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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	04 February 2021	Agenda Item	2.1
Report Title	Mental Health Act Activity Report		
Report Author	Penny Cram / Samantha Jones- Mental Health Act Team		
Report Sponsor	David Roberts- Service Group Director		
Presented by	David Roberts Service Group Director		
Freedom of Information	Open		
Purpose of the Report	The purpose of the paper is to present to the Mental Health Legislative Committee the quarterly Mental Health Act activity report, in relation to Hospital Managers' scheme of delegated duties under the Mental Health Act 1983 and the functions, including section 23.		
Key Issues	The hospital managers must ensure that patients are detained only as the Act allows, that their care and treatment fully comply with it, and that patients are fully informed of, and supported in exercising their statutory rights. Hospital managers must also ensure that a patient's case is dealt with in line with other legislation which may have an impact, including the Human Rights Act 1998, Mental Capacity Act 2005 and Mental Health (Wales) Measure 2010.		
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recommendations	Members are asked to: <ul style="list-style-type: none"> NOTE this report 		

Quarter 3 Mental Health Activity Report 2020/21

1. INTRODUCTION

The report provides assurance in respect of the work that has been undertaken by Mental Health and Learning Disabilities (MHL) Services during the quarter, that those functions of the Mental Health Act 1983 (the Act), which have been delegated to officers and staff under the policy for Hospital Managers' Scheme of Delegation, are being carried out correctly, and that the wider operation of the Act across the Health Board area is operating properly.

The hospital managers must ensure that patients are detained only as the Act allows, that their care and treatment fully comply with it, and that patients are fully informed of, and supported in exercising their statutory rights. Hospital managers must also ensure that a patient's case is dealt with in line with other legislation which may have an impact, including the Human Rights Act 1998, Mental Capacity Act 2005 and Mental Health (Wales) Measure 2010.

2. BACKGROUND

Mental Health Act 1983

An activity report, along with definitions of relevant sections of the Act is included below. This summarises key points of the use of the Act within SBU Health Board. Rates of detention under different sections of the Act typically fluctuate between each quarter; therefore, only significant points are highlighted.

KEY TO SECTIONS

Part 2 – Compulsory Admission to Hospital or Guardianship

- Section 5(4) Nurses Holding Power (up to 6 hours)
- Section 5(2) Doctors Holding Power (up to 72 hours)
- Section 4 Emergency Admission for Assessment (up to 72 hours)
- Section 2 Admission for Assessment (up to 28 days)
- Section 3 Admission for Treatment (6 months, renewable)
- Section 7 Application for Guardianship (6 months, renewable)
- Section 17A Community Treatment Order (6 months, renewable)

Part 3 - Patients Concerned with Criminal Proceedings or Under Sentence

- Section 35 Remand for reports (28 days, maximum 12 weeks)
- Section 36 Remand for treatment (28 days, maximum 12 weeks)
- Section 38 Interim Hospital Order (Initial 12 weeks, maximum 1 year)
- Section 47/49 Transfer of sentenced prisoner to hospital
- Section 48/49 Transfer of un-sentenced prisoner to hospital
- Section 37 Hospital or Guardianship Order (6 months, renewable)
- Section 37/41 Hospital Order with restriction (Indefinite period)
- Section 45A Hospital Direction and Limitation Direction
- CPI 5 Criminal Procedure (Insanity) & Unfitness to Plead (Indefinite period)

Part 10 – Miscellaneous and Supplementary

- Section 135(1) Warrant to enter and remove (up to 24 hours)
- Section 135(2) Warrant to enter and take or retake (up to 24 hours)
- Section 136 Removal to a place of safety (up to 24 hours)

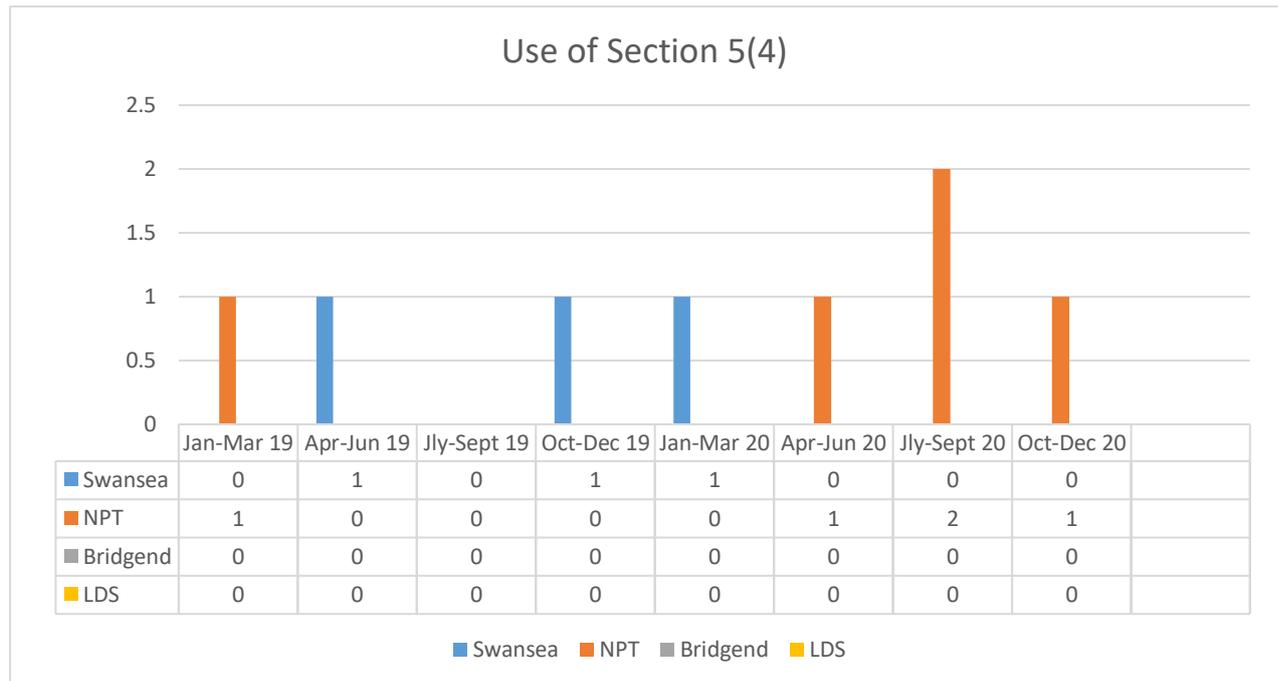
Mental Health Act 1983 - Data Collection and Exception Reporting

The data below summarises some of the key points of the use of the Mental Health Act (1983) during the quarter, together with comparison data for the previous 12-month period:

Detention under Section 5 – Holding Powers

Section 5(4) is used by mental health and learning disability nurses in mental health in-patient settings for up to 6 hours to allow for a further assessment to take place.

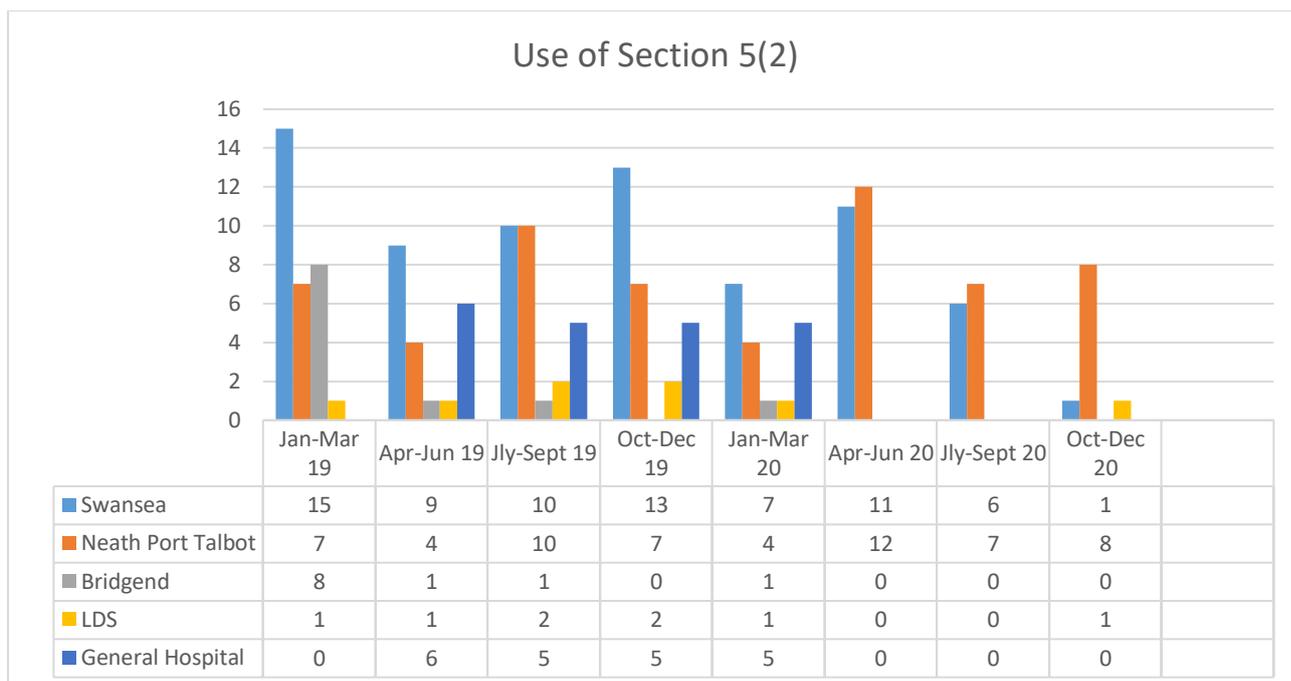
Section 5(4) was used on 1 occasion.



The graph above shows comparison data over 2 years

Section 5(2) is used by Doctors in both mental health and general hospital settings to detain an in-patient for up to 72 hours to allow for a mental health act assessment to take place.

Section 5(2) was used on 10 occasions.

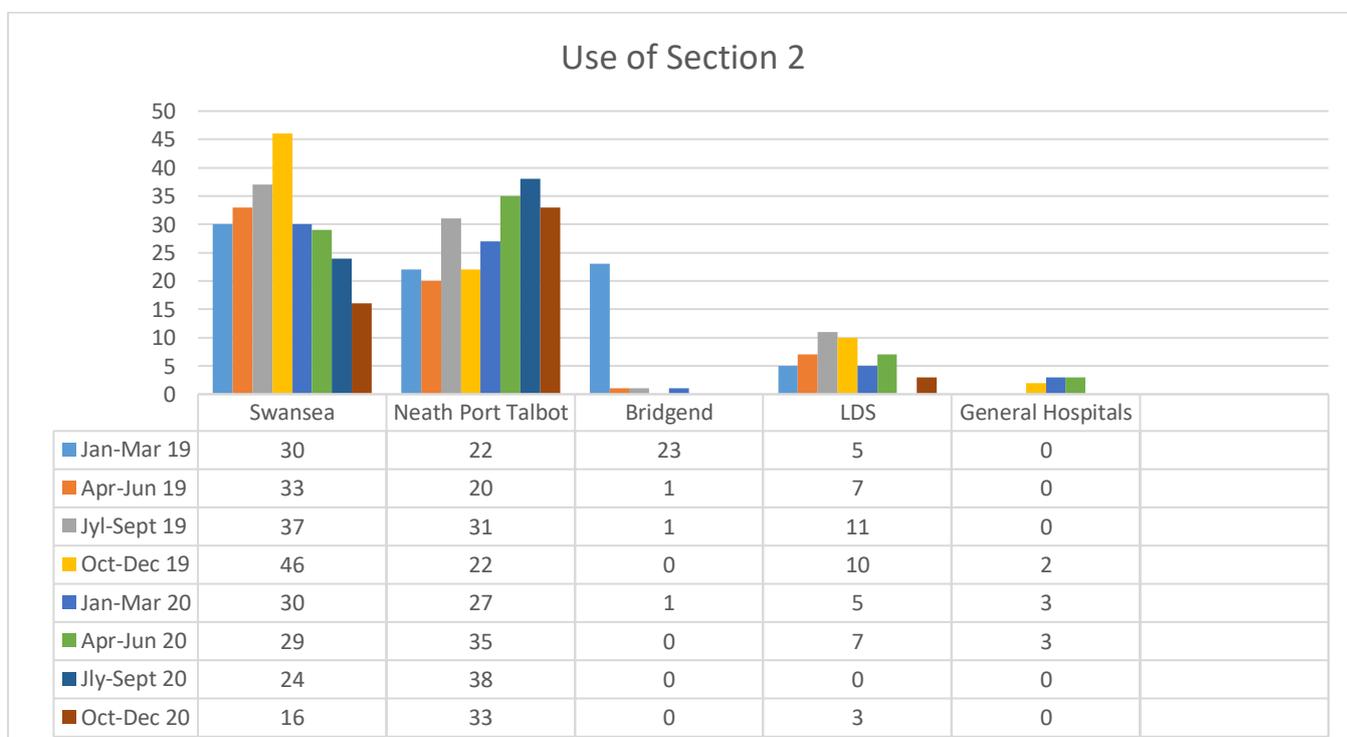


The graph above shows comparison data over 2 years

Section 2 – Admission for Assessment

This section authorises the compulsory admission of a patient to hospital for assessment (or for assessment followed by medical treatment), for mental disorder, for up to 28 days.

Section 2 was used on 52 occasions.

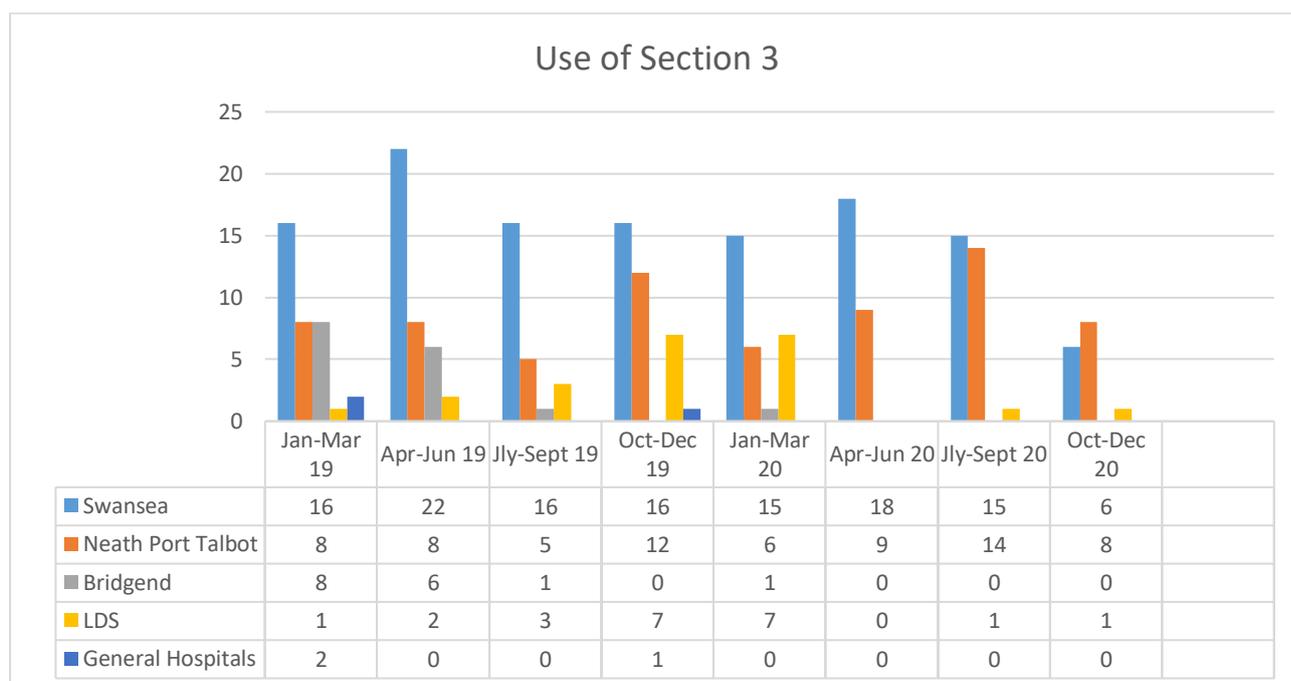


The graph above shows comparison data over 2 years

Section 3 – Admission for Treatment

This section provides for the compulsory admission of a patient to hospital for treatment for mental disorder. The detention can last for an initial period of six months. Then can be renewed for up to a further 6 months after review – can then be renewed for periods of one year at a time.

Section 3 was used on 15 occasions.

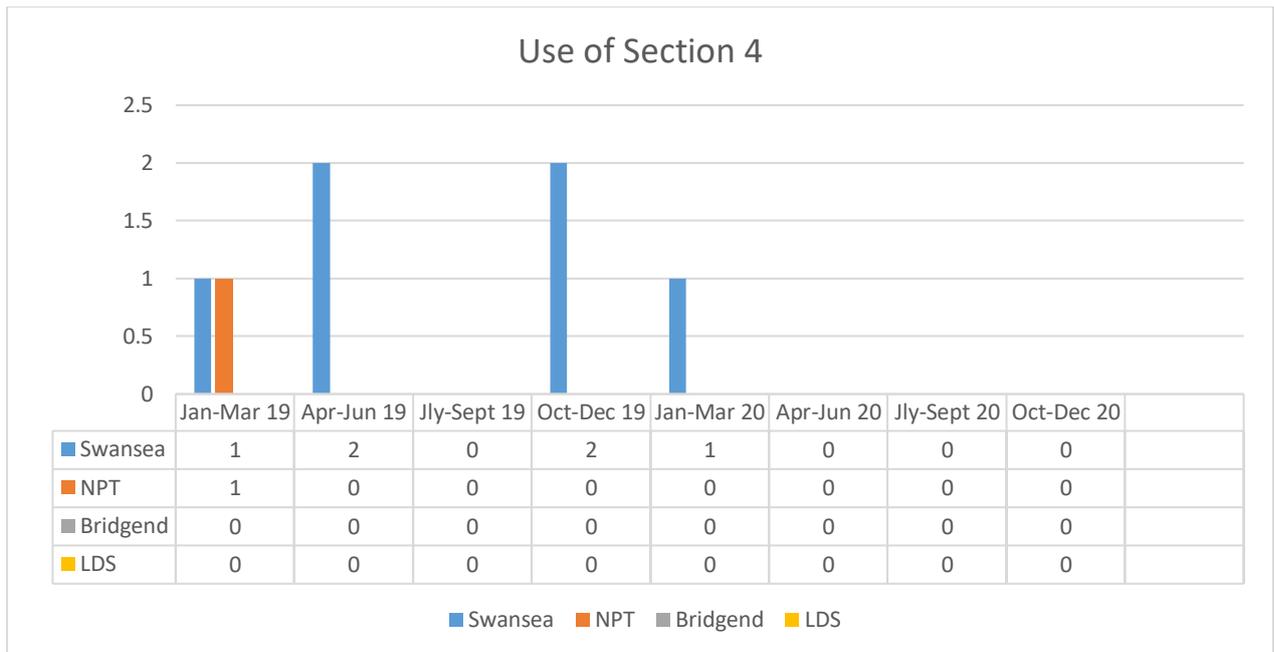


The graph above shows comparison data over 2 years

Section 4 – Emergency Admission for Assessment

The use of section 4 of the Mental Health Act 1983 is to enable an admission for assessment to take place in cases of urgent necessity. It should only be used to avoid an unacceptable delay and as such is infrequently used and specifically examined by Mental Health Act Managers when this is the case.

Section 4 was not used during the quarter.



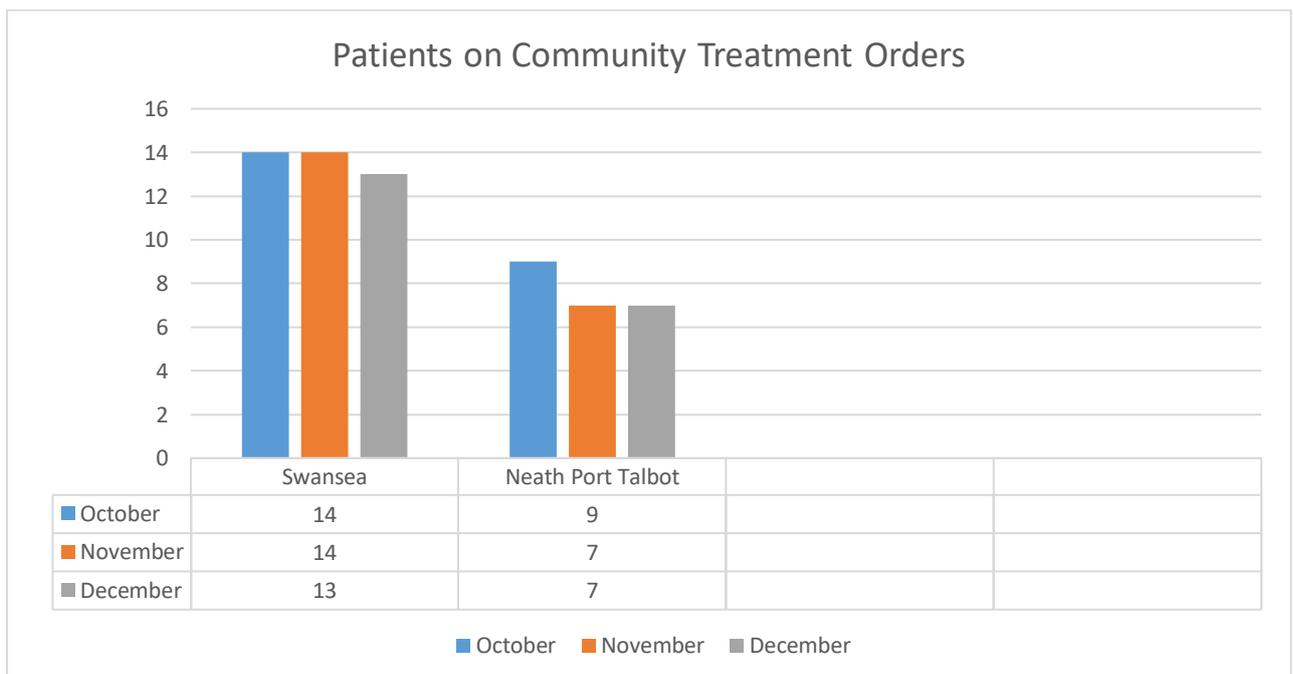
The graph above shows comparison data over 2 years

Admissions of under 18s

There were 3 admissions of those aged under 18 this quarter – all at Ward F, NPT

Section 17A – Community Treatment Order

This section provides a framework to treat, and safely manage certain eligible patients who have been detained in hospital for treatment, in the community, whilst still being subject to powers under the Act.



There were 2 new Community Treatment Orders in place as at 31 December 2020.

7 Community Treatment Orders were renewed in this quarter.

4 Community Treatment Order patients were regraded to informal

2 Community Treatment Orders were revoked – patients reverted to Section 3

1 Community Treatment Order patient was discharged.

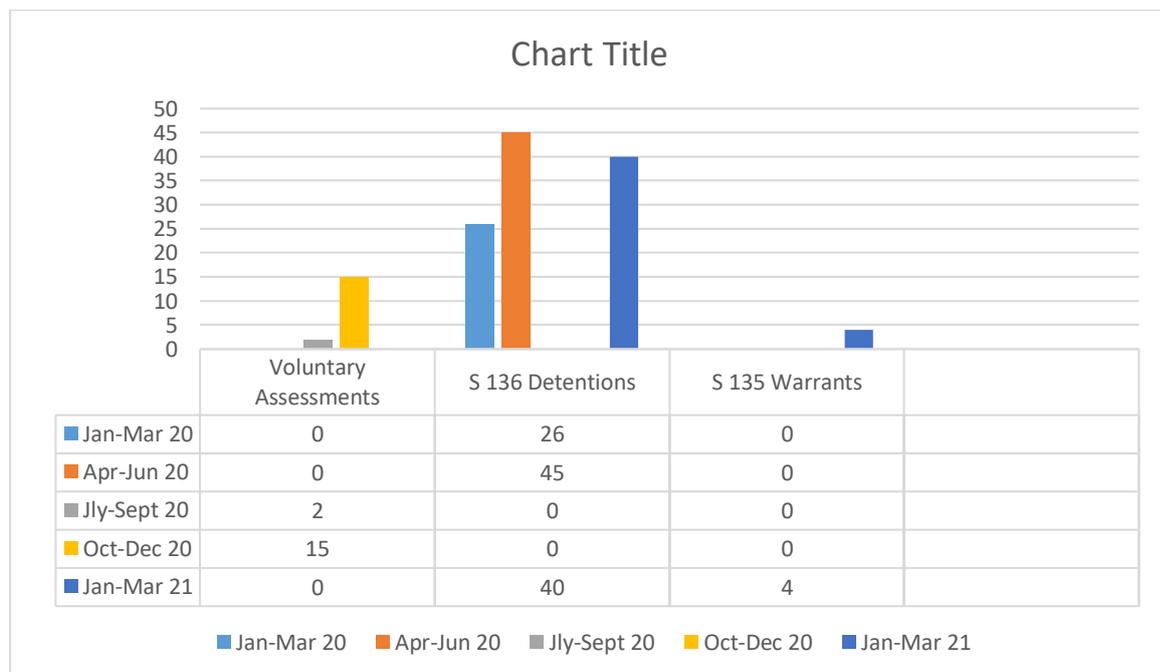
Police powers to remove a person to a place of safety under Section 135 & 136

This section empowers a constable to remove a person from a public place to a place of safety if it is considered the person is suffering from mental disorder and is in immediate need of care or control.

There were 15 Voluntary assessments during this quarter.

There were 40 detentions under Section 136 during this quarter.

There were 4 Section 135 Warrants executed during the quarter.



Deaths of detained patients

There were no deaths during the quarter.

Application for Discharge to Hospital Managers and Mental Health Review Tribunal

See graphs at Appendix 2 for data

Healthcare Inspectorate Wales (HIW) Visits to Mental Health & Learning Disabilities Units

Due to COVID 19 restrictions, HIW are not undertaking site visits at present. Instead they have introduced quality checks which entail the submission of written evidence, and an interview with the Ward Manager using Microsoft Teams.

No quality checks have taken place this quarter

3. GOVERNANCE AND RISK ISSUES

Mental Health Act Team

An interim appointment has been made to the Post of Mental Health Act Team Manager with effect 6th November 2020.

Substantive appointments have been made to the 2 outstanding vacancies in the department. Team members continue to work in a blended fashion of home & office based working in light of current lockdown measures. This is working well and the team are to be commended on their commitment to the work of the department and ensuring that there is no backlog.

Scrutiny of Documents

Section 15 of the Act provides for certain admission documents, which are found to be incorrect or defective, to be rectified within fourteen days of the patient's admission. Rectification or correction is mainly concerned with inaccurate recording, and it cannot be used to enable a fundamentally defective application to be retrospectively validated.

Data Collection and Exception Reporting

Any exceptions highlighted in the Mental Health Act activity report are intended to raise awareness of matters relating to the functions of hospital managers and give assurance that the care and treatment of patients detained in Swansea Bay University Health Board, and those subject to a community treatment order is only as the Act allows.

Detention without authority or Invalid Detentions

There were 23 exceptions for this period, and no invalid detentions identified by the Mental Health Act Department. There were no breaches to the Mental Health Act for in-patients admitted to Swansea Bay UHB who are under the age of 18.
Please see the graphs at Appendix 1 for exception data

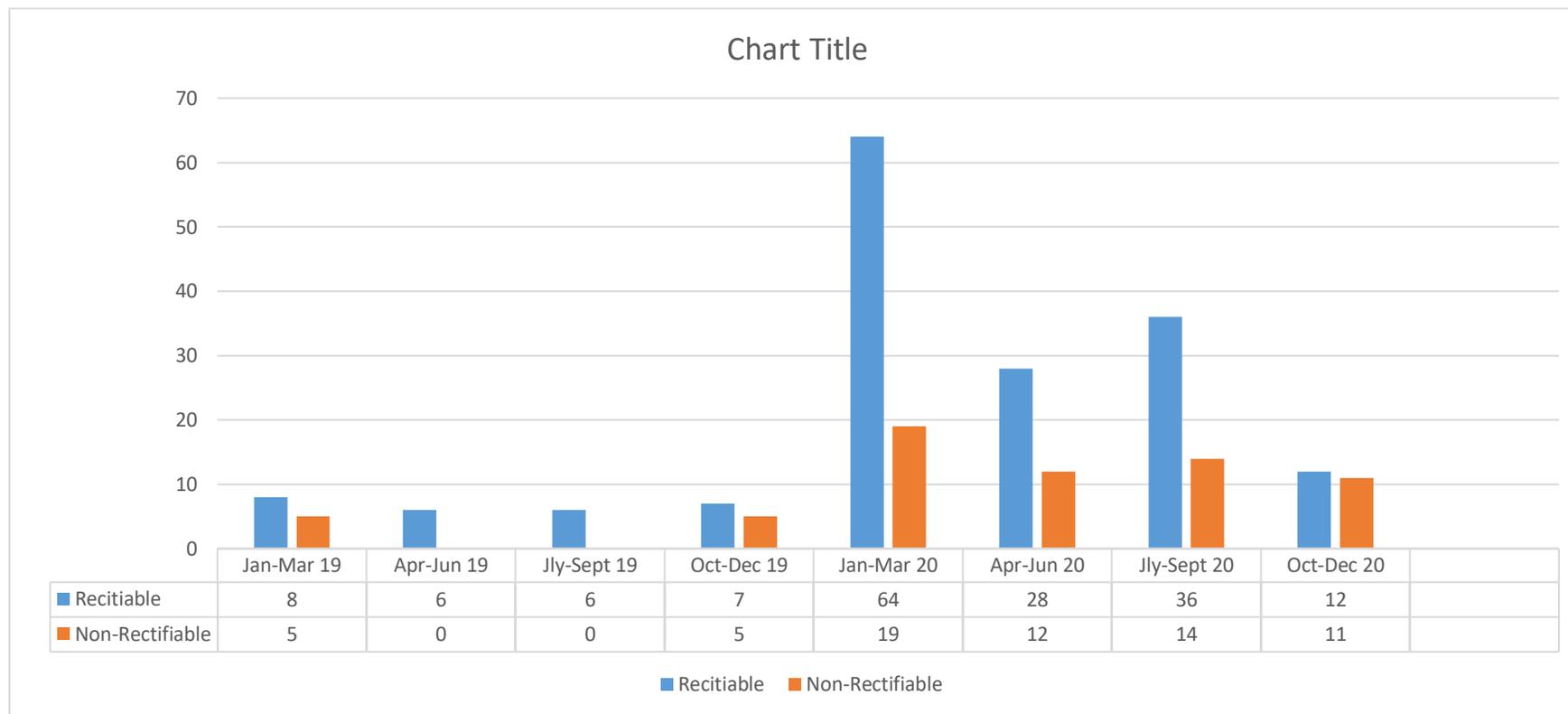
4. RECOMMENDATION

The Board is asked to note the report.

Governance and Assurance		
Link to Enabling Objectives <i>(please choose)</i>	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input checked="" type="checkbox"/>
	Co-Production and Health Literacy	<input type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	Deliver better care through excellent health and care services achieving the outcomes that matter most to people	
	Best Value Outcomes and High Quality Care	<input checked="" type="checkbox"/>
	Partnerships for Care	<input type="checkbox"/>
	Excellent Staff	<input type="checkbox"/>
	Digitally Enabled Care	<input type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input type="checkbox"/>
Health and Care Standards		
<i>(please choose)</i>	Staying Healthy	<input type="checkbox"/>
	Safe Care	<input checked="" type="checkbox"/>
	Effective Care	<input type="checkbox"/>
	Dignified Care	<input checked="" type="checkbox"/>
	Timely Care	<input type="checkbox"/>
	Individual Care	<input checked="" type="checkbox"/>
	Staff and Resources	<input type="checkbox"/>
Quality, Safety and Patient Experience		
<p>The report provides assurance in respect of the work that has been undertaken by Mental Health and Learning Disabilities (MHL) Services during the quarter, that those functions of the Mental Health Act 1983 (the Act), which have been delegated to officers and staff under the policy for Hospital Managers' Scheme of Delegation, are being carried out correctly, and that the wider operation of the Act across the Health Board area is operating properly.</p>		
Financial Implications		
Legal Implications (including equality and diversity assessment)		
Mental Health Act 1983		
Staffing Implications		
<p>An interim appointment has been made to the Post of Mental Health Act Team Manager with effect 6th November 2020.</p> <p>Substantive appointments have been made to the 2 outstanding vacancies in the department. Team members continue to work in a blended fashion of home & office based working in light of current lockdown measures. This is working well and the team are to be commended on their commitment to the work of the department and ensuring that there is no backlog.</p>		
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)		
Report History	<p>The Mental Health Act Activity report is produced on a quarterly basis to inform both the MH Legislative Committee, and the Hospital Managers Power of Discharge Committee.</p>	

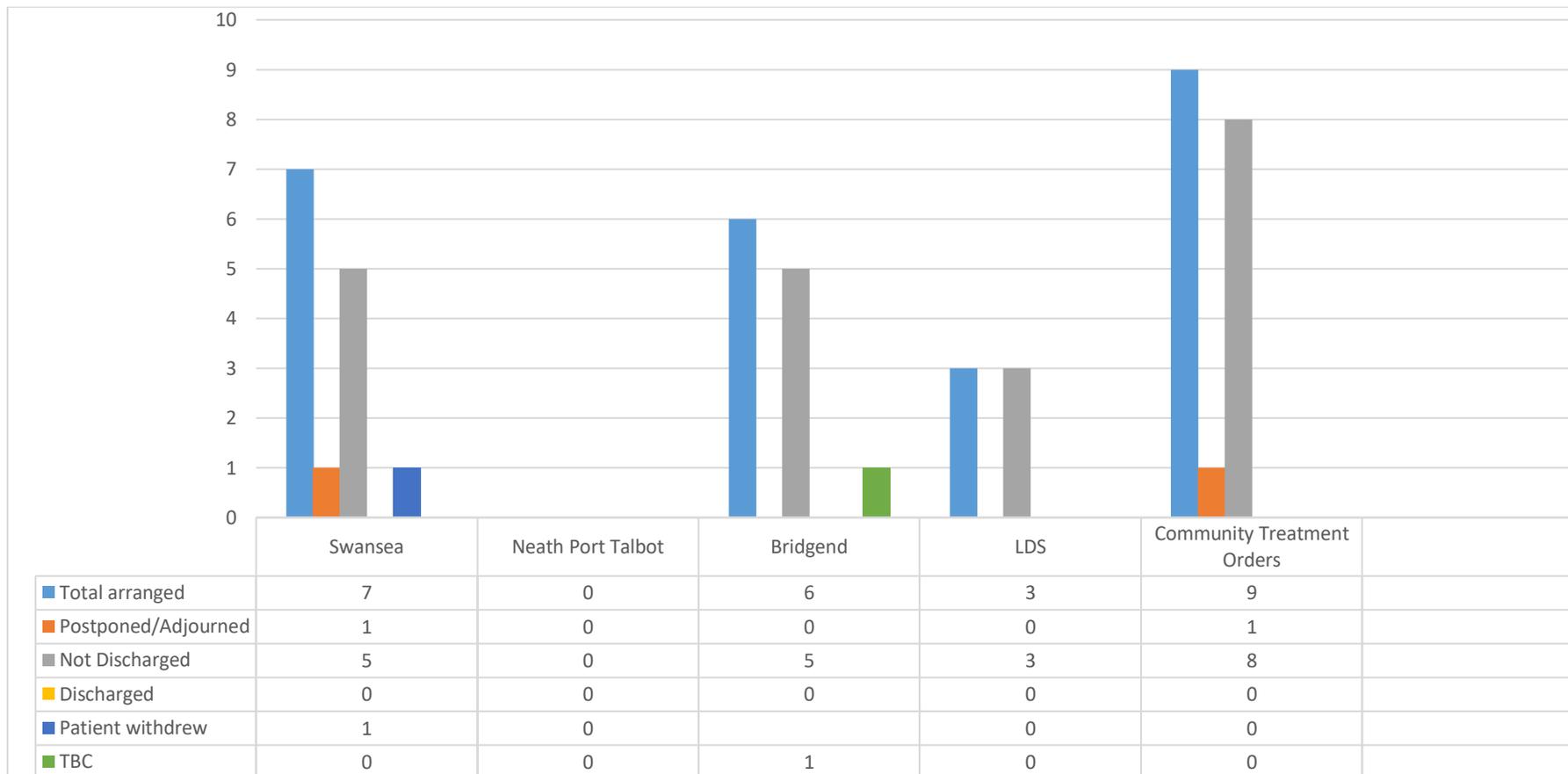
	<p>The most recent Power of Discharge Committee was held on Friday 18th September 2020.</p> <p>Next meeting planned for Wednesday 20th January 2021</p>
<p>Appendices</p>	<p>Appendix 1: Graphs showing rectifiable and non-rectifiable errors under Section 15 of the Act.</p> <p>Appendix 2: Graphs showing activity relating the Mental Health Review Tribunals and Hospital Managers Hearings</p>

Exceptions and non-rectifiable errors on Mental Health Act statutory documents for the period 1 October – 31 December 2020



This graph shows exceptions that can be rectified , and those that cannot, under Section 115 of the Mental Health Act, on Mental Health Statutory Documents over 2 years

Hospital Managers Appeals - Postponements and Adjudgments



Mental Health Review Tribunal – Hearing Outcomes

