

MENTAL HEALTH ACT SUB-COMMITTEE TERMS OF REFERENCE
(June 2018)

1.0 CONSTITUTION

- 1.1 The Board hereby resolves to establish a Sub-Committee of the Board to be known as the Mental Health Act Sub-Committee (the Committee), which is directly accountable to the Board.
- 1.2 The powers of the Board (as the 'Hospital Managers' as defined in section 145 of the Mental Health Act 1983) under section 23 of the Mental Health Act 1983 are delegated via the Committee to Associate Hospital Managers.¹
- 1.3 All procedural matters in respect of conduct of meetings shall follow the Trust's Standing Orders.

2.0 MEMBERSHIP

- 2.1 The members of the Committee shall be as follows:
- Trust Board Non-Executive Director (Committee Chair)
 - Associate Hospital Managers
 - Associate Director of Mental Health Law
 - Clinical Nurse Specialist in Mental Health Law
- 2.2 A quorum shall be eight members. The Committee Chair, Associate Director of Mental Health Law or Clinical Nurse Specialist in Mental Health Law must be in attendance.
- 2.3 The Chair of the Committee shall be appointed by the Trust Board.
- 2.4 Associate Hospital Managers are expected to attend at least two times per year (satellite meetings in Luton & Bedfordshire included). Associate Hospital Managers who do not attend as least two meetings per year will be contacted by the Trust to confirm their continued involvement.

3.0 ATTENDANCE AT MEETINGS

- 3.1 In addition to the members, other staff will be invited to attend meetings when the Committee is discussing areas of risk or operation that are the responsibility of that person.

¹ As described in Chapter 38 of the Mental Health Act Code of Practice 2015

4.0 FREQUENCY OF MEETINGS

4.1 Meetings shall be held not less than four times a year.

5.0 AUTHORITY

5.1 The Committee is authorised by the Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any requests made by the Committee.

5.2 The Committee is authorised by the Board to obtain outside legal or other independent professional advice² and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary.

6.0 DUTIES

The duties of the Committee can be categorised as follows:

6.1 Mental Health Act 1983

On behalf of the Trust and its Board, the Committee will ensure that the statutory powers of the hospital managers under section 23 the Mental Health Act 1983 and subsequent amendments are exercised reasonably, fairly and lawfully. This will be achieved by:

- Receiving and reviewing reports on the activity of Associate Hospital Managers, including but not limited to, evidence of written decisions pertaining to detention and compulsory powers in the community;
- Receiving and reviewing reports from Trust practitioners as evidence of good practice and where there are areas in need of development;
- Receiving and reviewing reports from Trust practitioners in respect of the administration and conduct of reviews by Associate Hospital Managers;
- Reviewing relevant policies and guidance for ensuring compliance with the Hospital Managers powers under section 23 of the Mental Health Act and its Code of Practice;
- Developing, reviewing and monitoring policies for the governance of Associate Hospital Managers (including probity, professional development and performance management);
- Developing, reviewing and monitoring the recruitment and induction processes of new Associate Hospital Managers.
- Seeking to ensure as far as practicable, that the diversity of Associate Hospital Managers reflects the diversity of the patients cared for by the Trust.

² Subject to the Trust's nominated officer's agreement: i.e. the Associate Director of Mental Health Law

6.2 Other Assurance Functions

The Committee shall review the findings of other relevant significant assurance functions, both internal and external to the organisation, and consider the implications to the governance of the organisation in respect of Associate Hospital Managers powers under section 23 of the Mental Health Act 1983.

These will include, but will not be limited to, any reviews by Department of Health Arms-Length Bodies or Regulators/Inspectors (in particular the Care Quality Commission), professional bodies with responsibility for the performance of staff or functions (e.g. Royal Colleges, accreditation bodies, etc.)

The Committee will review the appropriateness of management responses to such reports and monitor the implementation of recommendations where relevant.

7.0 REPORTING

7.1 The minutes of the Committee meetings shall be formally recorded and submitted to the following Board meeting.

7.2 The Chair of the Committee shall draw to the attention of the Board any issues that require disclosure to the full Board.

7.3 The Committee will report to the Board annually on its work in ensuring that the statutory duties of the hospital managers under section 23 of the Mental Health Act 1983 are exercised reasonably, fairly and lawfully.

8.0 COMMITTEE SECRETARY

8.1 The Committee will be supported administratively by the Committee Secretary, whose duties in this respect will include:

- Agreement of agenda with the Committee Chair and collation of papers;
- Responsibility for the taking of minutes and keeping a record of matters arising and issues to be carried forward;
- Advising the Committee on pertinent areas;
- Under the direction of the Committee Chair, drafting the Committee's annual report.

8.2 The Committee Secretary shall be the Trust Secretary, or nominated deputy.

9.0 REVIEW

9.1 These Terms of Reference will be reviewed no later than June 2019.

MHAC review: 8 June 2018

Trust Board approval: [11 July 2018]