

MENTAL HEALTH ACT MONITORING COMMITTEE

TERMS OF REFERENCE

INTRODUCTION

The Standing Orders provide that "The Board may and, where directed by the Welsh Government must, appoint Committees of the Health Board either to undertake specific functions on the Board's behalf or to provide advice and assurance to the Board in the exercise of its functions. The Board's commitment to openness and transparency in the conduct of all its business extends equally to the work carried out on its behalf by committees".

In accordance with Standing Orders (and the Health Board scheme of delegation), the Board shall nominate a committee to be known as the Mental Health Act Monitoring Committee- "the Committee". The detailed terms of reference and operating arrangements set by the Board in respect of this Committee are set out below.

CONSTITUTION

The Board hereby resolves to establish a Committee of the Board to be known as the Mental Health Act Monitoring Committee (The Committee).

The Committee is an Independent Member Committee of the Board and has no executive powers, other than those specifically delegated in these Terms of Reference.

SCOPE AND DUTIES

The Health Board should determine any necessary arrangements to monitor and review the way functions under the Act are exercised on its behalf, it may authorise a committee, or sub-committee, for this purpose with a process of reporting on findings. The Committee shall consider:

- how the delegated functions under the Mental Health Act are being exercised (for example using the Annual Audit) and in line with the 'Code of Practice' requirements

- the multi-agency training requirements of those exercising the functions (including discussing the training report for assurance)
- the operation of the 1983 Act within the Cwm Taf Morgannwg area
- issues arising from the operation of the hospital managers' power of discharge
- a suitable mechanism for reviewing multi agency protocols / policies relating to the 1983 Act
- trends and patterns of use of the Mental Health Act 1983
- cross-agency audit themes and sponsor appropriate cross-agency audits
- lessons learnt from difficulties in practice and the development of areas of good practice
- Develop an annual report for presentation to the Health Board.

AUTHORITY

The Committee is authorised by the Board to:

- investigate or have investigated any activity within its Terms of Reference and in performing these duties shall have the right, at all reasonable times, to inspect any books, records or documents of the Health Board. It can seek any information it requires from any employee and all employees are directed to co-operate with any request made by the Committee
- obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary, subject to the Board's budgetary and other requirements
- by giving reasonable notice, require the attendance of any of the officers or employees and auditors of the Board at any meeting of the Committee.

SCHEME OF DELEGATION

Hospital Managers may arrange for their functions under the Mental Health Act to be carried out on a day to day basis by particular Officers on their behalf. (COP 11.7) The arrangements for authorising decisions has been set out in a scheme of Delegation – see attached.

MEMBERSHIP

The 1983 Act is operated by health and social care practitioners, in collaboration with a range of agencies including police and ambulance services, as well as third sector bodies such as advocacy providers. Membership of the Committee should reflect this, as different agencies and practitioners have differing responsibilities and duties under the Act.

The Vice Chair of the Health Board shall Chair the Committee given their specific responsibility for overseeing the Health Board performance in relation to mental health services and the following shall be members:

- **Four** Independent Board Members (one of which would be the Chair of the Committee)
- Director of Primary, Community & Mental Health

In attendance:

- Representative from South Wales Police
- Representative from Rhondda Cynon Taf County Borough Council
- Representative from Merthyr Tydfil County Borough Council
- Representative from Bridgend County Borough Council
- Chair of Mental Health Act Monitoring Operational Group
- Head Administrator - Mental Health Act Administration Team
- Carer Representative from the Together for Mental Health Partnership Board
- Representative from Welsh Ambulance Services Trust (minimum twice per annum)
- Clinical Director for Mental Health (minimum twice per annum)
- Head of Nursing for Mental Health (minimum twice per annum)
- Clinical Director, Child & Adolescent Mental Health Service (CAMHS) (minimum twice per annum)
- Head of Nursing CAMHS (minimum twice per annum)

If members are unable to attend, a fully briefed and appropriately senior deputy should be sent, wherever possible.

Support to Committee Members

The Director of Governance and Corporate Services / Board Secretary, on behalf of the Committee Chair, shall:

- determine the secretarial and support arrangements for the Committee;
- Arrange the provision of advice and support to committee members on any aspect related to the conduct of their role; and

- Co-ordinate the provision of a programme of training, specific support or organisational development for Committee Members particularly when new.

COMMITTEE MEETINGS

Quorum

This will comprise of one Independent Member, the Director of Primary, Community and Mental Health or the Assistant Director; a representative from the partner organisations either from the South Wales Police, Local Authorities or the Welsh Ambulance Services NHS Trust and also at least one clinical representative.

Frequency of Meetings

Meetings shall be held not less than three times a year. The Committee will arrange meetings to fit in with key statutory requirements during the year consistent with the Health Board's annual plan of Board Business.

Circulation of Papers

Papers will be distributed at least five working days prior to each meeting.

REPORTING AND ASSURANCE ARRANGEMENTS

The Committee Chair shall:

- report formally, regularly and on a timely basis to the Board on the Committee's activities. This includes oral updates on activity, the submission of committee minutes and written reports, as well as the presentation of an annual report;
- bring specific attention to any significant matters under consideration by the Committee via the submission of the minutes as part of the Committee Chairs and Champions Report to the Health Board;
- ensure appropriate escalation arrangements are in place to alert the Chair, Chief Executive or Chairs of other relevant committees of any urgent / critical matters that may affect the operation and / or reputation of the Health Board.

The Director of Governance and Corporate Services / Board Secretary, on behalf of the Board, shall oversee a process of regular and rigorous self-assessment and evaluation of the Committee's performance and operation.

RELATIONSHIP WITH THE BOARD AND ITS COMMITTEES / GROUPS

The Chair of the Mental Health Act Monitoring Committee and the Director of Primary, Community and Mental Health will meet with their counterparts on the Audit and Risk Committee, Quality and Safety Committee on at least an annual basis to plan the agenda and agree what issues are being considered by each Committee and the timescales involved. A meeting will also be held to review progress mid-year.

The Committee, through the Committee Chair and members, shall maximise cohesion and integration across all aspects of governance and assurance through the:

- joint planning and co-ordination of Board and Committee business;
- sharing of information, as appropriate.

The Committee shall embed the Health Board's corporate standards, priorities and requirements, e.g. equality and human rights through the conduct of its business.

Related (but not reporting) Sub Groups

- Mental Health Act Monitoring Operational Group
- Together for Mental Health Partnership Board

APPLICABILITY OF STANDING ORDERS TO COMMITTEE BUSINESS

The requirements for the conduct of business as set out in the Health Board's Standing Orders are equally applicable to the operation of the Committee, except in relation to the Quorum.

REVIEW

These Terms of Reference shall be adopted by the Mental Health Act Monitoring Committee at its first meeting and subject to review at least on an annual basis thereafter. To be approved by the Cwm Taf Morgannwg UHB and reviewed annually.

Next review: November 2020