

## Schedule 3.4

### 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**

## INTRODUCTION

The **Cwm Taf Morgannwg University Health Board (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 the ~~Health Board-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.~~

~~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.

## 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.
- **may** 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 (but not reporting) Sub Groups**

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

## **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.

- ~~Four Independent Board Members (one of which would be the Chair of the Committee)~~

### **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 ~~(minimum twice per annum)~~
- 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 & Taf Ely Integrated Locality Group
- 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.~~

### **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.**~~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 no less than ~~three~~ 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 ~~5 working days~~ **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; This includes verbal updates on activity, the submission of committee minutes and written reports.~~
- 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 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 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 **(but not reporting)**

### **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

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.**

~~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~~**