

REPORT TO THE TRUST BOARD: PUBLIC
3 DECEMBER 2020

Title	Mental Health Committee 21 September 2020 – Chair’s Report
Committee Chair	Jenny Kay, Committee Chair
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Purpose of the report

To bring to the Board’s attention key issues and assurances discussed at the Mental Health Committee meeting held on 21 September 2020.

Issues to be brought to Board’s attention

The following key items and assurances were considered by the Committee at its meeting on 21 September 2020:

AHM Appointments & Terminations: There had been no appointments and seven leavers.

Hospital Managers Updates:

- In response to the Covid-19 pandemic, the decision was made to suspend Hospital Managers’ hearings to ensure clinical colleagues were not over-burdened especially as in the early stages as sickness rates were very high
- The backlog of hearings is being cleared with seven Hospital Managers’ hearings having been held recently
- A review of how hearings and work will be carried out in future is being undertaken, taking account of the learning over the last few months and in particular the impact of remote and virtual working
- All face to face training was postponed during lockdown and discussions are now taking place about the delivery of and how to access future training.

Learning from Experience:

- Acknowledging the initial challenges, Hospital Managers have embraced working virtually although dynamics are different and the personal interaction was missed
- The effectiveness of the Hospital Managers feedback system will be reviewed.

Mental Health Law Monitoring Group

- Reporting to the Quality Assurance Committee, the role of this Group established in January 2020 includes:
 - Identify how data should be gathered and presented, identify trends and ensure accuracy of reports prior to submission to committees and the Trust Board to provide assurance
 - Have oversight of all local and national mental health law related developments and to refer to relevant committees and individuals as appropriate
 - Monitor, plan and implement relevant new legislation, case-law and guidance
 - Monitor the administrative and clinically-facing elements of the Mental Health Act, Mental Capacity Act, Deprivation of Liberty Safeguards and associated legislation, case law and guidance
 - Monitor and act on mental health law issues identified by the Care Quality Commission’s inspectors and identifying what the Trust needs to be assured
 - Draft and review all mental health law related policies and those which contain mental health law-related directions.
- Work has commenced on the development of a dashboard to help with data collection and analysis.

Mental Health Law Annual Report 2019/20

- The report is for 2019/20 and so does not reflect the total impact of Covid-19
- Data shows a year on year increase in the number of people being detained under the Mental Health Act
- This does not appear to be the same people having more admissions, it refers to a larger number of people being detained one time so suggests a rapid turnover; although nationally CQC have reported there were more people with multiple detentions
- The number of discharges is similar to the previous year.

Legal Update

- The White Paper for the Mental Health Act has not been published
- The legislation that repeals the Deprivation of Liberty Safeguards was due to take effect in November 2020 but now take effect in 2022
- It is not known when the Mental Health Unit's Use of Force Act will come into force (expected in 2019), although the Trust has taken some steps to implement some of the expected requirements
- The Corona Virus Act 2020 amended some aspects of the Mental Health Act 1983 although has not come into force but will remain on the Statute Book.

Previous Minutes: The approved Minutes of the MHA Committee meeting held on 5 March 2020 are available on request by Board Directors from the Director of Corporate Governance.