

REPORT TO THE TRUST BOARD: PUBLIC
22 July 2021

Title	Mental Health Act Committee 1 June 2021 – Chair’s Report
Committee Chair	Mark Lam, Committee Chair
Author	Cathy Lilley, Director of Corporate Governance

Purpose of the report

To bring to the Board’s attention key issues and assurances discussed at the Mental Health Committee meeting held on 1 June 2021.

Issues to be brought to Board’s attention

At its meeting on 1 June 2021, the Committee considered a range of items including:

- **AHM Appointments & Terminations:** There have been no joiners or leavers since the last meeting in December 2020. The Mental Health law Team has contacted those AHMs who have not been seen for a while to enquire after their wellbeing.
- **Hospital Managers Hearings:**
 - The backlog of hearings have now been cleared following national guidance to suspend in April due to the pandemic
 - All hearings, paper reviews and tribunals are taking place virtually and there is no indication as to when or if these will return to be held face to face and in person
 - AHMs highlighted the importance of ensuring that if virtual meetings continue, robust systems and processes are put in place to ensure patients are not disadvantaged
 - AHMs stressed the importance of ensuring hearing papers are received in a timely manner to ensure opportunity to prepare
 - Consideration to be given to a virtual ‘social’ event for AHMs.
- **Legal Updates:**
 - Confirmation that MHA statutory forms can be completed electronic and electronic signature now legally acceptable
 - MHA White Paper: consultation response from various groups within the Trust submitted; there is still no clarity as to whether MHA panels will continue
 - Draft guidance for Mental Health Units (Use of Force) Act 2018 issued (Seni’s Law).
- **Mental Health Act Committee:**
 - The Committee supported the proposal to stand down the Committee in its current format as a standing committee of the Board
 - A new committee will be established which will be led by the Executive lead for Mental Health Law – Dr Paul Gilluley, Chief Medical Officer – and membership will comprise of the AHMs
 - There will continue to be an operational focus (training, processes, discussion forum) plus updates on changes to legislation and the impact these will/may have on the Trust plus AHMs
 - Meetings will be held quarterly and will provide assurance reports to the Quality Assurance Committee who will approve the new Committee’s terms of reference
 - The Mental Health Law annual report will provide an assurance statement to the Board confirming that AHMs at the Trust are recruited, trained and undergo reviews to ensure they meet the required level of competency, and will include the names of AHMs so the Board is able to confirm the AHMs may act on the Board’s behalf.

- **Mental Health Law Monitoring Group:** This Group is chaired by the Chief Medical Officer and membership includes social worker and service user representation. The Group will continue to have a focus on compliance, monitoring, trends/learning, policies and procedures, and risks and will continue to provide assurance reports to the Quality Assurance Committee.

Previous Minutes: The approved Minutes of the MHA Committee meeting held on 9 December 2020 are available on request by Board Directors from the Director of Corporate Governance.