



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



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| | | Agenda Item | 2.2 (iii) |
| Freedom of Information Status | | Open | |
| Reporting Committee | Mental Health Legislation Committee | | |
| Author | Claire Mulcahy, Corporate Governance Manager | | |
| Chaired by | Stephen Spill, Vice Chair | | |
| Lead Executive Director (s) | Christine Williams, Interim Director of Nursing and Patient Experience | | |
| Date of last meeting | 05 August 2021 | | |
| Summary of key matters considered by the committee and any related decisions made. | | | |
| Care and Treatment Plans (CTP's) ; The report updated on the internal audit cycle for CTP's. Overall performance was high in terms of the main legislation and actions plan focussed on both the quality and patient input of the CTPs. An annual audit cycle had been agreed therefore the committee agreed to receive updates on the progress of actions twice yearly with progress monitored via the Quality and Safety Assurance Group report to Quality and Safety Committee. | | | |
| Key risks and issues/matters of concern of which the board needs to be made aware: | | | |
| Mental Health Act (MHA) 1983 Monitoring Report; During the period, 1 st April 2021 and 30 th June 2021 there had been <i>twenty-five exceptions</i> and <i>one invalid detentions</i> identified by the department. There were seven admissions to an adult acute ward for those under the age of 18. There were <i>two</i> Healthcare Inspectorate Wales (HIW) quality checks in the Mental Health and Learning Disabilities Units during the quarter. There were <i>two</i> deaths of patients during this period and cause of death was due to physical health conditions. | | | |
| Key Matters raised by members; <ul style="list-style-type: none">- <i>Inpatient facilities for Child and Adolescent Mental Health (CAMHS) patients</i> – this was a high risk for the health board, appropriate inpatient facilities were essential for these patients. The issue would require escalation to Welsh Government at Chief Executive Level.- <i>Unlawful detention due to unsigned documentation</i> – consideration was needed on processes in terms of professional obligation at all level in relation to mental health legislation documentation.- <i>Mental Health Legislation</i> – wider discussions were underway in relation to systems, processes and compliance with legislation. The risk of which had been escalated on the risk register. | | | |

Mental Health Measure 2010 Monitoring Report;

The overall performance against the measure was on or above target for all four areas although for Part 1b (inventions) for under 18's (CAMHS) compliance was variable during the period.

Key Matters raised by Members;

- *CAMHS Performance* - There were recruitment and retention issues within the service as well as a number of vacancies. Further consideration was needed at an Executive level on the benefits of repatriating primary CAMHS patients back into the health board.

Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards Update (DoLS);

Mental Capacity Act 2005 –The Safeguarding training continued via a virtual platform for levels 1 and 2 and attendance at DoLS training had increased in June 2021. Concerns had been raised across Wales regarding compliance data and it has been recommended that MCA training is given priority.

DoLS - Members were updated on the DoLS quarter 1 position and advised there had been 257 referrals of which the dedicated best interest assessors (BIA'S) had completed 42. The total amount of breaches for the period stood at 180 and this was a concern, breaches were due to the continuing lack of assessors, there was now only one full time BIA in post. Preparation work was underway in relation to the legislation (Liberty Protection Safeguards) changes which were planned for April 2022 and the code of practice was awaited. A health board level report was being compiled and sets out the requirements as we move into the LPS.

Key matters raised by members;

- *Continuing lack of Best Interest Assessors* – Members felt that health board would be at a disadvantage moving into the new legislation. Work was underway to recruit into the vacant post but clarity was needed on the roles within the new legislation and this will be included as a requirement within the business case. The use of the supernumerary BIA's was not the right model for the health board as staff are unable to be released from wards.

Delegated action by the committee:

None identified.

Main sources of information received:

As above.

Highlights from sub-groups reporting into this committee:

None identified.

Matters referred to other committees

None identified.

Date of next meeting

04 November 2021