



Mental Health Act Monitoring Committee Meeting

**'Unconfirmed' Minutes of the meeting held on 17 August 2020 at 9.30 am
Via Microsoft Teams**

Present	
Maria K. Thomas (Chair)	Vice Chair of the University Health Board
James Hehir	Independent Member of the Board
Mel Jehu	Independent Member of the Board
Phillip White	Independent Member of the Board
In Attendance	
Jeremy Burgwyn	Head Administrator, Mental Health Team
Julie Denley	Director of Operations Mental Health & Learning Disabilities
Fiona Thomas	Locality Manager Mental Health
Alexandra Beckham	Rhondda Cynon Taff County Borough Council
Phil Lewis	Head of Nursing for Mental Health
Julie Cude	Head of Nursing, Child & Adolescent Mental Health Services (CAMHS)
Peter Thomas	South Wales Police, Advisor for Mental Health
Naomi Drew	South Wales Police
Anthony Watkins	South Wales Police
Brett Lagdon	South Wales Police
Wendy Penrhyn-Jones	Head of Corporate Governance & Board Business
Kathrine Davies	Corporate Governance Support (Secretariat)

MHA/20/016 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting introducing Anthony Watkins and Brett Lagdon who would be providing a presentation on the South Wales Police Mental Health APP.

The Chair advised that the previous meeting of the Committee had been held in March 2020 just before the UK wide lockdown. Maria Thomas expressed her thanks to all organisations for their hard work in the intervening period which had showed great partnership working.

MHA/20/017 APOLOGIES FOR ABSENCE

Apologies for absence were received from Alan Lawrie, Jackie Davies and Gregory Lloyd.

MHA/20/018 DECLARATIONS OF INTEREST

There were none.

PART B: CONSENT AGENDA

The purpose of the consent agenda was explained to Members and it was **NOTED** that Members had been asked to consider and comment on the reports in advance of the meeting to allow the Committee to efficiently proceed through the agenda. The Chair confirmed that no questions had been raised in advance of the meeting.

The Chair asked whether Members wished to move any item from the Consent Agenda to the 'Main Agenda'. No changes to the Consent Agenda were required.

MHA/20/019 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 12 March 2020 were **RECEIVED** and **CONFIRMED** as an accurate record.

MHA/20/020 ACTION LOG

Members **RECEIVED** and **NOTED** the Action Log.

MHA/20/021 PRESENTATION OF THE MENTAL HEALTH APP – SOUTH WALES POLICE

The Committee **RECEIVED** the presentation that was presented by Anthony Watkins and Brett Lagdon of South Wales Police.

Members were provided with a demonstration of how the App worked. Members **NOTED** that this had been rolled-out for the whole of South Wales and Gwent in July 2020 and that since then a 42% reduction had been seen in the use of Section 136. Members discussed the governance arrangements for the sharing of data. It was confirmed that the governance arrangements would need to be tightened and that J. Denley and P. Thomas would liaise with their teams outside of the meeting to review and ensure that all processes were signed off and would provide an update at the next meeting for assurance purposes. **(Action)**.

Members **AGREED** to receive a further update on the impact of the App at its meeting in six months' time. **(Action)**.

Members **RESOLVED** to note the Presentation.

MHA/20/022 MENTAL HEALTH ACT MONITORING COMMITTEE DRAFT ANNUAL REPORT 2019/2020

Members **RECEIVED** the report that was presented by W Penrhyn-Jones.

Agenda Item 2.1

Members were advised that following discussion and formal approval, the Committee Annual Report would be presented to the Board for approval at its meeting to be held on 30 September 2020.

Members **NOTED** that the Terms of Reference for all Board Committees had been reviewed and approved by the Board at its meeting on 30 July 2020. On reviewing the Terms of Reference, the Committee requested agreed some minor additions prior to these being submitted to the Board for ratification.

Members discussed the Annual Self-Assessment Questionnaire and **AGREED** that this would be completed electronically by Members outside of the meeting and the outcome discussed at the next meeting. **(Action)**.

Members **RESOLVED** to:

- **ENDORSE** the Annual Report for submission to the Health Board subject to the changes discussed
- **ENDORSE** the revised Terms of Reference with minor amendments for ratification by the Board at its September 2020 meeting.
- **AGREED** to complete the Annual Self-Assessment questionnaire electronically outside of the meeting to allow discussion of the results at the next meeting of the Committee in November 2020.

MHA/20/023 **REPORT FROM THE MENTAL HEALTH ACT OPERATIONAL GROUP**

Members **RECEIVED** the report that was presented by P. Lewis.

Members were advised that following the formation of the new CTMUHB, work had been undertaken to review policies resulting in Stage 1 & 2 and Consent to Treatment being completed.

Members were advised that the need for medical input on the group had been rectified with the appointment of Dr Lakshmanan as medical lead.

Members **NOTED** that there had been an increase in Section 2s for Older Persons and this had continued into Quarter 3 and 4. This was under close scrutiny and the interim Clinical Director had discussed this issue with colleagues in the Bridgend ILG so that there was a streamlined process for patients requiring transfer.

Members **NOTED** that the Section 136 audit had now been completed focussing on Quarter 2 2019/20. Of the 71 detentions, eight were currently open to Mental Health Services, five were open to outpatient clinic only which meant that they were considered a low risk with lower level of mental health needs and not subject to care and treatment planning.

Members were reminded that previously there had been an issue identified with the Section 12 approved doctors. However, during Quarter three all CTM localities reported an improvement following the establishment of a list of 90 Section 12 doctors who could be contacted outside of working hours. All localities continued to report an improvement in the availability of section 12 doctors across CTMUHB into 2020/21 with no reports of an inability to conduct mental health act work due to the lack of a Section 12 doctor. Members **AGREED** that moving forward more assurance was required that this was being embedded into the ILGs. A further update would be received at the next meeting **(Action)**.

Members **NOTED** that in the Taff Ely area there had been a need to use two non-CTM medical staff for applications for the MHA. The position in this regard would continue to be monitored by the Operational Group.

Members **RESOLVED** to: **NOTE** the report.

MHA/20/024

MENTAL HEALTH ACT ACTIVITY REPORT

Members **RECEIVED** the report that was presented by J. Denley.

Members **NOTED** the key issues highlighted:

- The COVID-19 outbreak had presented the MHA team with unique challenges in terms of continuing to adhere to both the Act and the Code during the worldwide pandemic. The team had put measures in place prior to lockdown to ensure the functionality of the office with as little disruption as possible whilst staff worked remotely from home.
- Adult detentions had risen by 40% in 2019/20 following boundary change. Bridgend accounted for 26% of all detentions during this time (135) as did Taff-Ely (134), whereas Rhondda decreased by 32% (79). Merthyr decreased by 17% (63) and Cynon by 13% (68). Out of area detentions rose dramatically from 8 to 40 (344%) but this mainly related to patients from the Swansea Bay area who were admitted to the Psychiatric Intensive Care Unit (PICU) ward in the Princess of Wales Hospital

Agenda Item 2.1

- Older Persons detentions rose by 62% from 125 to 203 in 2019/20 compared with the previous year, it was Bridgend with 80 that accounted for 39% of all detentions whilst other localities remained fairly consistent
- CAMHS detention figures had not been affected by the boundary changes as the Ty Llidiard Unit in Bridgend provided a service for young persons from all of South, East and West Wales. Detentions had however decreased by 20% from 56 in 2018/2019 to 45 in 2019/2020.
- Community Treatment Orders (CTO) had risen significantly with 26 new CTOs made during 2019/2020 which was 14 higher than the previous year. This again was linked to the inclusion of Bridgend mental health services.

Members suggested that some benchmarking data be included in the next Mental Health Act Activity Report and this was **agreed. (Action)**

Members made an observation with regard to the reduction in CAMHS detentions and sought clarity as to the reason for this. J. Cude advised that she would check and arrange a report on this for the next meeting. **(Action).**

Members **RESOLVED** to: **NOTE** the report.

MHA/20/025 Breaches/Analysis of Unlawful Detentions – Mental Health Act

Members **RECEIVED** the report which was presented by P. Lewis.

Members **NOTED** that in Quarter 1, throughout adult, older persons and CAMHS services there were 41 minor errors on section documentation although these were all rectified within the fourteen day time limit. This compared with a mean figure of 37.75 for 2019/20. Members **NOTED** that there were no fundamentally defective errors during this quarter which compares with a mean of 1.75 throughout 2019/20.

Members queried sought clarity as to how CTM's performance compared across Wales. It was **AGREED** that P. Lewis and J. Burgwyn would look into this and report back. **(Action)**

Members **RESOLVED** to: **NOTE** the report.

MHA/20/026 RISKS RELATED TO THE MONITORING OF THE MENTAL HEALTH ACT

Members **RECEIVED** the report which was presented by P. Lewis.

Members **NOTED** the following key matters which had not previously discussed in the previous 'breaches' report:

- There had been a backlog of tribunals due to COVID-19 however these were all now scheduled. There were nine uncontested renewals all taking place later in August 2020.
- The review of the consent to Treatment policy was now complete.

Members **NOTED** that the Senior Nurse who Chaired the Operational Group was leaving for another post and agreed that the change of Chairperson would need careful consideration to ensure the necessary skillset. Members of the Committee expressed their thanks and appreciation to S. Shore and wished her well in her new post.

Members **RESOLVED** to: **NOTE** the report

MHA/20/027 CRISIS CARE CONCORDAT

Members **RECEIVED** the report that was presented by F. Thomas.

Members were advised that due to the Covid-19 outbreak the establishment of the Concordat had been delayed. However, the Group had met on the 14 August 2020 where there had been good representation from all agencies. The Terms of Reference had been agreed and the pillars of the framework were being reviewed with a template developed to establish a baseline assurance for the work.

Members **NOTED** the regional approach and the National Action Plan and **AGREED** to receive a further update in six months' time. **(Action)**.

Members **RESOLVED** to:

- **NOTE** the report

MHA/20/028 STRATEGIC UPDATE FROM SOUTH WALES POLICE - Policing and Crime Act 2017 (S13 5 & 136 of the Mental Health Act 1983) and including Place of Safety Report

Members **RECEIVED** the report presented by P. Thomas which included a presentation of the Mental Health App that had been piloted.

Members were advised that the mental health triage pilot had been extended until 30th September 2020 and a decision had been made by South Wales Police to retain the service thereafter. Discussions around this with the three respective Health Boards confirmed their support for this. The second evaluation of the pilot by Professor Davies of Swansea University had been received and was being assessed.

Members **NOTED** that in June 2020 South Wales Police launched its suicide prevention strategy with a corporate action plan and a process map linking in with Public Health Wales and child/adult Safeguarding Boards.

Members were advised West Glamorgan Safeguarding Board area were carrying out a thematic review on all suicides in the region. A Task and Finish group has also been established, the inaugural meeting having taken place on 6 July 2020. Members **NOTED** an update on suicides during the Covid-19 period.

Members **NOTED** that the Alternative Place of Safety was launched on the 4 May through the Mental Health and Crisis Teams. Members were advised that as of September 2020 the service would be 'face-to-face' for people aged 17 years and 9 months with social distress and would be operated from 6pm to 3am. Members queried why the age of 17 and 9 months and it was confirmed that was the age that young people move into adolescent transition from CAMHS to Adult services.

Confirmation was sought that the required actions had been taken in respect of information sharing protocols and it was **AGREED** that this be further discussed outside the meeting and an update brought to the next meeting. **(Action)**

Members **RESOLVED** to: **NOTE** the report.

MHA/20/029 **IMPACT OF COVID-19 ON PATIENTS SUBJECT TO THE MENTAL HEALTH ACT**

Members **RECEIVED** the report that was presented by P. Lewis.

Members **NOTED** the following key matters:

Agenda Item 2.1

- The unique challenges that were faced by staff during the pandemic in ensuring that the Act and Code was adhered to.
- The development of digital signatures for doctors.
- Welsh Government had developed some changes to the Application of the Act in case they were required due to Covid-19, notably the use of one medical recommendation to support ongoing use of the Act. This was however not required.
- Whilst there had been a backlog in tribunal cases these were all now scheduled for August 2020.

The Chair asked if there was a need for such risks to be reported, for assurance purposes, to Quality and Safety Committee. It was confirmed that there was a process in place in this regard via Directors and a further update would be provided at the next meeting. **(Action)**.

Members **RESOLVED** to: **NOTE** the report.

MHA/20/030 **COMMITTEE HIGHLIGHT REPORT**

Members **RECEIVED, NOTED** and **AGREED** key items discussed to be included within the Committee Highlight report for the meeting of the Health Board taking place on 30 September 2020.

MHA/20/031 **FORWARD WORK PROGRAMME 2020/21**

Members **RECEIVED** and **NOTED** the programme which would be updated based upon the Committee's discussions.

MHA/20/032 **ANY OTHER URGENT BUSINESS**

There was no urgent business.

MHA/20/033 **DATE OF FUTURE MEETINGS**

- Wednesday 4 November 2020 at 2.00pm, Via MS Teams.