MHCL 19/10/006	Chairs Action taken since the meeting held on 4th June 2019 It was confirmed that there had been no Chair's action since the previous meeting.	
MHCL 19/10/007	Patient Story There was no patient story shared at the meeting. The Committee Resolved that: a) a patient story be brought to the next Committee meeting.	LT
MHCL 19/10/008	Mental Capacity Act Monitoring Report The Mental Capacity Act Manager (MCAM) presented the paper and explained the Mental Capacity Act 2005 (MCA) has been in force for 12 years. It was amended to include the Deprivation of Liberty Safeguards (DoLS), which came into force in April 2009. The MCAM advised the Committee that staff training figures remained disappointing especially within medical staff. In response, the Executive Medical Director (EMD) advised he would take this to the Learning & Development team to look at the whole mandatory training package. The Independent Member – ICT (IM – ICT) expressed disappointment that the recent Health & Safety review of the training module was not shown in the report and also questioned if DoLS was used within A&E Departments as a recent HIW inspection suggested the use of DoLS. In response, the MCAM advised the Committee that DoLS was unlikely to	

	<p>be applicable in A&E, the Mental Health Act would be applied if required. The IM – ICT asked if HIW had been responded to. The Director of Operations – Children & Women (DO – C&W) advised the Committee that he would respond to HIW and update the Committee at the next meeting.</p> <p>The Committee Resolved that:</p> <p>(a) the Mental Capacity Act Monitoring Report be noted.</p>	SM
MHCL 19/10/009	<p>Internal Audit Report – Deprivation of Liberty Safeguards (DoLS) Report</p> <p>The EMD introduced the paper and confirmed that an improvement had been made since the last audit and DoLS had received Reasonable Assurance. In relation to Assessment of Urgent Requests the process was identified as good, however, the timeliness required work. The EMD advised the Committee that the Internal Audit Report had not reached the point of getting formal management responses on recommendations, however work on this was underway.</p> <p>The Director of Corporate Governance (DCG) advised the Committee that usual process would be the formal management responses be included within the report before presentation to the Committee, however, on this occasion due to timing, it was brought to the Committee incomplete, therefore it needed to go back through Management Executive's and also through Audit Committee.</p> <p>It was agreed that the Internal Audit report would be brought back to the next Committee meeting for discussion and assurance along with confirmation of which Executive Director was responsible for DoLS.</p> <p>The IM – ICT requested clarification from Internal Audit why the training had been identified as reasonable when clear issues had been identified. In response, the CC confirmed a request for clarification would be made.</p> <p>The Committee Resolved – that:</p> <p>(a) the Internal Audit Report – Deprivation of Liberty Safeguards (DoLS) Report be noted.</p>	SW NF
MHCL 19/10/010	<p>Mental Health Act Monitoring Exception Report</p> <p>The Head of Operations – Mental Health (HO – MH) introduced the report and confirmed it provided the Committee with further information relating to wider issues of the Mental Health Act. The HO – MH explained he was pleased to report that there had been no breaches of the Mental Health Act since 2018 which was a credit to the department.</p> <p>The Committee were advised of an issue with lack of clarity relating to when a s.136 arrest starts in A&E, and there had been conflicting advice between legal and Welsh Government, however, work was underway to gain clarity on this. The CC asked if there was a break in continuity of care for patients because of this. The HO – MH confirmed this would result in a break of continuity of care for the patient and explained the</p>	

importance of having police present at handover for the mental health assessment and for understanding and clarity of why the patient had been taken into hospital.

The HO – MH informed the Committee the Mental Health Department had been very proactive in providing mental health awareness and training. A mental health awareness day was held monthly and the awareness days were advertised via the intranet and social media pages. The HO- MH explained that the future plan was to develop an e-module training session for all UHB staff to complete.

The CC explained without the detailed appendix to the report it was difficult to discuss trends, therefore it was agreed that the detailed appendix would be provided at future meetings.

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The Committee Resolved that:

- (a) the Mental Health Act Monitoring Exception Report be noted.

**MHCL
19/10/012**

HIW Mental Health Act Report

The HO – MH introduced the report and confirmed HIW carried out a 3 day inspection in March 2019 within the acute admission wards of Hafan Y Coed.

The HO – MH informed the Committee that the inspection and action plan was agreed at the Quality, Safety & Experience Committee and the HIW Inspectorate team were very impressed with the staff and service provided at Hafan Y Coed. The main areas of concern raised were:

- Estates
- Information for Service Users
- 'Sleeping Out'

It was further explained that whilst C&V were recognised as providing the best system in Wales for 'Sleeping Out' the team continued to think of ways to improve the process as it was not currently satisfactory for patients.

The HO – MH advised the Committee of a number of ongoing concerns within Estates and named the maintenance of the garden/courtyard, lifts and cleaning as examples. The IM – ICT asked who would ensure that the issues are actioned. In response, the HO – MH explained the Estates Department were responsible, however concerns were not currently being addressed. The DCG advised that a link would be made to bring the concerns together and they would be raised at a Management Executive Meeting or the Quality, Safety & Experience Committee.

NF

The CC asked the HO – MH to express thanks to all staff members for the good care given, pass on Committee appreciation and reiterate that the concerns within Estates would be actioned and monitored.

The Committee Resolved that:

(a) the HIW Mental Health Act Report be noted.

**MHCL
19/10/013**

Independent Review of Child and Adolescent Mental Health Service

The DO – C&W introduced the report and advised the Committee that there had been an increased demand for CAHMS therefore the team had increased capacity and he was happy with progress to date. The three immediate responses to increase capacity were:

- Appointment of locum staff, who were initially contracted until January 2020
- Substantive appointments within the CAHMS department had been made
- A digital bespoke service had been implemented

It was explained that the immediate responses had made a great improvement to the service and made it significantly more streamlined.

The DO – C&W informed the Committee that the milestones had been mapped through to the end of the financial year and work was underway to work through to the end of the calendar year.

The CC thanked the DO – C&W for the very helpful report and asked how the service was performing currently against the set targets and how confident was the DO - C&W that targets would be achieved. In response, it was confirmed that there had been a small decrease in October, however an improvement was expected in November and the targets were on course to be met in December due to the increased capacity. The DO – C&W advised the Committee that he was confident the targets would be delivered and sustained.

The EMD advised the Committee that it was previously agreed at the last Board meeting that an update would be provided to the Board in November outlining the improvements to the service.

The IM – ICT explained the report showed the locum capacity drop significantly in January 2020 and asked what plans were in place to address the loss of locums. In response, the DO – C&W explained that it was hoped that the actions put in place would decrease the demand in the service, therefore the need for locums would also decrease, however, the service was well supported by Welsh Government transformation funding therefore funding was in place should locums be required after January 2020.

The Committee Resolved that:

- (a) the Independent Review of Child and Adolescent Mental Health Service report be noted.

**MHCL
19/10/014**

Mental Health Measure Monitoring Report

The HO – M&H introduced the report and explained the following:

Part 1a - 28 day referral to assessment compliance target of 80%

The team had been in and out of compliance over the past 12 months, however, there had been significant investment into Primary Care which had resulted in being compliant with the target and the HO – M&H was confident the performance would be sustained.

Part 1b - 28 day assessment to intervention compliance target of 80%

There had been a data reporting issue as the information retrieved from the PARIS system had not been reliable, however, a more reliable reporting process had been developed and with the changes in the report it had taken the compliance achieved from 58% to 96%.

Part 2 – Care and Treatment Planning Within Secondary Mental Health Services

A multi-disciplinary team and new protocol had been developed to look at after care and treatment plans as the compliance target had not been met.

Part 3 - Right to request an assessment by self –referral

The Committee were informed that the service was compliant in August and September 2019.

Part 4 – Advocacy – standard to have access to an IMHA within 5 working days

The Committee were advised that this area remains 100% compliant.

The IM – ICT asked why there was no data showing for patients under the age of 18 years? In response, the DO – C&W advised he would provide this data going forward.

The IM – ICT also queried within Part 2, a downward trajectory was shown and asked what steps would be taken to help this. The HO – MH explained that was due to the difficulties with the electronic data reporting, however, with the revised reporting process an improvement should be seen and this would be reported into the next Committee meeting.

The Committee Resolved that:

- (a) the Mental Health Measure Monitoring Report be noted.

Care and Treatment Plan Update Report

The HO – MH introduced the report and advised the Committee that the action plan had been created with the Delivery Unit and was broken down into separate areas which focussed on how care and treatment plans

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MHCL
19/10/015

were used to meet the goals of the service users. The HO – MH further explained that there had been positive comments on the Delivery Unit having third sector involvement. Therefore a communication had been sent to other third sectors in Cardiff requesting collaborative working and the Committee were informed that MIND had been awarded contracts.

The HO – MH advised the Committee that there had been investment into Substance Misuse Services to investigate current issues and improve the service.

The CC asked how the report related to Children and Young People. In response, the HO – MH advised he would be happy to share learning with the Childrens Clinical Board. The DO – C&W advised the Committee a learning session between the Clinical Boards was imminent.

The Committee Resolved that:

- (a) the Care and Treatment Plan Update report be noted.

**MHCL
19/10/016**

Items for Information / Noting

1. Hospital Managers Power of Discharge Minutes

The Consultant Clinical and Forensic Psychologist (CC –FP) advised the Committee of two incidents outlined in the minutes:

- i) Young Person was discharged when they shouldn't have been, however the group were satisfied with the learning taken from this incident.
- ii) Young Person presented in A&E detained in handcuffs. Since this incident a number of discussions had taken place with South Wales Police as a re-occurring theme was identified where Police Officers were using voluntary assessment rather than arresting under Section 136 / 135.

The CC requested that clarity around arresting under section 135 / 136 be put on an agenda at National Level.

IW

2. Mental Health Legislation and Governance Group Minutes

The HO – MH explained there was a lack of clarity around when proceeding with urgent/emergency treatment, if staff would follow the Mental Health or Mental Capacity Act. Some posters and leaflets were being prepared to assist clinicians.

3. Annual Review of Comments Raised by Members of Power of Discharge

The Committee was advised of a concern about the quality of care and treatment plans, therefore work was being undertaken to address this.

The Committee Resolved that:

- (a) the Hospital Managers Power of Discharge Minutes, Mental Health

**MHCL
19/10/018**

Review of the Meeting

The CC – FP explained he was content that the issues raised with Estates would be escalated.

The IM – ICP expressed disappointment with CAMHS data not including service users under the age of 18 years old and hoped this would be provided at the next Committee meeting.

The IM – C expressed clear understanding of issues within the Mental Health Service.

The DCG reminded Committee members of the need to provide covering reports along with papers and appendices as this gave clear instruction to the Committee of whether assurance or discussion was required or if the reports were for information or noting.

**MHCL
19/10/021**

Items to be raised to the Board / Committees of the Board

There was no other urgent business raised.

**MHCL
19/10/022**

Date and time of next Committee Meeting

Friday 21st February 2020, Coed Y Bwl, Woodland House