



**UNCONFIRMED MINUTES OF A MEETING OF THE MENTAL HEALTH ACT  
MONITORING COMMITTEE HELD AT 9:30 am ON THURSDAY 18  
FEBRUARY 2010 IN THE HQ MEETING ROOM WHITCHURCH HOSPITAL**

**Present**

**Mutale Merrill**

Martyn Waygood  
Margaret Mclauchlin

**Chair**

Independent Member  
Independent Member

**In attendance:**

Wendy Gilbert	Mental Health Act Manager
Gary Rix	General Manager Mental Health Services
Sarah Paxton	Service Manager

**Apologies:**

Katie Norton	Executive Director
Ruth Walker	Executive Nurse Director
Phil Evans	Vale of Glamorgan Council
Mike Murphy	Cardiff Council
Helen Bennett	Head MH Nursing
Siân Richards	Project Director/Interim Board Secretary

**Secretariat:**

Ann Morgan, Senior Manager, Board  
Establishment and Development

**MHC 10/01 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the inaugural meeting of the Mental Health Act Monitoring Committee and extended an invitation for all present to introduce themselves. Background information was provided in relation to the previous committee structure and it was agreed that the new arrangement would ensure an improved system clarifying responsibilities and providing a clearly defined link through to the Board.

**MHC 10/02 APOLOGIES**

The Chair detailed the apologies and advised that she intended to write to all non attendees to ensure their attendance at future meetings.

**ACTION: Mutale Merrill**

**MHC 10/03      DECLARATIONS OF INTEREST**

The Chair invited Board Members to declare any interest in the proceedings included in the Committee agenda. Sarah Paxton, in her capacity as a Mental Health Reviewer, declared an interest in Health Inspectorate of Wales (HIW).

**MHC 10/04      MINUTES OF THE CARDIFF AND VALE NHS TRUST  
MENTAL HEALTH ACT MANAGERS COMMITTEE  
MEETING HELD 17 SEPTEMBER 2009.**

The Chair confirmed that the minutes of the final meeting of the Mental Health Act Managers' Committee of the Cardiff and Vale NHS Trust were for noting only. There were, two outstanding items requiring an update: firstly, that the draft DOH restrictions set out in England on the Mental Health Act 1983, in the event of a swine flu pandemic, had not been emulated in Wales, however a stand down had recently been announced on the potential for a swine flu pandemic. The second item related to the "Bournewood Visits" and a decision on their continuance. Background information was provided on the reasons why these had been initiated by the previous organisation, however, following the introduction of the Deprivation of Liberty Safeguards, new legislative structures had been implemented which negated any need for these visits to continue. Communication had previously been issued to the Chair of Cardiff and Vale NHS Trust to inform of any obligation to continue these visits. To date, no reply had been forthcoming. The Chair confirmed that she would write formally to the Chair of the UHB for a decision on this matter.

**ACTION: Mutale Merrill**

**MHC 10/05      CARDIFF AND VALE NHS TRUST MENTAL HEALTH  
ACT MANAGERS COMMITTEE LEGACY  
STATEMENT.**

The Legacy Statement was **received** and **noted**.

**MHC 10/06      CONSOLIDATED ACTION LOG**

The following items were discussed as they were not included on the agenda.

### **Recruitment of Hospital Managers.**

It was confirmed that following a successful recruitment campaign to increase the diversity of the previous group, five new Hospital Managers had been selected; the total number now in place was seventeen.

### **MHA/HRA Monitoring Group**

Information was provided on the remit of this particular group and a request made for its re-establishment. Previously the group had been a multi disciplinary/ multi-agency group which considered and debated Mental Health Act and Human Rights Act (MHA/HRA) experiences, whilst promoting multi-agency learning to ensure that processes across organisations were in line with current legislation. It was agreed that this group should be re-established and the benefits from the continuing dialogue between the Chief Executive and the Chief Constable to reinforcing the membership of this group were acknowledged. Confirmation was sought in relation to Crown Prosecution Service (CPS) representation on the group and the need within the organisation for a Diversion at the Point of Arrest was discussed. MHA/HRA Monitoring Group terms of reference would be drafted for consideration by the MHAM Committee at the next meeting with minutes of future MHA/HRA to be provided as a future standard agenda item. The Chair of this meeting would be invited to attend future Committee meetings.

### **ACTION: Wendy Gilbert**

### **Delays in receiving post**

An update on this issue was provided along with an explanation of the potential risks to the organisation when post is not received in a timely manner by Hospital Managers and professionals from whom reports for Hospital Managers' Hearings and Mental Health Review Tribunals are being requested. Other communication methods such as e-mail were now being scoped in an attempt to reduce the risks and costs.

### **Maintaining of Registers**

It was confirmed that a register of Approved Clinicians and Section 12(2) Approved Doctors within Cardiff and the Vale was being maintained within the Mental Health Act Department and there is regular and close communication with the All Wales Project Support

Manager for Approved Clinicians and Section 12 Doctors at the Betsi Cadwaladr University Health Board.

**MHC 10/07 ANY OTHER URGENT BUSINESS**

There was no other business raised.

**MHC 10/08 TO RECEIVE AND ADOPT THE UHB MENTAL HEALTH ACT MONITORING COMMITTEE TERMS OF REFERENCE**

The Chair sought confirmation that all present had read the proposed Terms of Reference (ToR), and questions or suggestions in relation to the content were invited. In addition, suggestions were sought from the Committee in relation to the proposed membership to ensure that there was a fair representation included in the ToR for the committee to carry out its functions adequately. Further discussion ensued as to whether nominated representatives from the Hospital Managers Sub Committee should be included, and the process for nominating and electing co-opted members to the Committee was discussed and determined. To ensure transparency and fairness, specific criteria for representation on the Committee would be identified and co-opted Managers invited to submit their CVs accordingly. The Chair requested that a report, highlighting the required criteria, should be included at the next meeting.

**ACTION: Wendy Gilbert/Gary Rix**

In addition, it was agreed that Advocacy Organisations should be represented on the Committee along with the Mental Health Act Administrator.

**ACTION: Gary Rix/Wendy Gilbert/Ann Morgan**

The Committee **RECEIVED** and **ADOPTED** the Terms of Reference for the Mental Health Act Monitoring Committee subject to the agreed amendments.

**MHC 10/09 NOMINATION AND ELECTION OF VICE CHAIR**

Margaret McLaughlin nominated Martyn Waygood for Vice Chair of the Committee, this was seconded by Mutale Merrill.

**MHC 10/10 TO NOTE THE STANDARD AGENDA FOR FUTURE MEETINGS**

The agenda was **RECEIVED** and items discussed included the need to provide a Mental Health Risk Report and a Patient Experience item as a standard future agenda item. This was **AGREED**.

**MHC 10/11 TO RECEIVE AND NOTE THE HOSPITAL MANAGERS FORMAL CONTRACT OF AGREEMENT**

The Committee **received** and **noted** the DRAFT formal contract for Hospital Managers subject to an amendment to reflect the need for a mandatory Criminal Records Bureau (CRB) check. Also discussed was the training requirement for Hospital Managers and who would be responsible for appraisals. Money had been ring-fenced for ongoing Mental Health Act implementation in response to the 2007 amendments which would fund any necessary appropriate ongoing training for Hospital Managers, subject to completion of a Training Needs Analysis (TNA). Further items discussed included the need to ensure that Hospital Managers were fully conversant with legislation and processes, and the need for increased engagement. The Chair agreed to consider this issue further at a later date. The Committee also agreed that in the interest of better engagement between the Hospital Managers and the Independent Members the IM's should attend the first meeting of the Hospital Managers Sub Committee which would provide an opportunity for the Chair and the Mental Health Act Managers to explain details of the new structures, the rationale behind these changes and the new lines of accountability.

**ACTION: Mutale Merrill/Wendy Gilbert**

**MHC 10/12 TO RECEIVE AND NOTE THE GUIDANCE DOCUMENT FOR LOCAL HEALTH BOARDS "MEETING THE REQUIREMENTS OF THE MENTAL HEALTH ACT"**

The Committee **RECEIVED** and **NOTED** the guidance document. Information was sought in relation to the requirement for Independent Members to sit on patient appeal panels. The Chair agreed to write to

the Chair of the UHB in order that the appropriate communication could be issued by him to all the IM's advising them of this.

**ACTION: Mutale Merrill**

**MHC 10/13 TO RECEIVE AND NOTE THE MENTAL HEALTH ACT 1983 CODE OF PRACTICE FOR WALES**

The Committee **RECEIVED** and **NOTED** the Mental Health Act 1983 Code of Practice for Wales. The Committee agreed that the document was of benefit in informing the UHB of its obligations under the Mental Health Act 1983, however it was noted there were differences between England and Wales in relation to local regulations and the use of prescribed forms which were different cross border.

**MHC 10/14 TO RECEIVE AND NOTE THE HOSPITAL MANAGERS SCHEME OF DELEGATION**

The Committee was advised that the Hospital Managers' Scheme of Delegation is a legal requirement upon the organisation to ensure compliance with the Mental Health Act 1983. It was suggested the scheme be issued to all Board members for information. The Scheme of Delegation was **received** and **noted**.

**MHC 10/15 TRAINING SCHEDULE FOR HOSPITAL MANAGERS IN RELATION TO EXERCISING OF FUNCTIONS UNDER 1983 ACT**

It was confirmed there is no training schedule in place at the moment. Applicable modules from the standard induction training had been offered to all Hospital Managers and to date only five had taken this up. Richard Jones, Specialist in Mental Health Law had also delivered training to co-opted Managers and Independent Members on the Power of Discharge (s.23). Training in conjunction with the Local Authority was offered and a suggestion was made that further training by a Responsible Clinician may also be an option. A training schedule would be drafted and submitted for consideration at the next meeting.

**ACTION: Wendy Gilbert**

**MHC 10/16 TO DISCUSS INDEMNITY REQUIREMENTS FOR HOSPITAL MANAGERS**

The Committee was advised that, to date, only one new UHB in Wales had organised an indemnity in relation to Mental Health Act Managers. It was agreed that this item would be discussed and an appropriate document be drafted and issued to ensure that the Hospital Managers were indemnified.

**ACTION: Wendy Gilbert/Ann Morgan**

**MHC 10/17 HIW REPORT AND RESPONSE**

The Committee was advised that a Mental Health Review visit had taken place the previous day and reports from previous visits had been mainly positive and most issues identified had been addressed. It was agreed that a report would be provided at the next meeting.

**ACTION: Wendy Gilbert**

**MHC 10/18 MENTAL HEALTH ACT ACTIVITY MONITORING REPORT**

The Chair invited The Mental Health Act Manager to present the report which detailed activity from January 2009 – December 2009. The report was in a standard format that had been used since inception, with a few modifications, and provided data in relation to detention orders, patients transferred, patients discharged, uses of Section 135/136, scrutiny of documents and consent to treatment. Also detailed were the number of applications for discharge to the Hospital Managers and Mental Health Review Tribunal during the whole reporting period.

Information was given and explained in relation to unlawful detention and the medical and administrative scrutiny of documents with rectifiable and not rectifiable errors explained.

The Committee was informed that it was not good practice to allow detention orders to lapse because of the potential associated risks to patients, and the organisation. Other issues discussed related to the identification of the nearest relative.

Further consideration was given to the detail within the data, with suggestions made for the provision of additional information such as more detailed totals and also a comparison between equivalent periods in the previous years, which could be useful in identifying potential trends helping to give a better understanding of the bigger picture.

It was noted that Hospital Managers had not discharged any patients from detention during the twelve month period whereas the Tribunal had and possible reasons for this were debated. It was agreed that it may be beneficial to include within the training programme for Managers, examples of situations when patients have been discharged by a Hospital Managers' panel.

In terms of accuracy of data the report adequately met the required standard, however it was agreed that as the requirement for additional data increased the reports per se, would evolve. In the interim the report was acceptable in its current format.

**MHC 10/19      DATE AND TIME OF NEXT MEETING**

The Committee **NOTED** the dates of future meetings up to 17 February 2011. The next meeting was to take place at 9.30am on Thursday 13 May 2010.

**Signed** .....

**Date** .....

**Signed** .....

**Date** .....

## AGENDA ITEM 1.4.1