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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	02 February 2023		Agenda Item	2.1
Report Title	Mental Health Act Activity Report: Oct-Dec 2022			
Report Author	Penny Cram – Mental Health Act Service Manager			
Report Sponsor	Janet Williams – Service Group Director			
Presented by	Janet Williams – 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 Mental Health Act activity report, in relation to Hospital Managers' scheme of delegated duties under the Mental Health Act 1983 and the functions included in section 23.			
Key Issues	<p>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.</p> <p>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.</p>			
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance	Approval
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recommendations	Members are asked to note the report.			

Mental Health Act Activity Report October - December 2022

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 (as amended 2007)

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 reporting period 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 4 & Part 4A – Concerned with medical treatment for mental disorder

Part 4 of the Act deals with people who have been detained in hospital, including those who are on section 17 leave, those who are absent without leave, and Community Treatment Order patients who have been recalled to hospital.

Part 4A of the Act deals with people who are on a Community Treatment Order

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 reporting period, together with comparison data for the previous 2-year period:

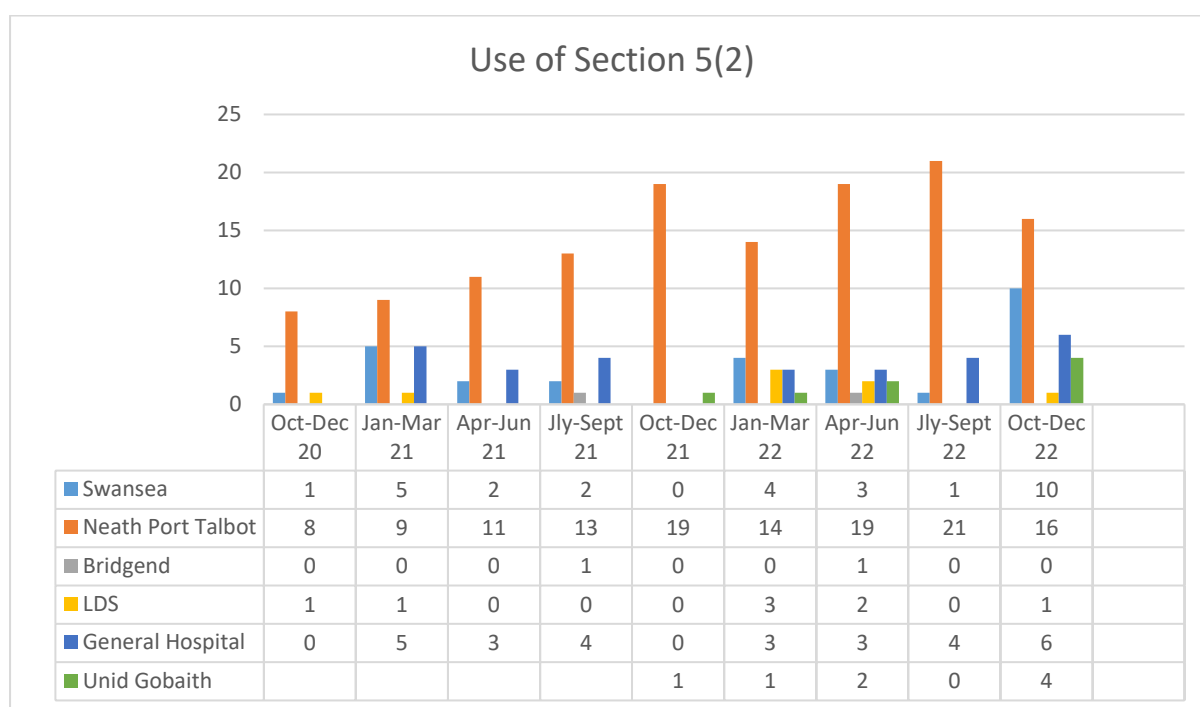
Detention under Section 5 – Holding Powers

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 on Celyn Ward, Cefn Coed Hospital

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 37 occasions.

There has been an increase on the use of section 5(2) in OPMHS, and on general wards



The graph above shows use of section 5(2) with comparison data over 2 years

The graph shows section 5(2) use for the reporting period

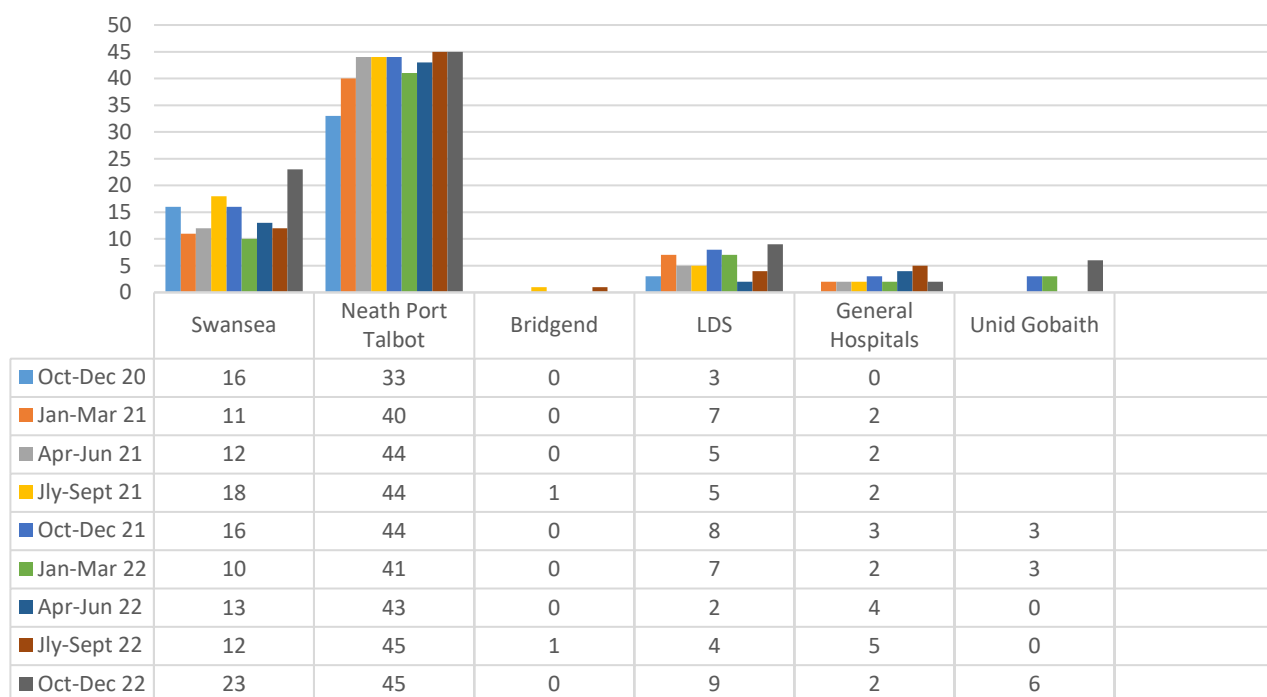
Section 2 – Admission for Assessment

Section 2 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 85 occasions

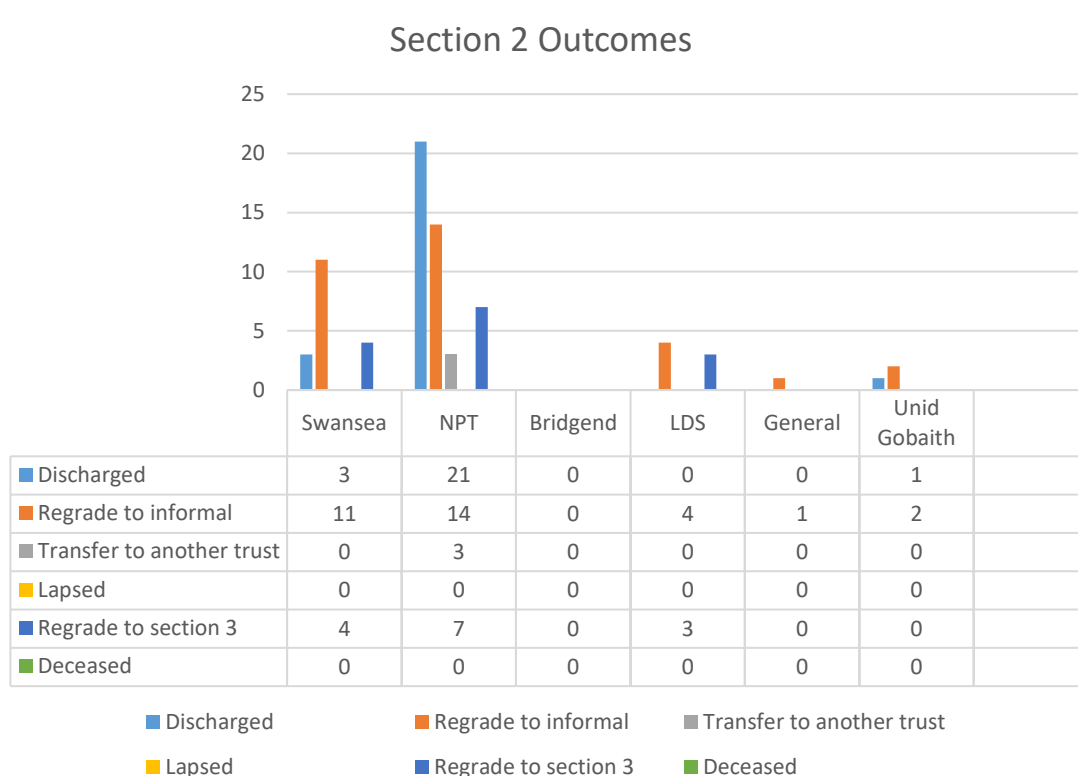
There has been an increase of the use of section 2 in the Swansea area, which is not attributed to the increase in the use of section 5(2)

Use of Section 2

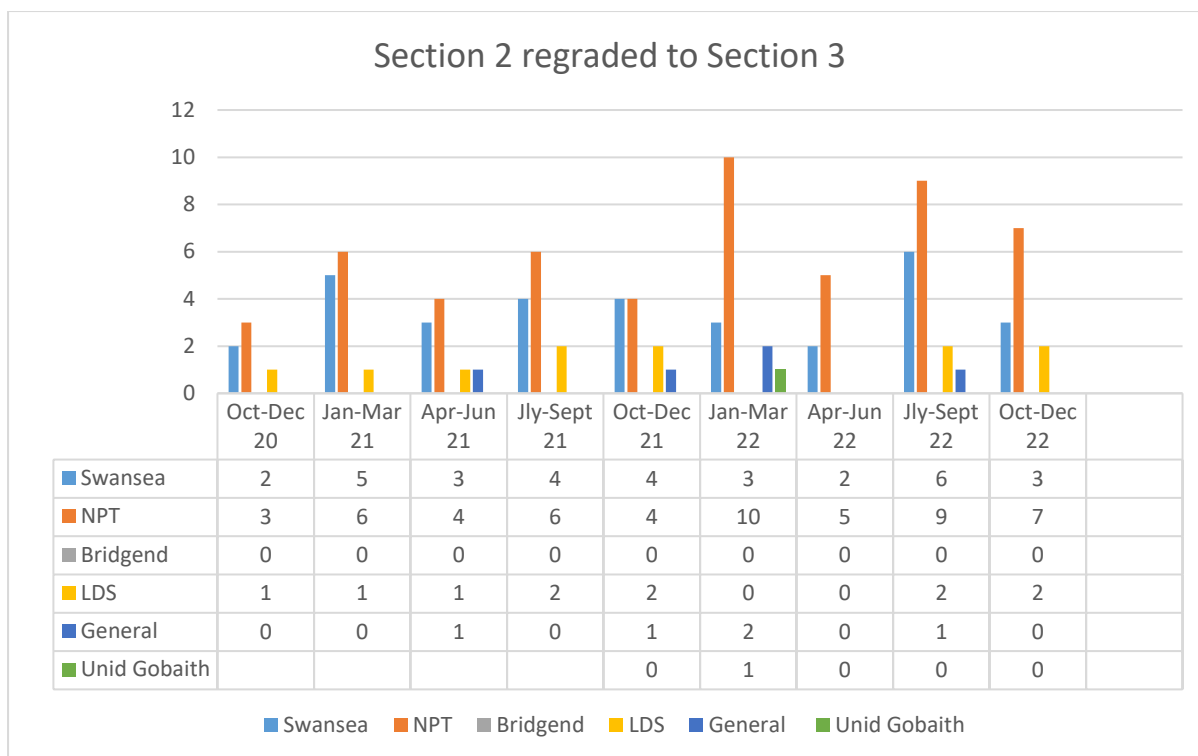


The graph above shows the use of section 2 with comparison data over 2 years

Section 2 Outcomes



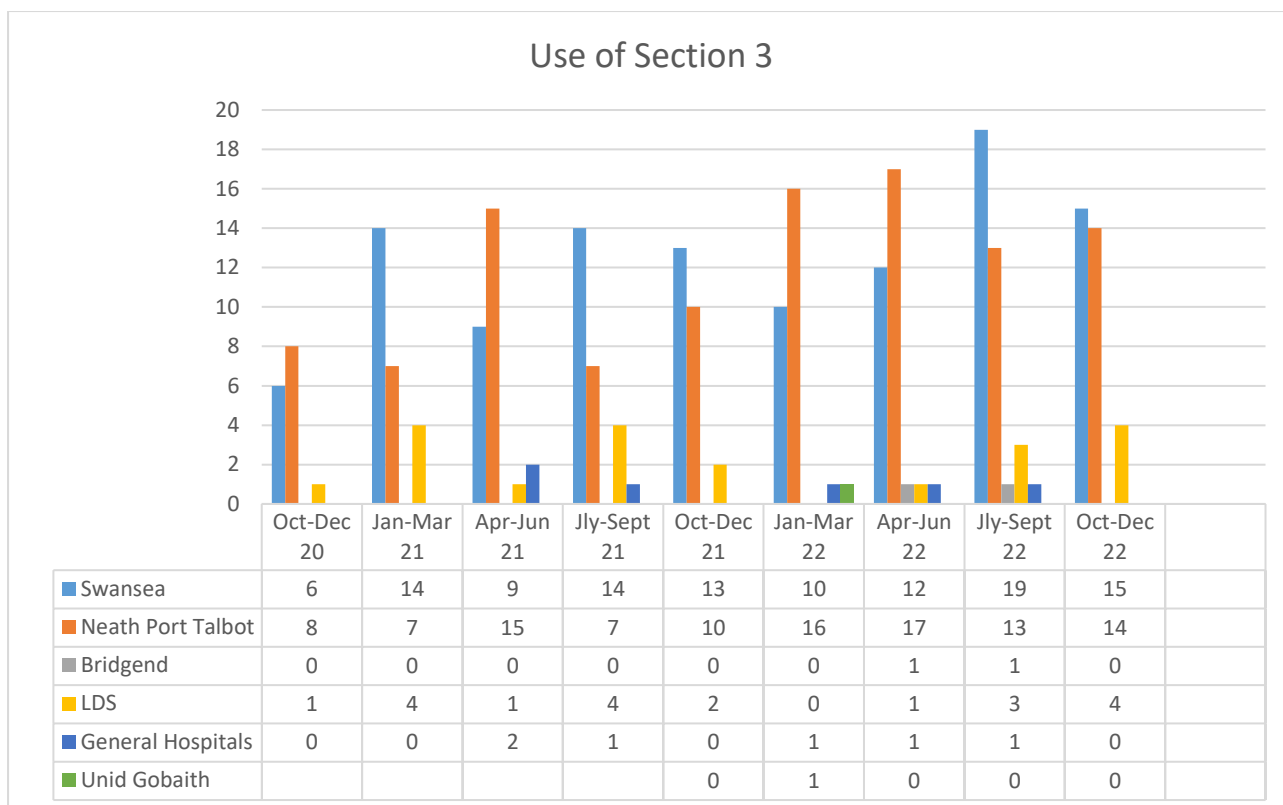
The graph shows section 2 outcomes for the reporting period



This table shows the number of section 2 detentions regraded to section 3, with comparison data from previous 2 years

Section 3 – Admission for Treatment

Section 3 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 , followed by yearly renewals thereafter. Section 3 was used on 34 occasions

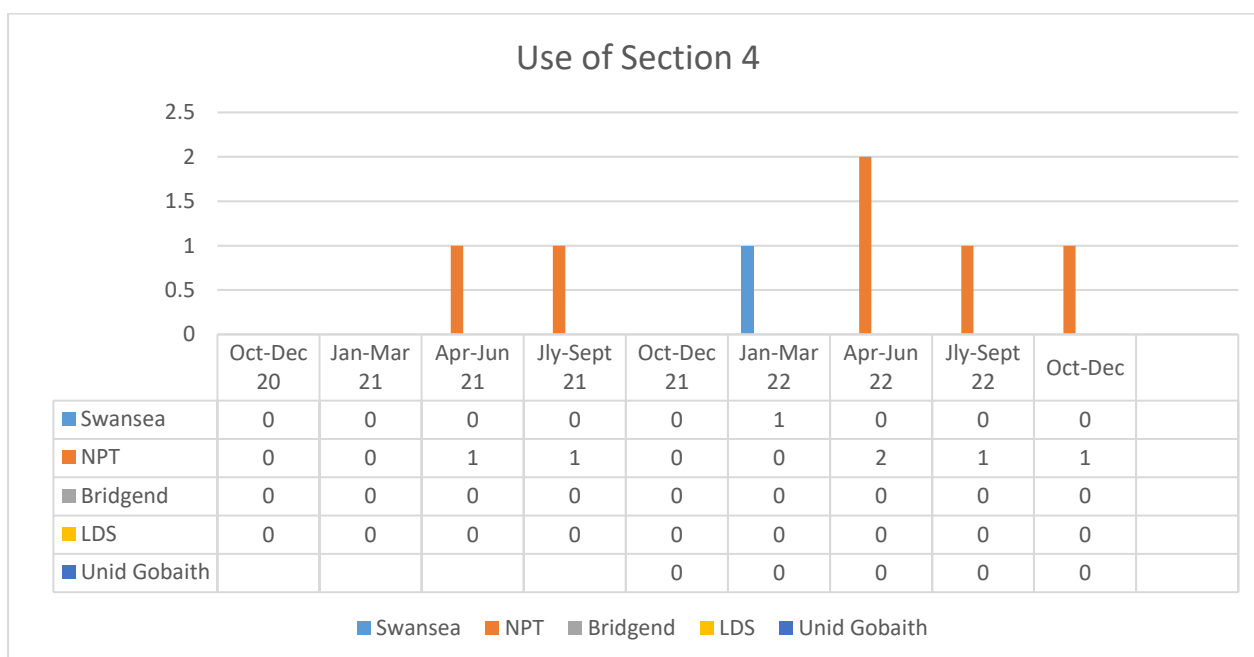


The graph above shows new section 3 with comparison data over 2 years

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 used once during this reporting period (following execution of section 135(1) warrant)



The graph above shows comparison data over 2 years

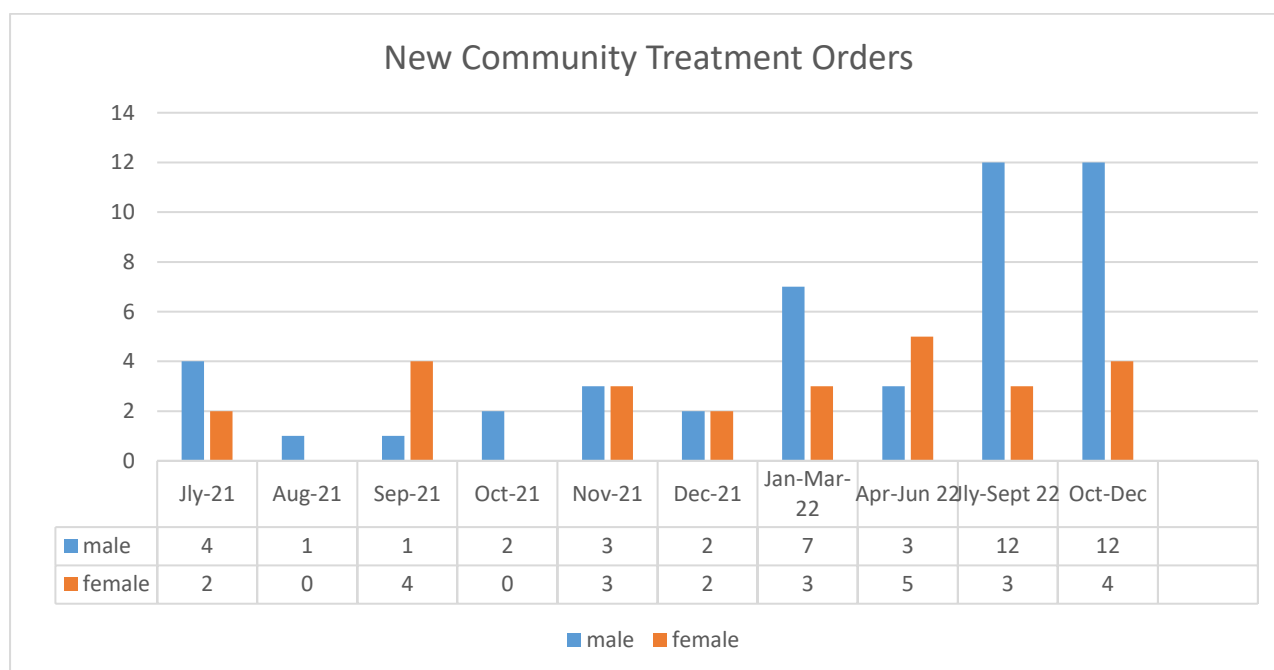
Under 18 Admissions

There was 1 admission to Ward F during the reporting period

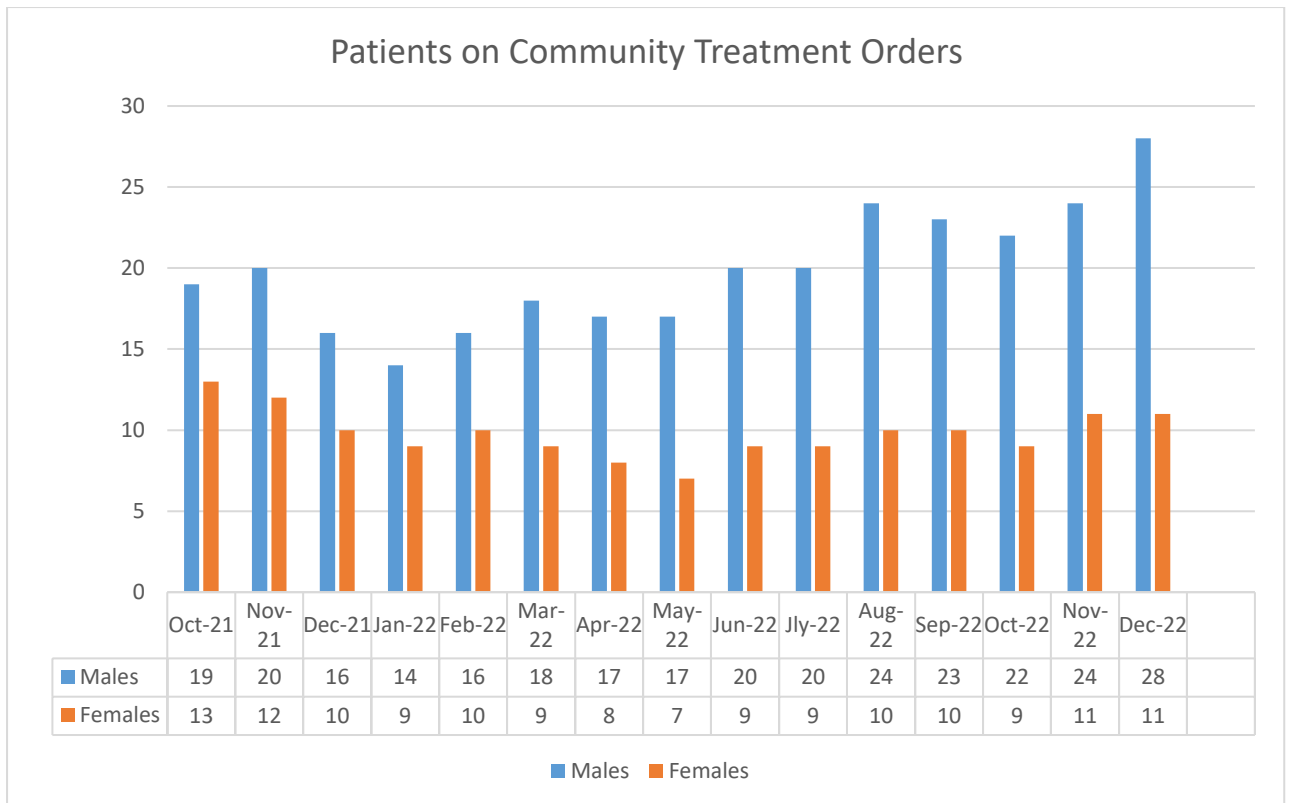
Section 17A – Community Treatment Order

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.

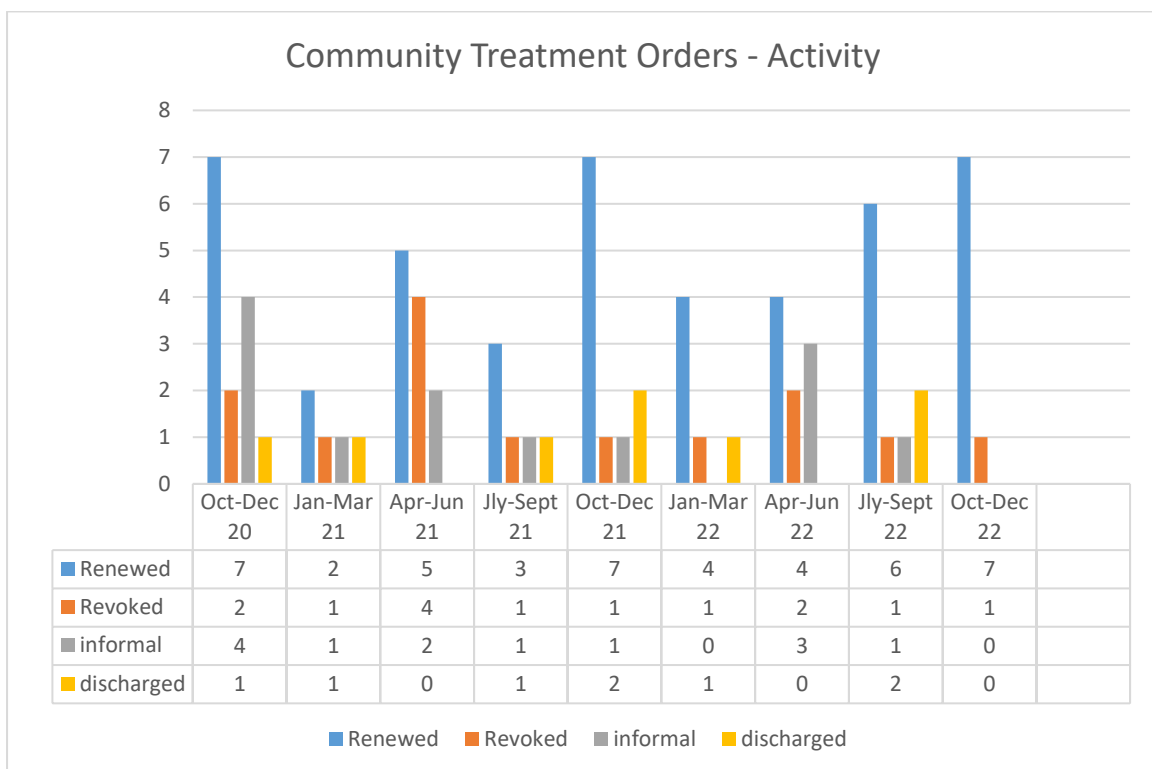
There were 16 new Community Treatment Orders during the reporting period.



This graph shows the number of new CTOs by gender during the reporting period



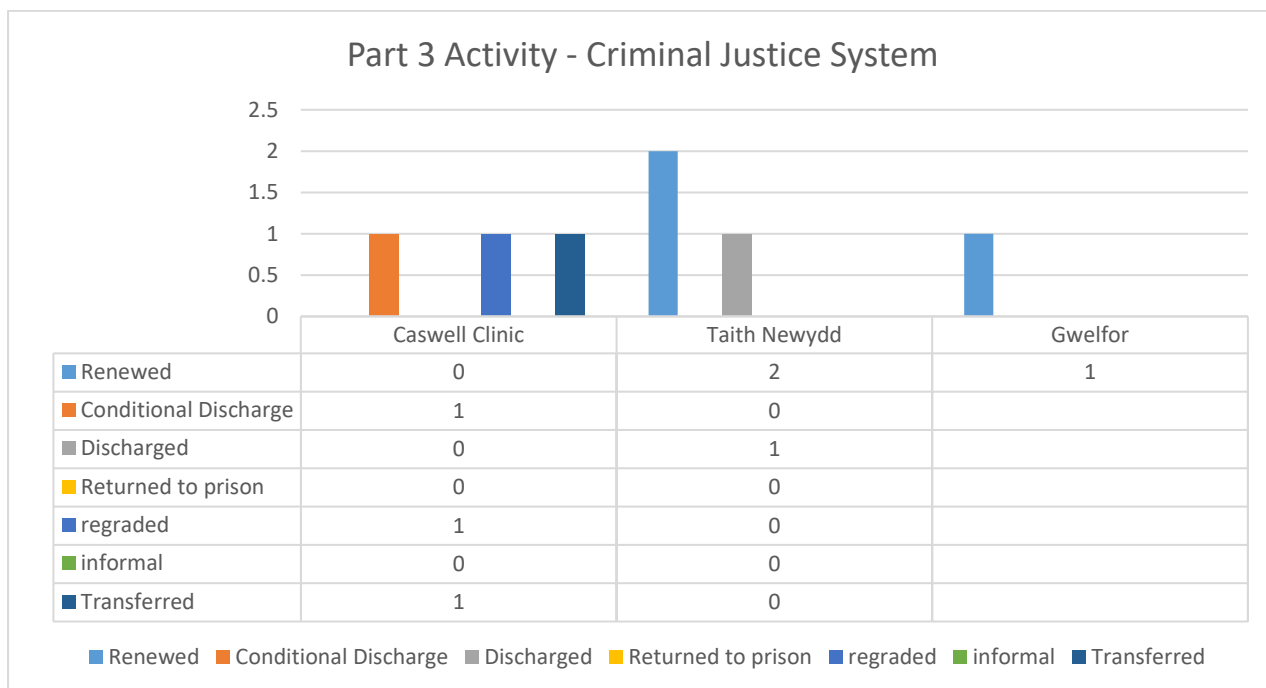
This graph shows the number of patients on a CTO at the end of each month end in this reporting period



This graph shows activity related to CTO patients over the past 1 year

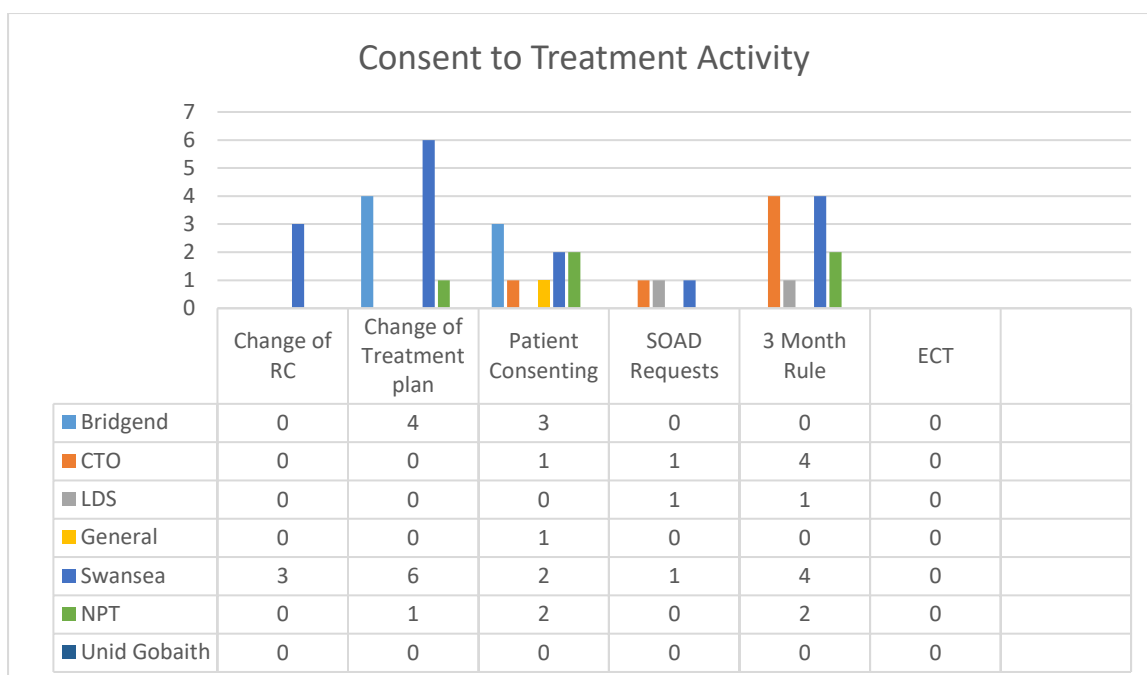
Part 3 Criminal Justice System Data: October - December 2022

There were two new Part 3 patients at Caswell Clinic during this reporting period:



This chart shows Part 3 activity during the reporting period

Part 4: Consent to Treatment Activity April - June 2022



This chart shows consent to treatment activity during the reporting period

Part 10: Police powers to remove a person to a place of safety under Section 135 & 136

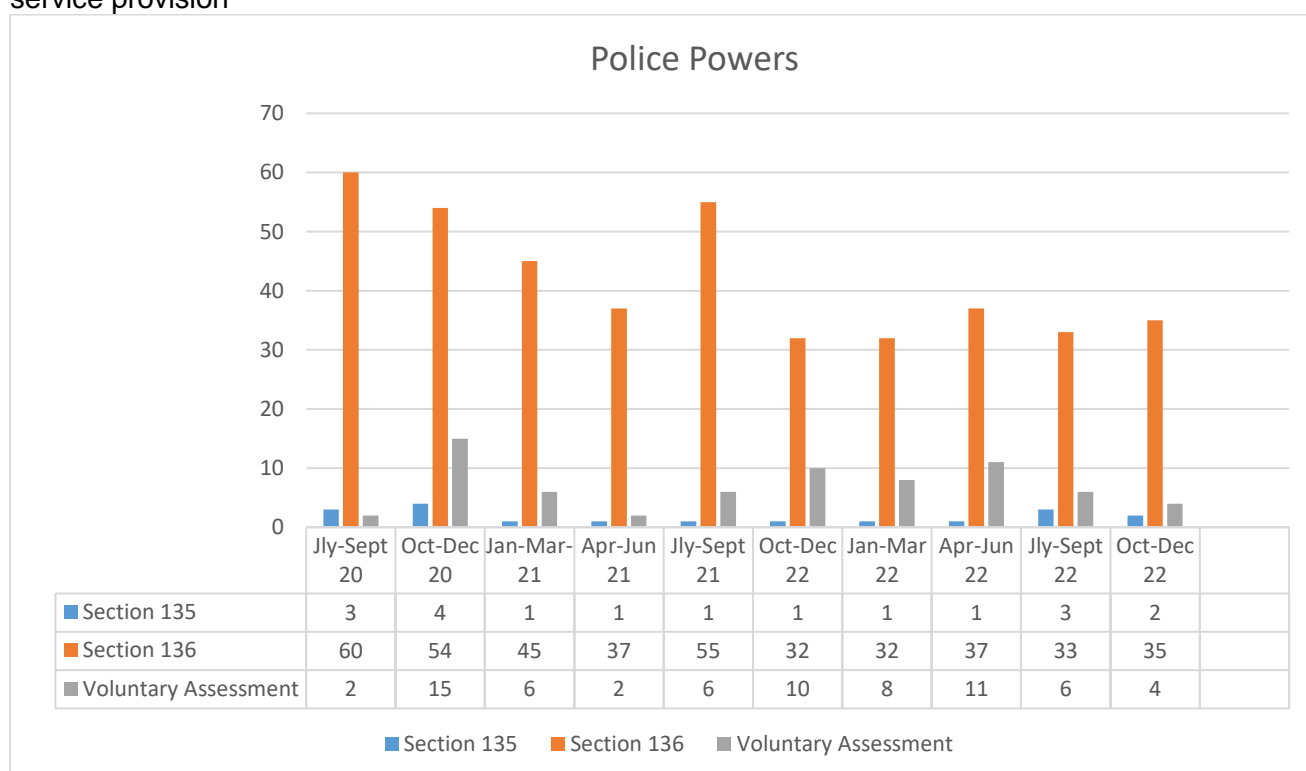
Section 135 (1) empowers a police officer to forcibly enter a property to look for and remove a person to a place of safety for assessment for a period of up to 72 hours. There were 2 section 135 (1) warrant executed in this reporting period.

Section 135 (2) empowers a police officer to forcibly enter a property to look for and remove a detained patient who is absent without leave (AWOL) from hospital. If it is anticipated that the person will allow entry to the property voluntarily, there was no need to obtain a warrant under section 135 (2) during this reporting period.

Section 136 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 35 detentions under section 136 during this reporting period.

Voluntary attendance and assessment at place of safety occurred on 4 occasions which is a decrease from the previous reporting period

The Mental Health Triage team located within the South Wales Police Public Service Centre is to be disbanded imminently. The new NHS 111 option 2 service will potentially pick up this service provision



Deaths of detained patients

There were no in-patient deaths reported in this period

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

There were no unannounced HIW inspections in the reporting period

3. GOVERNANCE AND RISK ISSUES

Mental Health Act Team

An appointment has been made to the post of Mental Health Act Service Manager in October 2022. An interim appointment has been made to the post of Interim Deputy Mental Health Act Service Manager with effect 5th December 2022. Recruitment for the substantive Deputy Mental Health Act Service Manager is to commence in the coming weeks.

Quality Assurance

During Jan/Feb 2022, the MHLD Service Group ratified their Quality Assurance Framework, setting out the infrastructure for monitoring, assurance and governance.

Part of this framework are the Nurse Directors Unannounced Reviews. These reviews are co-ordinated by the nurse director's office of a review team of clinicians, senior leaders and relevant specialists who carry out an unannounced review on a clinical area or team.

2 reviews have been conducted during the reporting period in October and November, and the outcome of these visits reported via the Quality and Safety Committee.

The Mental Health Act Team have been involved in these reviews and have focused on the filing of patients statutory MHA documentation and compliance with the Act and the Code, in terms of providing the MHA Department with sufficient information to enable the discharge of legal duties.

During this reporting period 13 MHA training events were also delivered to the following groups:

- Ward F
- Learning Disabilities Services
- Gwelfor
- Learning Disabilities Consultants and medical practitioners
- Undergraduate & Postgraduate programmes
- Taith Newydd
- Health Board Lunch & Learn session

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.

There were 21 rectifiable exceptions and 8 exceptions that were not rectifiable under section 15 during this reporting period.

Please see the graphs at Appendix 1 for comparison data

There were no breaches to the Mental Health Act for in-patients admitted to Swansea Bay UHB who are under the age of 18.

Detention without authority or Invalid Detentions

There were 3 unlawful detentions during this reporting period and 4 detentions were allowed to lapse

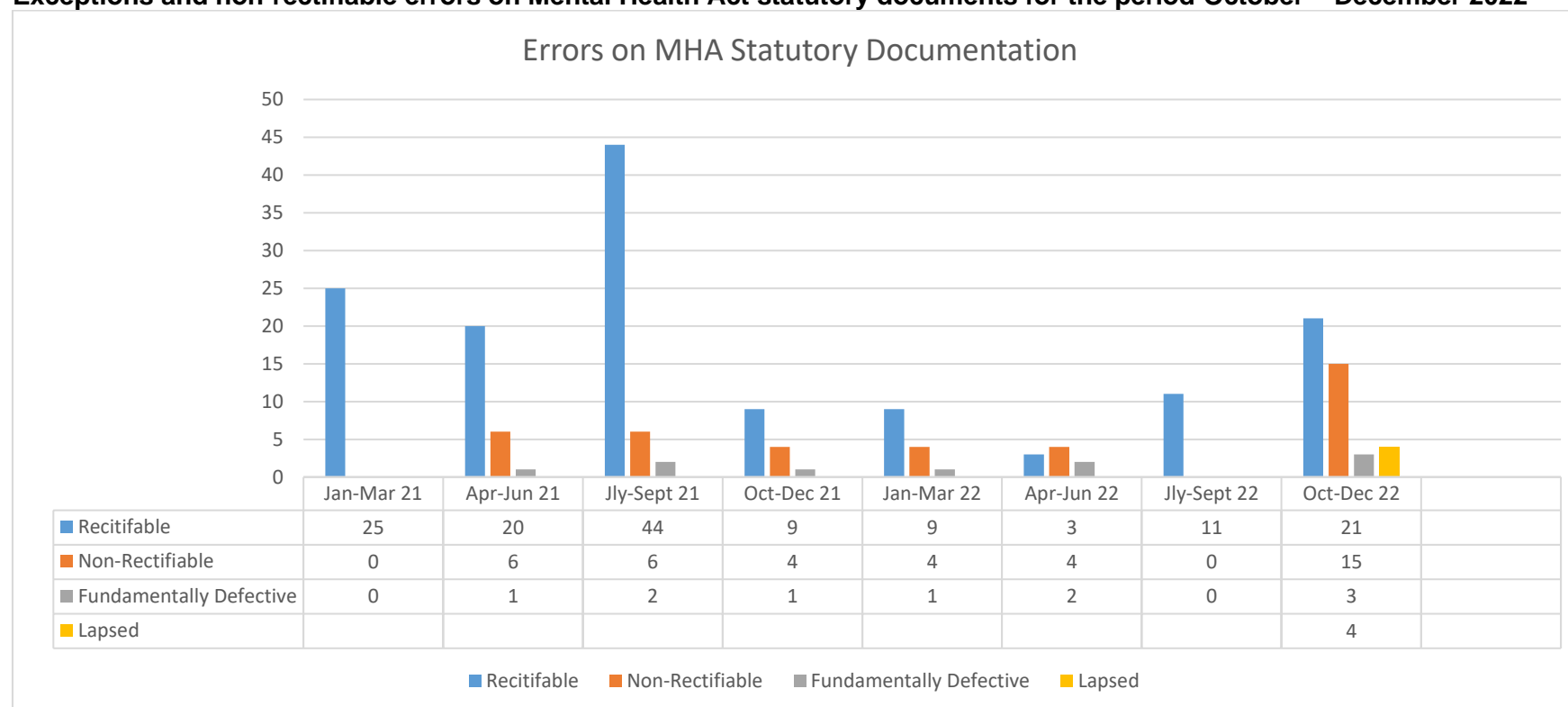
4. RECOMMENDATION

The Board is asked to note the report.

Governance and Assurance		
Link to Enabling Objectives (please choose)	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		
(please choose)	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 checked="" type="checkbox"/>
	Individual Care	<input checked="" type="checkbox"/>
	Staff and Resources	<input checked="" 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 appointment has been made to the post of Mental Health Act Service Manager in October 2022</p> <p>An interim appointment has been made to the post of Interim Deputy Mental Health Act Service Manager with effect 5th December 2022.</p> <p>Recruitment for the substantive Deputy Mental Health Act Service Manager is to commence in the coming weeks.</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 Meeting was a training event and took place on 27th October 2022</p>	

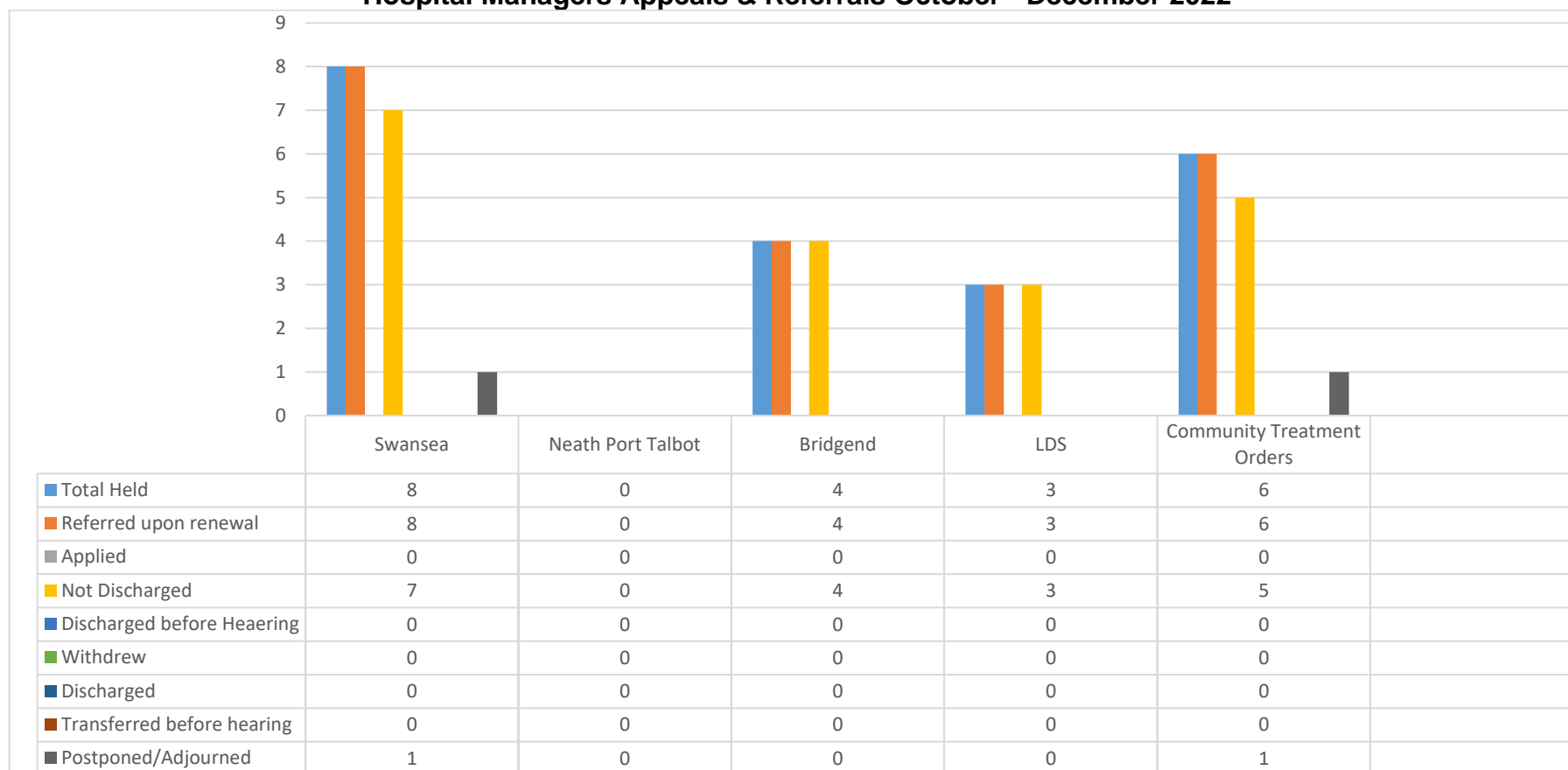
	Dates have yet to be set for the next Power of Discharge Committees in 2023
Appendices	<p>Appendix 1: Graph showing rectifiable and non-rectifiable errors under Section 15 of the Act.</p> <p>Appendix 2: Graphs showing activity relating the Mental Health Review Tribunals and Hospital Managers Hearings</p>

Exceptions and non-rectifiable errors on Mental Health Act statutory documents for the period October – December 2022



This graph shows exceptions that can be rectified under section 15 and those that cannot, on Mental Health Statutory Documents

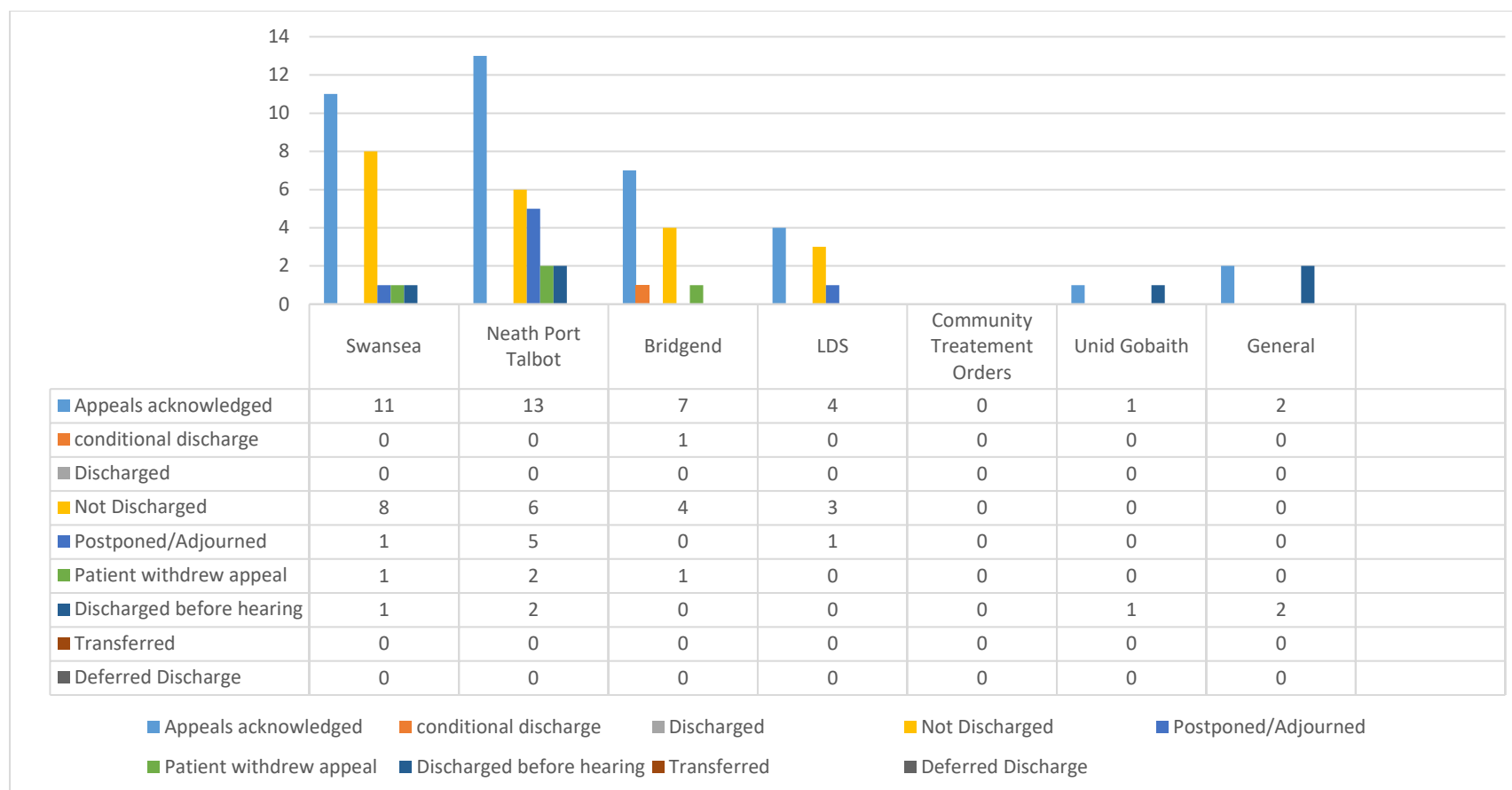
Hospital Managers Appeals & Referrals October - December 2022



This table shows Hospital Managers Hearings activity for the reporting period

There were no occasions where a patient was discharged by the MHRTW following a recent 'not discharged' decision by Hospital Managers. Hospital Managers have maintained their concerns regarding the number of hearings that are postponed due to the lack of submission of social circumstances reports. In response to this the MHA Department will now complete an incident report upon each occasion where a hearing is postponed due to the lack of a social circumstances report.

Mental Health Review Tribunal for Wales Hearings October - December 2022



Timeliness of Section 3 Tribunal Hearings

Of the 20 MHRT Hearings for Section 3 patients – 70% were heard within the recommended 56 days and 30% were heard within 60 days. Delayed hearings were mainly due to the granting of extensions for reports to be completed.