



AGENDA ITEM

2.1.2

MENTAL HEALTH ACT MONITORING COMMITTEE

**MENTAL HEALTH ACT MONITORING COMMITTEE
DRAFT ANNUAL REPORT 2021-22**

Date of meeting

12 October 2022

FOI Status

Open/Public

**If closed please indicate
reason**

Choose an item.

Prepared by

Kathrine Davies, Corporate Governance
Manager

Presented by

Wendy Penrhyn-Jones, Head of Corporate
Governance & Board Business

Approving Executive Sponsor

Director of Corporate Governance

Report purpose

FOR APPROVAL

**Engagement (internal/external) undertaken to date (including
receipt/consideration at Committee/group)**

Committee/Group/Individuals

Date

Outcome

Choose an item.

ACRONYMS

MHA

Mental Health Act

CTMUHB

Cwm Taf Morgannwg University Health Board

1. SITUATION/BACKGROUND

- 1.1 The purpose of this report is to highlight the activities and performance of the Mental Health Act (MHA) Monitoring committee during 2021-2022.

2. SPECIFIC MATTERS FOR CONSIDERATION BY THIS MEETING (ASSESSMENT)

- 2.1 The Chair of the MHA Monitoring Committee is required to present an annual report outlining its business throughout the financial year to provide the Board with assurances as to scrutiny of performance in relation to meeting the requirements of the MHA 1983.
- 2.2 The MHA Monitoring Committee's draft Annual Report for 2021-2022 is presented at **Appendix 1** for approval.
- 2.3 The Terms of Reference that were approved by the Health Board on the 28 July 2022 with no changes made are also presented at **Appendix 2**.
- 2.4 The Committee is committed to reviewing its effectiveness by completing an annual self-assessment review which will be undertaken following the October 2022 meeting and will be considered at the meeting to be held in December 2022 in order that recommendations and aligned actions can once again be developed and implemented in terms of areas identified for improvement.

3. KEY RISKS/MATTERS FOR ESCALATION TO BOARD/COMMITTEE

- 3.1 The publication of the annual report demonstrates compliance with the Standing Orders, which stipulates that each Committee is required to submit an annual report to the Board through the Chair at the end of the reporting year setting out its activities during the year and detailing the results of a review of its performance and that of any sub-groups it has established. Today's meeting is the first opportunity to provide the draft annual report in the current financial year.

4. IMPACT ASSESSMENT

Quality/Safety/Patient Experience implications	There are no specific quality and safety implications related to the activity outlined in this report.
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Related Health and Care standard(s)	Governance, Leadership and Accountability
	If more than one Healthcare Standard applies please list below:
Equality Impact Assessment (EIA) completed - Please note EIAs are required for <u>all</u> new, changed or withdrawn policies and services.	No (Include further detail below)
	If yes, please provide a hyperlink to the location of the completed EIA or who it would be available from in the box below.
	If no, please provide reasons why an EIA was not considered to be required in the box below.
	Not required.
Legal implications / impact	There are no specific legal implications related to the activity outlined in this report.
Resource (Capital/Revenue £/Workforce) implications / Impact	There is no direct impact on resources as a result of the activity outlined in this report.
Link to Strategic Goals	Improving Care

5. RECOMMENDATION

- 5.1 The Mental Health Act Monitoring Committee is asked to:
- 5.2 **DISCUSS** and **ENDORSE** the Annual Report for submission to the Health Board at its meeting to be held on 12 October 2022.
- 5.3 **NOTE** the current Terms of Reference (previously approved by the Health Board at its meeting held on 28 July 2022)



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Cwm Taf Morgannwg
University Health Board

Appendix 1

DRAFT

Mental Health Act (MHA) Monitoring Committee

Annual Report 2021-2022



MENTAL HEALTH ACT (MHA) MONITORING COMMITTEE DRAFT ANNUAL REPORT 2021-22

1. FOREWORD

I am pleased to present the 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 2022 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.

2021-22 was another very challenging year with the ongoing Covid-19 pandemic resulting in new ways of working becoming the 'norm'.

The Committee has continued to foster and promote a culture of working in partnership with a view to service improvement for the CTM population. 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.

2021-2022 was my first year as the Chair of the Committee and I would like to extend my thanks and appreciation to my predecessor Maria Thomas, former CTM Vice Chair, who had chaired the meetings of this Committee since its outset. Maria was instrumental in steering the Committee to its current level of maturity, for which I am extremely grateful.

My thanks and best wishes are also extended to Superintendent Peter Thomas, Force Advisor for Mental Health, on his retirement from South Wales Police in March 2022. Peter's important contribution to mental health services was of course formally recognised in the award of an MBE in the Queen's Birthday Honours during 2021.

In late 2021 we learnt with great sadness of the news that Councillor Phillip White who was formerly a member of this Committee had passed away. His experience and knowledge was appreciated by all and we will miss the important contribution he made to our proceedings.

Jayne Sadgrove

**Chair, Mental Health Act (MHA) 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, were reviewed and refreshed in July 2022. The Committee has continued to evolve with changes to report format and agenda content during the year.

As part of CTMUHB's commitment to openness and transparency, the meeting papers for this Board Committee 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 an annual report for presentation to the Health Board.



3. MEMBERSHIP

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

Independent membership during 2021-22 was as follows:

- Jayne Sadgrove, Vice Chair of the Health Board (Chair of the Committee - from June 2021)
- Mel Jehu, Independent Member
- James Hehir, Independent Member
- Maria Thomas, Vice Chair of the Health Board (Chair of the Committee – until May 2021)
- Phillip White, Independent Member (until November 2021)
- Geraint Hopkins, Independent Member (from January 2022)

4. MEETINGS

The MHA Monitoring Committee met on four occasions during 2021/22 and as a consequence its forward work programme was reviewed to ensure that issues were appropriately prioritised.

The four dates on which it met during 2021/22 were as follows:

- 5 May 2021
- 4 August 2021
- 3 November 2021
- 3 March 2022

Mental Health Act Monitoring Attendance 2021-2022		5 May 2021	4 Aug 2021	3 Nov 2021	2 Mar 2022	Total
Maria Thomas (Chair – until May 2021)	Vice Chair, Independent Member	✓				1/1
Jayne Sadgrove (Chair – from June 2021)	Vice Chair, Independent Member	✓	✓	✓	✓	4/4
Mel Jehu	Independent Member	✓	✓	✓	X	3/4
James Hehir	Independent Member	✓	✓	✓	✓	4/4
Phillip White (until – Nov 21)	Independent Member	X	X			0/2

Geraint Hopkins (from Mar 22)	Independent Member				X	0/1
Gareth Robinson (until March 2022)	Chief Operating Officer (Interim)	X	X	X	X	0/4
Julie Denley	Director of Primary Care & Mental Health	✓	✓	✓	✓	4/4
Philip Lewis	Head of Nursing (Mental Health)	✓	✓	X	X	2/4
Robert Goodwin	Service Group Manager, Mental Health	✓	✓	✓	✓	4/4
Fiona Thomas	Localities Manager, Mental Health	✓		✓		2/2
Peter Thomas	Superintendent, South Wales Police	✓	✓	✓	✓	4/4
Colin Hatherley	Mental Health Officer, South Wales Police	X	X	X	✓	3/4
Karen Thomas	Superintendent, South Wales Police	X	✓	✓		2/3
Angela Edavene	Representative, Merthyr Tydfil County Borough Council	✓	✓	✓	✓	4/4
Frances Hall	Representative, Rhondda Cynon Taff County Borough Council	X	✓	✓	✓	3/4
Mark Wilkinson	Representative, Bridgend County Borough Council	✓	✓	✓	X	3/4
Katie McPheat-Collins (until Nov 21)	Welsh Ambulance Services Trust	X	X	✓		1/3
Ben Collins (from Mar 22)	Welsh Ambulance Services Trust				✓	1/1
Cally Hamblyn	Assistant Director of Governance & Risk	✓	✓			2/2
Wendy Penrhyn-Jones	Head of Corporate Governance & Board Business	✓		✓	✓	3/3

All of the above meetings were quorate.

The Committee's Terms of Reference were reviewed and approved by the Committee at its June 2022 meeting with no changes made and were approved by the Health Board in July 2022. For completeness, this Annual Report provides at **Appendix 2**, the current Terms of Reference.

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 2020-2021 & 2021-2022 and self-assessment questionnaire
- Results of the Committee Self-Assessment and Self-Assessment Action Plan
- Committee Annual Cycle of Business 2021-2022 & 2022-23

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 Mental Health Operational Group
- Strategic update from South Wales Police (Section 13,15 & 136)
- including mental health staff in police control centre
- Strategic update from Local Authority Partners
- Mental Health Act Breaches Relating to the Mental Health Act
- Risks related to the Monitoring of the Mental Health Act
- Crisis Care Concordat
- South Wales Police Mental Health APP
- Update on Alternative Place of Safety, The Sanctuary
- Covid-19 Remote Mental Health Assessments – Change of Practice
- Prison Transfers – Activity & Compliance against the Code of Practice
- Hospital Managers payment for Postponed Hearings
- Individually Commissioned Placements and Mental Health Act use
- Progress on the Recruitment of Section 12 Doctors
- Conclusions from the Section 136 Audit Follow Up and Action Plan

Part 4 - For Information / Other Matters

There were no information items sharing purposes.

The 'Forward Look' plan for the Committee was reviewed at each meeting to ensure its content remained appropriately focused.

The Committee Highlight Report is produced following each meeting and subsequently presented to the next available Board meeting.

Links with Other Committees/Boards

Where appropriate a process is in place for any relevant matters to be referred to other Board Committees for scrutiny and or action.

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

Like many service areas mental health services were impacted by the pandemic and Welsh Government made provision for how the Mental Health Act could be applied and administered should the pandemic have warranted this. The committee was assured that patients' needs were met and full compliance with legislation maintained.

The Committee continued to receive updates regarding ongoing audit work and changes put into place to improve the application of the MHA and work to integrate approaches and policies in relation to the Act have again continued in year.

The MHA Monitoring Committee wishes to assure the Board that on the basis of the work completed by the Committee during 2021-2022, there are effective measures in place to scrutinise and monitor the application of the MHA.



Appendix 1

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 Health Board – 28 July 2022)

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

- Chief Operating Officer
- 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

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