



Bwrdd Iechyd Prifysgol
Cwm Taf Morgannwg
University Health Board

Appendix 1



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DRAFT

Mental Health Act (MHA) Monitoring Committee

Annual Report 2019-2020



MENTAL HEALTH ACT (MHA) MONITORING COMMITTEE DRAFT ANNUAL REPORT 2019-20

1. FOREWORD

I am pleased to present the draft Annual Report of the Mental Health Act Monitoring Committee. The purpose of this report is to formally report on the work of the Committee for the year ending 31 March 2020 in accordance with the Committee's Terms of Reference.

I would like to express my thanks to all the officers of the Health Board, Local Authorities and South Wales Police who have supported and contributed to the work carried out and for their commitment in meeting important targets and deadlines.

The Committee expanded in April 2019 following the Bridgend services transition and has worked to build on pre-existing working relationships with partners and to build on new ones to ensure the best possible care for a very vulnerable group of people in our community. It was my pleasure as Chair, to welcome Councillor Phillip White to the Committee, who became an Independent Member towards the end of 2019 as part of the Bridgend Boundary transition.

The Committee has continued to foster and promote a culture of working in partnership for ongoing improvement. As Chair, I have ensured that the work of the Committee progresses in line with its Terms of Reference and also ensured that crossover work is seamless with the Together for Mental Health Partnership Board which I also chair.

Maria K Thomas

Chair, Mental Health Act Monitoring Committee/ Vice Chair, CTMUHB.



2. INTRODUCTION

The MHA Monitoring Committee is chaired by the Vice Chair of the Health Board and monitors the Health Board's compliance with the statutory requirements of the MHA. The work of this Committee, including its Terms of Reference, has been reviewed and refreshed during the year and related processes and focus has been strengthened. The Committee has continued to evolve with changes to the standard format and agenda during the year.

Since December 2016, the papers for the meeting are routinely published on the organisation's [website](#).

The Committee meets on a quarterly basis and following each meeting produces a highlight report which is then submitted to the next Board meeting to highlight key issues and risks. Broader mental health issues are discussed and taken forward via other established fora such as the Together for Mental Health Partnership Board (which is chaired also by the Vice Chair of the Health Board).

The purpose of the MHA Monitoring Committee is to ensure that all the requirements of the MHA 1983 (as amended) are met by the Health Board.

The Committee considers:

- how the delegated functions under the MHA 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
- suitable mechanisms for reviewing multi agency protocols / policies relating to the 1983 Act
- trends and patterns of use of the MHA 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.

The Committee is also responsible for developing this annual report for presentation to the Health Board.

3. MEMBERSHIP

The membership of the MHA Monitoring Committee comprises both Independent and an Executive Director Member, enabling the Committee to provide appropriate scrutiny and assurance to the Board independently of the management decision-making processes.

Independent membership during 2019-20 was as follows:

- Maria K Thomas, Vice Chair of the Health Board (Chair of the Committee)
- Mel Jehu, Independent Member
- James Hehir, Independent Member
- Phillip White, Independent Member (for final meeting only)

The Executive Director Committee Member is Alan Lawrie, who during 2019/20 was the Director of Primary, Community and Mental Health Services and from April 2020 became the Executive Director of Operations.

4. MEETINGS

The MHA Monitoring Committee met on four occasions during 2019/20

- 2 April 2019
- 6 August 2019
- 21 November 2019
- 12 March 2020

Mental Health Act Monitoring Attendance 2019-2020		2 April 2019	6 Aug 2019	21 Nov 2019	12 March 2020	Total
Maria Thomas (Chair)	Vice Chair, Independent Member	✓	✓	✓	✓	4/4
Mel Jehu	Independent Member	✓	✓	✓	X	4/4
James Hehir	Independent Member	✓	✓	✓	✓	4/4
Phillip White	Independent Member				x	1/4
Alan Lawrie	Director of Primary, Community & Mental Health	✓	✓	X	X	2/4
Julie Denley	Assistant Director of Operations Mental Health & Learning Disabilities	✓	✓	✓	✓	4/4
Mental Health Representative						

Mental Health Act Monitoring Attendance 2019-2020		2 April 2019	6 Aug 2019	21 Nov 2019	12 March 2020	Total
Kishore Kale	Clinical Director	X	X	✓	✓	2/4
Phil Lewis	Head of Nursing (Acute Mental Health)	X	X	✓	✓	2/4
Sam Shore	Senior Nurse	✓	✓	✓	✓	4/4
Jeane Smith	Directorate Support Manager	✓	✓	N/A	N/A	2/2
Jeremy Burgwyn	Head Administrator, Mental Health Team	✓	✓	✓	✓	4/4
South Wales Police Representative						
Peter Thomas	South Wales Police Advisor for Mental Health	X	✓	✓	✓	3/4
Colin Hatherley	South Wales Police Mental Health Officer	✓	✓	✓	X	3/4
Karen Thomas	Superintendent, South Wales Police	✓	✓	✓	X	3/4
Local Authority Representative						
Alyson Jones	Representative Merthyr Tydfil County Borough Council (CBC)	X	X	✓	X	1/4
Frances Hall	Representative Rhondda Cynon Taf CBC	X	X	X	X	0/4
Jackie Davies	Representative Bridgend CBC	✓	✓	X	X	2/4
CAMHS Representative						
Julie Cude	Head of Nursing CAMHS	✓	✓	X	X	2/4
Fiona Thomas	Localities Manager	N/A	N/A	N/A	✓	1/1
Welsh Ambulance Services NHS Trust						
Gregory Lloyd	Welsh Ambulance Services Trust	X	X	✓	X	1/4
Corporate Governance Support						
Wendy Penrhyn-Jones	Head of Corporate Administration	✓	✓	✓	✓	4/4

The Committee's Terms of Reference were reviewed and amendments made to reflect Bridgend boundary change (April 1st 2019) together with updates regarding membership and members training regarding the Mental Health Act. Those amended Terms of Reference were submitted and approved by the Board in May of 2019. Subsequently the Terms of Reference were again considered by the Board in November 2019 as part of a wider review of Standing Orders and were again approved.

For completeness, this Annual Report provides at **Appendix 2**, the very latest iteration of the Terms of Reference which were approved by the Board in July 2020. These include in red additional amendments requested by the Committee. They therefore require ratification by the Board as the current iteration.

The table of attendance above provides assurance that all meetings were quorate.

5. MAIN AREAS OF MHAM COMMITTEE ACTIVITY

The agenda for each meeting has followed a standard format in five main parts:

- Part 1 - Preliminary Matters
- Part 2 - Items for Approval/Discussion
- Part 3 - Governance, Performance and Assurance
- Part 4 - For Information / Other Matters.

Part 1 - Preliminary Matters

This section of the meeting provides the standard governance approach within all Board Committees within CTMUHB. This includes the action log which captures all areas for attention following the meeting.

Part 2 - Items for Approval / Discussion

This section has included receiving the:

- Committee Annual Report 2018/2019 and self-assessment questionnaire
- Mental Health Act Training Plan

Part 3 - Governance, Performance and Assurance

This section has included reports throughout the year which included:

- Mental Health Act – Quarterly Activity Statistical Report
- Report from MHS Operational Group
- Strategic update from South Wales Police (Section 13,15 & 136)
- including mental health staff in police control centre
- Mental Health Act Breaches
- Risks related to the Monitoring of the Mental Health Act
- Update on the Interface Between the Emergency Duty Team and the Community Mental Health Team

- National Confidential Enquiry into Suicide and Homicide by People with Mental Illness - Summary and Observations for CTMUHB
- Crisis Care Concordat
- Implications of the Bridgend Boundary Change in Relation to the Mental Health Act Monitoring Committee

Part 4 - For Information / Other Matters

The following items have been shared with the Committee for information sharing purposes:

- Investments Following Discussions with Agencies

The 'Forward Look' plan for the Committee is reviewed at each meeting to ensure that it is still appropriately focused.

Links with Other Committees/Boards

There is a process in place following each meeting of the Committee whereby any risks and issues needing to be brought to the attention of the Board are contained within a Committee Highlight Report.

Where appropriate relevant issues are also considered through the Quality & Safety Committee.

6. ACTION LOG

In order to monitor progress and any necessary follow up action, the Committee uses an Action Log that captures all agreed actions and this is reviewed at the beginning of each meeting.

7. GOVERNANCE

The Committee provides an essential element of the overall governance framework for the organisation. The Terms of Reference for the Committee provide a robust commitment to monitor the application of the MHA.



8. ASSURANCE TO THE BOARD

The latest reported position in relation to breaches of the MHA highlighted a reduction in the number of breaches since the previous annual report when the increased population arising from the formation of CTMUHB is taken into account. There were 119 breaches in total (Quarter 1 – 3) compared with 116 for the same period in the previous year with a significant population increase along with five more inpatient wards and all the associated community and crisis services. That said there is still room for further improvement and I am committed to a continuing period of increased scrutiny regarding the circumstances of such breaches, in order that any causal issues may be identified and addressed, and to ensure that sustainable changes are made.

There is improved evidence of audit work and it was pleasing to see a Part 4 Consent to Treatment audit conducted across the wards illustrated 100 percent compliance. Each detained patient subject to Part 4 was being treated with a valid certificate.

It is also pleasing to have seen a number of service improvements implemented during the course of the year such as the introduction of a new electronic section 17 leave template, developed by the MHA team, which has received positive feedback.

Finally, feedback regarding support provided to Bridgend services has been very positive in the year and staff consistently report an improved level of support and advice including to CAMHS.

The MHA Monitoring Committee wishes to assure the Board that on the basis of the work completed by the Committee during 2019-2020, there are effective measures in place to scrutinise and monitor the application of the MHA.

Appendix 2

BOARD COMMITTEE ARRANGEMENTS

This Schedule forms part of, and shall have effect as if incorporated in the University Health Board Standing Orders

MENTAL HEALTH ACT MONITORING COMMITTEE

TERMS OF REFERENCE & Operating Arrangements

**(Approved by the Board July 2020
minor further amendment requested by the MHA
Monitoring Committee in August 2020
set out in red font)**



INTRODUCTION

The CTMUHB Standing Orders provide that “The Board may and, where directed by the Welsh Government must, appoint Committees of the 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 CTMUHB 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 AND PURPOSE

The purpose of the Committee is to advise and assure the Board that the arrangements to monitor and review the way functions under the Act are exercised on its behalf are operating appropriately and effectively and in accordance with legislation.

SCOPE AND DUTIES

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.

DELEGATED POWERS

Although the Board has delegated authority to the Committee for the exercise of certain functions as set out within these terms of reference, it retains overall responsibility and accountability for ensuring the quality and safety of healthcare for its citizens through the effective governance of its organisation.

The Mental Health Act Monitoring Committee has a key role in assisting the Board to fulfil its oversight responsibilities to ensure it is operating effectively and in accordance with legislation.

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.

AUTHORITY

The Committee is authorised by the Board to:

- Investigate or have investigated any activity within its terms of reference. It may seek relevant information from any:
 - employee (and all employees are directed to cooperate with any legitimate request made by the Committee), and
 - Any other committee, or group set up by the Board to assist in the delivery of its functions.
- obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers it necessary, in accordance with the Board's procurement, budgetary and other requirements
- approve policies relevant to the business of the Committee as delegated by the Board.

Sub Committees

The Committee may, subject to the approval of the Health Board, establish sub Committees or task and finish groups to carry out on its behalf specific

aspects of Committee business. At this stage, no sub Committees/task and finish groups have been established.

Related Sub Groups

- Mental Health Act Monitoring Operational Group
- Together for Mental Health Partnership Board
- **Crisis Concordat Meeting Forum.**

ACCESS

The Chair of the Committee shall have reasonable access to Executive Directors and other relevant senior staff.

MEMBERSHIP

Members:

A minimum of **(4)** members, comprising

Chair	Vice Chair of the Board
Vice Chair	Independent Member of the Board
Members	Two Independent Members of the Board

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 service.

Attendees

- Executive Director of Operations
- Director of Primary, Community & Mental Health
- 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
- Head of Nursing for Mental Health Merthyr Cynon Locality Group (minimum twice per annum)
- Mental Health Clinical Service Group Manager Bridgend Integrated Locality Group
- Mental Health Clinical Service Group Manager Rhondda & Taff Ely Integrated Locality Group
- Clinical Director, Child & Adolescent Mental Health Service (CAMHS) (minimum twice per annum)
- Head of Nursing CAMHS

By Invitation:

- Other Directors /Health Board Officers may be invited to attend when the Committee is discussing areas of risk or operation that are the responsibility of that Director.
- The Committee may also co-opt additional independent external members from outside the organisation to provide specialist skills, knowledge and experience.

Secretariat

The Director of Governance / Board Secretary will determine the secretarial and support arrangements for the Committee.

Member Appointments

The membership of the Committee shall be determined by the Chair of the Board, taking account of the balance of skills and expertise necessary to deliver the Committee's remit and subject to any specific requirements or directions made by the Welsh Government.

Members shall be appointed for a maximum of 3 consecutive years before formally reviewing their role on the Committee. During this time a member may resign or be removed by the Board.

The Board shall ensure succession planning arrangements are in place.



Support to Committee Members

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

- 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 as part of the overall Health Board's Organisational Development programme developed by the Executive Director of Workforce & Organisational Development.

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 no less than four times a year, and otherwise as the Chair of the Committee deems necessary.

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.

Withdrawal of individuals in attendance

The Committee may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters.

Circulation of Papers

The Director of Governance / Board Secretary will ensure that all papers are distributed at least 7 calendar days in advance of the 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 verbal updates on activity and the submission of written highlight reports throughout the year
- bring to the Board's specific attention any significant matters under consideration by the Committee
- ensure appropriate escalation arrangements are in place to alert the LHB Chair, Chief Executive or Chairs of other relevant committees of any urgent / critical matters that may affect the operation and / or reputation of the LHB.

The Committee shall provide a written, annual report to the Board on its work in support of the Annual Governance Statement specifically commenting on the adequacy of the assurance arrangement, the extent to which risk management is comprehensively embedded throughout the organisation, the integration of governance arrangements and the appropriateness of self-assessment activity against relevant standards. The report will also record the results of the Committees self-assessment and evaluation.

The Board may also require the Committee Chair to report upon the activities at public meetings or to community partners and other stakeholders, where this is considered appropriate e.g. where the Committee's assurance role relates to a joint or shared responsibility.

The Director of Governance / 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 Committee is directly accountable to the Board for its performance in exercising the functions set out in these Terms of Reference.

The Committee, through the Committee Chair and members, shall work closely with the Board's other Committees including joint committees/Advisory Groups to provide advice and assurance to the Board through the:

- joint planning and co-ordination of Board and Committee business; and
- sharing of information

In doing so, contributing to the integration of good governance across the organisation, ensuring that all sources of assurance are incorporated into the Board's overall risk and assurance arrangements.

The Committee shall embed the corporate goals and priorities through the conduct of its business, and in doing and transacting its business shall seek assurance that adequate consideration has been given to the sustainable development principle and in meeting the requirements of the Well-Being of Future Generations Act.

Related Sub Groups

- Mental Health Act Monitoring Operational Group
- Together for Mental Health Partnership Board
- **Crisis Concordat Meeting Forum.**

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.

CHAIR'S ACTION ON URGENT MATTERS

There may, occasionally, be circumstances where decisions which normally be made by the Committee need to be taken between scheduled meetings. In these circumstances, the Committee Chair, supported by the Director of Corporate Governance as appropriate, may deal with the matter on behalf of the Board, after first consulting with one other Independent Members of the Committee. The Director of Corporate Governance must ensure that any such action is formally recorded and reported to the next meeting of the Committee for consideration and ratification.

Chair's urgent action may not be taken where the Chair has a personal or business interest in the urgent matter requiring decision.

REVIEW



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These Terms of Reference shall be adopted by the Committee at its first meeting and subject to review at least on an annual basis thereafter, with approval ratified by the Health Board.