



Mental Health Act Monitoring Committee Meeting

'Unconfirmed' Minutes of the meeting held on 4 November 2020 at 2.00 pm 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	
Julie Denley	Director of Primary Community & Mental Health
Fiona Thomas	Locality Manager Mental Health
Gregory Lloyd	Locality Manager, Welsh Ambulance NHS Trust
Phil Lewis	Head of Nursing for Mental Health
Robert Goodwin	Service Group Manager, Mental Health
Peter Thomas	South Wales Police (SWP), Advisor for Mental Health
Karen Thomas	SWP
Angela Edavene	Merthyr Tydfil County Borough Council
Frances Hall	RCT County Borough Council
Kishore Kale	Clinical Director, Mental Health
Jackie Davies	Bridgend County Borough Council
Alyson Jones	SWP
David Jenkins	Independent Advisor to the Board
Wendy Penrhyn-Jones	Head of Corporate Governance & Board Business
Kathrine Davies	Corporate Governance Manager (Secretariat)
Louise Jones	Corporate Team Admin Support (Observing)

MHA/20/034 **WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting including Robert Goodwin who was attending his first meeting and David Jenkins, Independent Advisor to the Board.

The Chair advised Members that due to operational pressures and staff sickness it had not been possible to provide three reports for today's meeting. Maria Thomas suggested that a follow-up meeting be arranged taking place on 10 December 2020 to receive these particular reports.

MHA/20/035 APOLOGIES FOR ABSENCE

Apologies for absence were received from Alan Lawrie and Colin Hatherley.

MHA/20/036 DECLARATIONS OF INTEREST

There were none.

MHA/20/037 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 17 August 2020 were **RECEIVED** and **CONFIRMED** as an accurate record.

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/20/038 ACTION LOG

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

J. Denley advised that in relation to the matter of the South Wales Police Mental Health App and in particular the governance arrangements around the sharing of Data, an email had been received that morning and the Committee would be advised outside of the meeting. **(Action)**.

MHA/20/039 MENTAL HEALTH ACT MONITORING COMMITTEE SELF-ASSESSMENT REVIEW

Members **RECEIVED** the report that was presented by W Penrhyn-Jones. Following discussion and formal approval of the Committee Annual Report at the previous meeting it had been agreed that the Committee Self-Assessment would be undertaken electronically and outside of the meeting. Members **NOTED** that the full response to the Self-Assessment was attached as **Appendix 1**.

Following a meeting held with the Chair to discuss the response, a summarised version had been drafted with an action plan to address issues that had been identified and would be circulated to Members outside of the meeting for comment. **(Action)**.

The Committee extended their thanks to W. Penrhyn-Jones and the Team for the work undertaken.

Members **RESOLVED** to:

- **NOTE** the report

MHA/20/040 REPORT FROM THE MENTAL HEALTH ACT OPERATIONAL GROUP

Members **NOTED** that the Operational Group had not had an opportunity to meet since the Committee previously met but that the Group was scheduled to meet on the 20 November 2020. It was **AGREED** that a formal report be received at the Committee follow-up meeting on the 10 December 2020. **(Action)**.

MHA/20/041 Breaches/Analysis of Unlawful Detentions – Mental Health Act

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

Members **NOTED** that during Quarter 2 there had been 31 minor errors on section papers that were all rectified within the fourteen day time limit. This compared with 41 in the previous quarter which represented a 24% improvement.

There had been three fundamentally defective errors during this quarter:

- The first incident was a Section 2 application which constituted a professional conflict of interest as both medical applications were from Doctors within the same team. Members **NOTED** that a communication brief had been submitted to the Senior Medical Council for distribution with a view to highlighting the issue and avoiding a recurrence. Members discussed training and suggested that this should be included at induction for locums and agency doctors. **(Action)**.
- The second incident related to a detention on a medical ward. The detaining Doctor accessed the required paperwork over the internet and erroneously completed the NHS England version as opposed to the NHS Wales version rendering the section invalid.
- The third breach applied to the same patient, who had been detained on a general ward who did not have proper

receipt of papers resulting in the invalid detention. Members **NOTED** that a communication had been circulated to the ILG Directors for action across CTM's three ILGs.

Members considered whether the membership of the Committee should be extended to the ILG Directors and agreed that if there was a continuous pattern emerging that they could be invited to the Committee to discuss the position.

Members **AGREED** to receive a report on the actions and learning arising from the fundamental breaches as part of the report prepared for the next meeting of the Committee in February 2021. **(Action)**.

Although the Committee had previously requested that the report also included comparative information looking at Wales wide performance in terms of errors and breaches in terms of the Act this had not yet been incorporated into the report. Members were advised that CTM performance was being reviewed and agreed this would be presented for the next meeting in a different format. **(Action)**.

Members **RESOLVED** to:

- **NOTE** the report.

MHA/20/042 RISKS RELATED TO THE MONITORING OF THE MENTAL HEALTH ACT

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

Members **NOTED** the following key matters:

- Work to develop a regional Crisis Care Concordat had now progressed with dates set in the diary and a meeting to be held the following week. A formal update report would be prepared for the next meeting of the Committee in February 2021 meeting. **Action**
- During the COVID Pandemic, the Mental Health Act team had sought to continuously address the challenges in adherence to the Act. New processes had been introduced including implementation of electronic documentation, exploring the use of electronic signatures and use of virtual meetings to remotely facilitate the Manager's hearings and Tribunals. Members **NOTED** that all hearings which had been rescheduled for August 2020 had

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indeed taken place and the team had received a compliment regarding the support given to this new way of working.

- A previous risk had been highlighted with regard to medical attendance at the Operational Group. This had now resolved with Dr Lackshmanan identified as the medical lead on this group.
- There had been no issues with regard to availability of Section 12 Doctors during this period.

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

MHA/20/043

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 Quarter 2 figures.

Members were advised that the Section 136 numbers continued to decrease thanks to the work of C. Hatherley and J. Thomas working alongside the Mental Health Triage Team. Members **NOTED** that the Triage Team had been awarded the Police Crime Commissioners Criminal Justice Award for the significant impact they had made. The Committee extended their congratulations to the Team.

Members **NOTED** an update on the suicide prevention strategy that had been launched in June 2020. Members discussed the figures and asked how these compared with the previous year. P. Thomas advised that the data from the Coroner had not yet been received for last year but that SWP were now monitoring the position to allow more timely comparisons.

Members **NOTED** that discussions were underway with Hafal and Mental Health Matter with regard to a proposed pilot for a well-being safe sanctuary house in Bridgend. Members were advised that a report was being prepared for the Board in this respect.

Members **RESOLVED** to:

- **NOTE** the report.

MHA/20/044

IMPACT OF COVID-19 ON PATIENTS SUBJECT TO THE MENTAL HEALTH ACT

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

The Chair commented on the effect of the pandemic on Mental Health Services was continuing to have and paid tribute to the partnership working between all of the agencies with a view to uphold safety and emotional health and wellbeing during this unprecedented period.

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

MHA/20/045 COMMITTEE HIGHLIGHT REPORT

Members **RECEIVED, NOTED** and **AGREED** that discussions would be held with the Chair to agree the content of the Committee Highlight report for the meeting of the Health Board taking place on the 26 November 2020.

MHA/20/046 FORWARD WORK PROGRAMME 2020/21

Members **RECEIVED** and **NOTED** the programme.

J. Denley advised that the following items would be added to the programme and that she would liaise with the Governance Team with regard to priority order:

- Prison Transfers and Compliance Against the Code
- Use of the Mental Health Act for People with Learning Disabilities
- Patient Experience and Patient Outcomes in the Community
- Individually Commissioned Placements and MHA Use and assurance.
- R. Goodwin asked if the Committee received reports from the Mental Health Act Advocacy Service. J. Denley suggested that this was discussed outside the meeting with a view to feedback on this issue at the next meeting. **(Action)**. R. Goodwin also suggested that consideration be given to using CTO's to help with patient experience work and it was agreed this would be further discussed at the forthcoming Operational Group. **(Action)**.

The Chair reminded Members that if there were any other items that they would like to include for the next meeting of the Committee that these needed to be forwarded to K. Davies by the end of November 2020. **(Action)**.

MHA/20/047 **ANY OTHER URGENT BUSINESS**

- The Chair stated that it was pleasing to see Local Authority representatives in attendance at the meeting and suggested that should there be a difficulty in each authority sending its own representative in the future then she would be happy to accept a single attendee on behalf of all the Local Authorities.
- K. Thomas reported that there had been a Section 2 incident the previous day with two Covid positive individuals having absconded from a hospital site who were subsequently returned by the police. Action had been taken to avoid a recurrence and the matter had been discussed by the ILG that day. Members **AGREED** to receive an update at a future meeting. **(Action)**.

MHA/20/048 **DATE OF FUTURE MEETINGS**

- 10 December 2020 – Follow-up meeting – 3.30 pm (CTM attendees only)
- 9 February 2021- 2.00 pm
- 5 May 2021 – 2.00 pm
- 4 August 2021 – 2.00 pm
- 3 November 2021 – 2.00 pm