

Mental Health Act Committee

Minutes of the Trust Board Mental Health Act Committee held on 7 February 2019 at 14:00 in the Boardroom, Lower Ground Floor, Robert Dolan House, 9 Alie Street, London E1 8DE

Present:

Jenny Kay (Chair)	Non-Executive Director
Shahida Ahmed	Associate Hospital Manager
Glynis Akers	Associate Hospital Manager
Sazi Banda	MHL Manager
Guy Davis	Associate Director of Mental Health Law
Susanna Ferrar	Associate Hospital Manager
David Kofo	Associate Hospital Manager
Mason Fitzgerald	Director of Planning & Performance
Brian Merison	Associate Hospital Manager
Tony Oteh	Associate Hospital Manager
Jo Turner	CNS in MH Law
Beverley Woodburn	Associate Hospital Manager

In Attendance:

Cathy Lilley	Associate Director Corporate Governance
Linda McRoberts	Corporate Minutes Taker

Apologies:

Shiv Banerjee	Associate Hospital Manager
Diane Beaven	Associate Hospital Manager
Sonam Bligh	Associate Hospital Manager
Stephanie Boyle	Associate Hospital Manager
Misbah Choughtai	Associate Hospital Manager
Harry Cumberbatch	Associate Hospital Manager
Joyce Frizzelle	Associate Hospital Manager
Michael Johnson	Associate Hospital Manager
Ted Jordan	Associate Hospital Manager
Joe Ogunremi	Associate Hospital Manager
Dupe Okusipe	Associate Hospital Manager
Ayoola Oworjori	Associate Hospital Manager
Joanne Share-Bernia	Associate Hospital Manager
Janina Struk	Associate Hospital Manager
Joe Ukemenam	Associate Hospital Manager

The minutes are produced in the order of the agenda

1. Welcome/Introductions/Apologies

- 1.1. Jenny Kay, Chair, welcomed attendees to the meeting and introductions were made.
- 1.2. Apologies were noted as above.

2. Minutes of the Previous Meeting held on 18 December 2018

- 2.1. It was noted that the name missing from point 4.2 of the Minutes should be Arthur

De Frishing.

Subject to that amendment, the minutes of the previous meeting were **APPROVED** as an accurate record.

Thanks were expressed to Elizabeth Holford for the accuracy of the minutes she had produced for this Committee.

3. Action Log and Matters Arising

3.1. Action Log:

Two items were discussed:

- It was agreed that **by December this year** all decisions are to be submitted to the office typed up, unless there are exceptional circumstances.
- Guy Davis is to review the information leaflets.

3.2. Matters Arising:

- It was noted that there were no developments on the Mental Capacity Act to pick up.
- **Letter from HR:** It was noted that AHMs had recently received a letter from HR asking for their details, such as residence status – this was the result of an audit but the Committee felt it was not drafted well. Guy Davis has spoken to HR and he confirmed that people who received this letter will be contacted again with an explanation of its background and apologies.

DBS Clearance: An email had recently been sent out about DBS checks which it was noted was not clear and did not specify what recipients had to do next (if anything). Jenny Kay will pick this up with Tanya Carter and request a follow-up to let people know what they need to do.

ACTION: Jenny Kay

Payslips: Guy Davis informed the Committee that with effect from 1 April 2019 payslips would no longer be issued in paper form. There will be a new electronic system for which passwords will be needed to access payslips. Guy Davis undertook to speak to HR about guidance for AHMs and to ensure there is clarity about their role and requirements.

ACTION: Guy Davis

4. AHMs Appointments and Terminations

4.1 Appointments

Guy Davis confirmed that following recent interviews, offers are now being processed and it is hoped this will result in five new AHMs. However, as no appointments have been made in the Bedfordshire & Luton a fresh round of advertising focussing on that area specifically is planned.

4.2 Terminations

Guy Davis noted that since the last meeting, three people had terminated their appointments:

- Jane Chukwudinma
- David Harris
- Jelani Mayi.

It was noted that several AHMs had not been in contact for a while; Guy Davis agreed to check their welfare and status.

ACTION: Guy Davis

4.3 The Committee **NOTED** the updates.

5. Learning from Experience: AHMs' Feedback

The Chair invited feedback from AHMs to inform collective learning and the following items were discussed:

5.1 Panel Observation

Jenny Kay reported that she had recently sat in on a Panel meeting and had found this a really useful opportunity to observe the Panels particularly from a patient's view point. She thanked the AHMs for letting her observe.

5.2 Etiquette

An AHM queried whether there is a need for standard behaviour at meetings, for example, whether AHMs should stand when patients arrive. It was agreed that the important thing is to make people feel welcome and that how this is done can be agreed by individuals locally.

5.3 Reports/Evidence

- It was confirmed that AHMs should be receive evidence which is not being contested by patients as a matter of routine with the paperwork.
- It was noted there is no consistency about when paperwork is received – sometimes it is on the morning of the Panel, allowing little time to read, and at other times it can be received weeks in advance. Sazi Banda confirmed papers should be received in advance, although it was acknowledged that there are times when they are not submitted on time and on such occasions, the AHMs should at least be emailed to let them know. Sazi agreed to check timescales and process.

ACTION: Sazi Banda

5.4 Typing

There was some further discussion about the time needed to type up reports. It was agreed if there is a continuing issue, there may be a need to find out how many AHMs cannot type and training could be offered.

5.5 The Committee **NOTED** the matters raised.

6. Update on MHL Department Structure

6.1 Guy Davis updated the Committee on the Mental Health Law Department, highlighting:

- There was disparity of workloads between areas, with activity increasing in some areas and work levels that fluctuate
- For this reason, it was decided to bring all the staff for East London together on one site
- There is an opportunity to use the tribunal suite in Tower Hamlets, with some alterations. This has been proposed and is awaiting funding approvals
- This will require a consultation exercise as staff will be moving locations. Guy confirmed that no staff will be down-graded
- The aim is for workloads to be distributed more evenly and there will be one universal contact number and one email address for the team
- The aim is for the team to be in the new location by mid-May this year
- There should be little impact for AHMs; hearings will still take place locally and

- paper reviews can be done at any location
- It was confirmed the Mental Health Law Team is fully staffed at the moment; one person is on a temporary contract and this post will be recruited to after the move.

6.2 The Committee NOTED the update.

7. Review of Booking System

7.1 Guy Davis noted that in Barnet they are using 'Doodle' as an online system for AHMs to log their availability and proposed a similar system be adopted.

In discussion the Committee:

- Noted managers would be asked to log on and update their availability
- Noted the system is live, so when arrangements change, availability can be changed at any time
- Queried whether it would be possible for managers to be informed when they have not been picked for particular dates
- Queried whether it is possible to have a system where someone is booked as a 'reserve' in case they are needed and someone cannot make a particular date at short notice.

Guy agreed to look into the suggestions and proposed piloting the use of this system.

ACTON: Guy Davis

7.2 The Committee **NOTED** the update and **AGREED** to trialling an online system.

8. Any Other Business

8.1 Car Parking

It was raised that there used to be car parking at some sites and AHMs appreciated this. Guy Davis confirmed car parking is no longer available at the majority of sites.

8.2 Training

Jo Turner circulated papers outlining forthcoming training on both the Mental Capacity Act and Mental Health Act.

In discussion the Committee noted:

- AHMs are required to undertake an overview of the Mental Health Act every three years
- Guy Davis would let managers know when they are due to attend training
- The next date is Friday 15 February 2019 and places are still available
- The Committee requested bringing Arthur de Frishing back to offer training, particularly for new AHMs, and Guy Davis agreed to investigate this

Action: Guy Davis

- To book places on the training:
 - Mental Capacity Act – contact Jo Turner
 - Mental Health Act – contact Guy Davis
- Jenny Kay would advise Non-Executive Directors know about this training.

8.3 Mental Health Act Review and Recommendations

Jo Turner distributed a paper which outlined the key points from this review and Deprivation of Liberty Safeguards, and the Committee was asked to note the good

practice points.

8.4 **Strategic Updates**

Mason Fitzgerald presented the following updates to the Committee:

1. **NHS Long Term Plan**

- This was published in January
- The policy intent is about focussing on prevention and public health and managing the money well
- Mental health is stated as one of the big priorities and parity of esteem funding will continue to apply
- There are details still of the plan to be confirmed.

2. Commissioners have their funding allocation for this year and the Trust is now in contract negotiations to ensure that the money flows through.

3. **Norfolk & Suffolk Mental Health Trust (NSFT)**

- ELFT has been working with NSFT for a year in a buddying relationship
- NSFT is in special measures due to concerns over their quality of service and we have been asked to work more closely with them
- Marie Gabriel has been appointed as their Chair (while remaining the Chair of ELFT) and ELFT will be providing a support package to help them
- This will be a two-way learning opportunity as ELFT can learn from NSFT strengths – one of which is their Mental Health Law.
There was some discussion about the involvement of AHMs and it was noted that some of their staff could be invited to attend some of these meetings.

8.5 The Committee NOTED the update.

11. **Date of Next Meeting**

Thursday, 6 June 2019, 9.30am-2 pm at UNISON, 130 Euston Road.

Guy Davis asked Committee members to send him any ideas for presentations and subjects they would like to be covered at this meeting.

Action: ALL