

**Confirmed Minutes of the
Mental Health and Capacity Legislation Committee
Held on 21st July 09:00pm – 12:30pm
Via Skype**

Present:

Sara Moseley	SM	Interim Chair and Independent Member – Third Sector
Eileen Brandreth	EB	Independent Member – ICT
Michael Imperato	MI	Independent Member - Legal

In Attendance:

Julia Barrell	JB	Mental Capacity Act Manager
Steve Curry	SC	Chief Operating Officer
Nicola Foreman	NF	Director of Corporate Governance
Akmal Hanuk	AH	Independent Member - Community
Charles Janczewski	CJ	UHB Chair
Robert Kidd	RK	Consultant Clinical and Forensic Psychologist
Simon McDonald	SM	Mental Health Act Manager
Scott McLean	SM	Director of Operations, Children & Women
Annie Proctor	AP	Clinical Board Director – Mental Health
Ruth Walker	RW	Executive Nurse Director
Ian Wile	IW	Director of Operations - Mental Health

Secretariat:

Laura Tolley	LT	Corporate Governance Officer
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Observers:

Caroline Bird	CB	Deputy Chief Operating Officer
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Apologies:

Sunni Webb	SW	Mental Health Act Manager
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MHCL 20/07/001	Welcome & Introductions The Committee Chair (CC) welcomed everyone to the meeting.	ACTION
MHCL 20/07/002	Apologies for Absence Apologies for absence were noted.	
MHCL 20/07/003	Quorum The CC confirmed the meeting was quorate.	
MHCL 20/07/004	Declarations of Interest The CC declared an interest in the meeting as the Director of Mind Cymru.	

MHCL 20/07/005	Minutes of the Committee Meeting held on 21st February 2020 The Committee reviewed the Minutes from the meeting held on 21 st February 2020. Resolved that: (a) the Committee approved the minutes of the meeting held on 21 st February 2020 as a true and accurate record.	
MHCL 20/07/006	Action Log following the meeting held on 21st February 2020. The Committee reviewed the action log and noted the following updates: 20/02/015 – The Chief Operating Officer (COO) welcomed Committee opinion on commissioners being subject to their own governance arrangements in relation to MH services delivered on behalf of CVUHB by other LHBs. The UHB Chair commented that it would be very difficult to obtain assurance from a commissioner with their own governance arrangements, however, advised the Committee that Audit Wales were conducting a review of WHSSC governance arrangements so the Committee could gain some assurance from that. The Independent Member – ICT (IM-ICT) expressed concern as the Committee had a known weakness in this area. The Director of Corporate Governance (DCG) advised the inspection reports may be a clear route for assurance. In response, the COO advised he would look at the planned inspection list and timetable and update the Committee accordingly. 20/02/005 – The Executive Nurse Director (END) advised the Committee that new national guidance was expected, however this may be delayed due to COVID-19, therefore, it would not be appropriate to undertake a review until the new guidance was in place. 20/02/009 – The Vale & Glamorgan DoLS report had been discussed and would be brought to the next Committee for noting. The END added that the Committee would be pleased to note that there were no areas of concern at present. Resolved that: (a) the Committee noted the action log and the updates provided.	SC
MHCL 20/07/007	Chair's Action taken since the last meeting	

	No Chair's action had been taken.	
MHCL 20/07/008	<p>Patient Story</p> <p>There was no patient story available for this meeting, however the informed the Committee as she had taken over DoLS and the Mental Capacity Act, going forward she would ensure that patient stories were presented at meetings.</p> <p>CC asked for assurance that our support of patients sharing their stories and how this would be managed was reviewed along with the way the Committee works.</p>	<p>RW</p> <p>RW</p>
MHCL 20/07/009	<p>Impact of COVID-19 on Reporting and Monitoring</p> <p>The Director of Operations – Mental Health (DO-MH) advised the Committee that all reporting arrangement targets had been stood down by Welsh Government, however the team had been involved in weekly Welsh Government meetings for assurance and assurances had been provided that Mental Health services had not stopped during COVID-19.</p> <p>The DO-MH advised the Committee that now the physical impact of COVID-19 was decreasing, a surge in mental health was anticipated, therefore to address this the UHB had agreed with third sector partners, Mind in the Vale and Cardiff Mind that contracts would increase by 25% for 3 months, in addition to building into the contracts that patients do not need to visit their GP for their first appointment.</p> <p>The DO-MH informed the Committee that strong partnerships had been developed which has enabled the transformation of mental health services.</p> <p>The UHB Chair expressed thanks to the Mental Health Clinical Board throughout COVID-19.</p> <p>Resolved that:</p> <p>(a) the Committee noted Impact of COVID-19 on Reporting and Monitoring.</p>	
MHCL 20/07/010	<p>Mental Capacity Act Monitoring Report</p> <p>The Mental Capacity Act Manager (MCAM) introduced the report and advised the Committee that nothing significant had changed despite COVID-19. The MCAM added that interesting issues had arisen during the period, mainly where patients did not have capacity to be involved in the RECOVERY clinical trial (treatments for COVID-19). The MCAM advised that the UHB needed to ensure that Clinicians were more aware of the Mental Capacity Act. The END informed the Committee that a meeting with the MCAM would be arranged to progress this further and an action plan would be developed and brought to a future meeting.</p>	RW

	<p>Resolved that:</p> <p>(a) the Committee noted the Mental Capacity Act Monitoring Report.</p>	
MHCL 20/07/011	<p>The Vale and Glamorgan Local Authority Report on DoLS</p> <p>The END advised this had been discussed and informed the Committee that there were no areas for concern at present. It was agreed that the report would come to the next Committee meeting for noting.</p> <p>Resolved that:</p> <p>(a) the Committee noted the Vale and Glamorgan Local Authority verbal update on DoLS</p>	
MHCL 20/07/012	<p>Mental Health Act Monitoring Exception Report</p> <p>The DO-MH introduced the report and confirmed the following:</p> <ul style="list-style-type: none"> • The number of people detained increased slightly during COVID-19, however this was returning to normal. This was due to the clearing of two wards in preparation for COVID-19; • Number of administration errors had been made in regard to the Mental Health Act, now the UHB were out of the intense COVID-19 period, the errors had ceased; • A couple of lapses in Section 5; • Increase in Section 136, it was believed this was due to a wording error on the documentation; • Slight increase in CAMHS which has been recognised across Wales and England. <p>The CC asked if CAMHS was included in recovery planning. In response, the Clinical Board Director – Children & Women (CBD-CW) confirmed the UHB had 40% more capacity than demand at present, therefore they are well prepared if a surge occurred. CC also sought assurance that patients who had been discharged were receiving follow up and care.</p> <p>Resolved that:</p> <p>(a) the Committee noted the Mental Health Act Monitoring Exception Report.</p>	
MHCL 20/07/013	<p>Mental Health Measure Monitoring Report including Care and Treatment Plans Update Report</p> <p>The DO-MH introduced the report and confirmed the following;</p> <ul style="list-style-type: none"> • Started to lose staff at the end of March due to COVID-19, 	

	<p>however, patient numbers dropped significantly which allowed the team to develop a single point of contact with the Council;</p> <ul style="list-style-type: none"> • Capacity has started to increase and the UHB had sufficient capacity; • Team were keen to keep the single point of access as it significantly improved the service; • In relation to Part 1b of the measure, the UHB had remained fully compliant since August 2019; • Care & Treatment Planning – Improvement was required as the target was 90% and the UHB were just above 80%, this was declining therefore discussions with the directorate were being held to understand reasons; • Part 1 measure relating to Children & Young People – it was confirmed the UHB were at 92% and were confident the position would be sustained. <p>The CC asked at the next meeting for there to be a focus on compliance for CAMHS.</p> <p>Resolved that:</p> <p>(a) the Committee noted the Mental Health Measure Monitoring Report including Care and Treatment Plans Update Report.</p>	SM
MHCL 20/07/014	<p>Items to bring to the attention of the Board / Committee for information and noting:</p> <p>1. Hospital Managers Power of Discharge Minutes</p> <p>The CC asked how virtual hearings were being handled. In response, the Consultant Clinical and Forensic Psychologist (CCFP) confirmed a number of hearings had been held and positive feedback had been received. An area of concern raised with Welsh Government was in relation to nearest relative attendance.</p> <p>The DO-MH thanked the team for the work undertaken to enable virtual tribunals and hearings which resulted in the UHB complying with legislation as much as possible.</p> <p>Resolved that:</p> <p>(a) the Committee noted the Hospital Managers Power of Discharge Minutes.</p> <p>2. Mental Health Legislation and Governance Group Minutes</p>	

	<p>The CCFP advised the Committee that the issue relating to conveyancing remained, however conversations were being held with the newly appointed Director of Nursing – Mental Health, to progress this further.</p> <p>A further discussion was held on issues relating to the work of the MH Tribunal and capacity issues. The DO-MH agreed that this was an area we should be raising concerns about as a UHB.</p> <p>Resolved that:</p> <p>(a) the Committee noted the Mental Health Legislation and Governance Group Minutes.</p>	
MHCL 20/07/015	<p>Policy and Procedure - Section 117</p> <p>The Committee reviewed the Policy & Procedure – Section 117.</p> <p>Resolved that:</p> <p>(a) the Committee approved the Policy & Procedure – Section 117.</p>	
MHCL 20/07/016	<p>Any Other Business</p> <p>The CC confirmed a Committee Development session was to be arranged.</p>	NF
MHCL 20/07/017	<p>Date & Time of next Committee Meeting</p> <p>Tuesday 20th October 2020 9:30am – 12:30pm Via Skype</p>	