

**Minutes of the Mental Health Legislation Committee  
Tuesday 2 May 2023 at 10:00am  
Held via Microsoft Teams**

**Present:**

Mrs Kaneez Khan	Non-executive Director (Chair)
Dr Chris Hosker	Medical Director
Mrs Cathy Woffendin	Director of Nursing, Quality and Professions
Ms Merran McRae	Chair of the Trust

**In attendance:**

Mr Kieran Betts	Corporate Governance Assistant (meeting support)
Mrs Marilyn Bryan	Mental Health Act Manager
Dr Nuwan Dissanayaka	Associate Medical Director
Mrs Cath Hill	Associate Director for Corporate Governance
Ms Sarah Layton	Mental Health Legislation Team Leader
Ms Maxine Naismith	Head of Service for Adult Social Care Leeds
Mrs Linda Rose	Head of Nursing and Patient Experience
Ms Wendy Tangen	Clinical Services Inclusion Lead (for item 7)
Mr Oliver Wyatt	Head of Mental Health Legislation

Minute	Action
	Mrs Khan opened the meeting at 10:00am and welcomed members of the Mental Health Legislation Committee.
<b>23/014</b>	<b>Apologies for absence</b> (agenda item 1)  Apologies were received from: Ms Nichola Sanderson, Deputy Director of Nursing, who was invited to observe the meeting.  The meeting was quorate.
<b>23/015</b>	<b>Declaration of any conflict of interest in respect of any agenda item</b> (agenda item 2)  No one present at the meeting declared a conflict of interest in any of the items to be discussed.
<b>23/016</b>	<b>Minutes of the meeting held on 7 February 2023</b> (agenda item 3)  The minutes of the Mental Health Legislation Committee meeting held on the 7 February 2023 were <b>accepted</b> as a true record.

**23/017 Approval for the minutes above to be uploaded to the Trusts external website (agenda item 3.1)**

The Committee **agreed** that the minutes of the Mental Health Legislation Committee meeting held on the 7 February 2023 were suitable to be uploaded to the Trust's external website.

Ms McRae joined the meeting.

**23/018 Matters arising – Use of Restrictive Practices on Service Users from Different Ethnic Backgrounds – Report to come to the MHLC (agenda item 4.1)**

Mrs Hill introduced the matters arising item to the Committee which related to the creation of a report which detailed the use of restrictive practices by the Trust on service users from different ethnic backgrounds. She informed the Committee that this matter had been discussed at the 30 March 2023 Board of Director's meeting where Dr Frances Healey, Non-executive Director and Chair of the Quality Committee had recommended that the Mental Health Legislation Committee (MHLC) should receive data on the use of restrictive interventions on service users from different ethnic backgrounds. She added that this item had been discussed at previous MHLC meetings and that it was being raised again as a matters arising to ensure that the Committee could agree how it is now taken forward.

The Committee noted that the "Positive and Safe Working Group Restrictive Interventions Annual Report" was the report which currently contained the information on the Trust's use of restrictive interventions, and that this was presented at the Quality Committee as well as the Mental Health Legislation Operational Steering Group (MHLOSG). It agreed that this report would be expanded to include information from the use of restrictive practices on service users from different ethnic backgrounds, and that it should continue to be received by the Quality Committee for assurance as they would scrutinise the report from a different perspective to the MHLC, as well as additionally being received by the MHLC through the MHLOSG.

The Committee next discussed the information and data that should be recorded and included in the restrictive interventions report going forward. It suggested that additional service user demographic characteristics could be included in the report, such as gender. It also discussed the inclusion of information which looks into the circumstances of a service user before hospital admission and what happened during their admission, such as the use of restrictive interventions, rapid tranquilisation, and seclusion as part of their treatment pathway. It also suggested that as well as this additional data, the root causes behind any unequal treatment experienced by service users from different backgrounds could be explored as a means to address this going forward. The Committee agreed that this item would be referred to the Positive and Safe Working Group chaired by Ms Emma Oldham-Fox, Professional Practice Lead for Reducing

**EOF**

Restrictive Practice, who would consider what data would be included in the report. This would then be reported back to the MHLC who would decide whether the proposed additional data was sufficient for its needs. It also agreed that the MHLC would be responsible for assuring that any issues that were identified in the report were being sufficiently addressed by the Trust.

The Committee **agreed** that a report on the use of restrictive interventions on service users from different ethnic backgrounds should be received by the Committee. It **agreed** that this information would be included in the Positive and Safe Working Group Restrictive Interventions Annual Report. It also **agreed** that the Positive and Safe Working Group would propose what additional information and data would be included in this report going forward, and that this proposal would be considered by the Committee. Finally, it **agreed** that the MHLC would be responsible for providing assurance that any issues identified in the report were being sufficiently addressed by the Trust.

Mrs Woffendin left the meeting.

**23/019 Cumulative action log (agenda item 5)**

The Committee agreed to close the actions on the cumulative action log that had been completed.

Firstly, the Committee discussed action 052 which related to updates on assessment delays being regularly reported in the Mental Health Legislation Activity (MHLA) report. Mr Wyatt informed the Committee that the scheduled meeting with the Bed Management Team had been deferred until mid-May 2023 due to disruption caused by industrial action. Similarly, he informed that the last Section 12 Solutions meeting had been cancelled due to industrial action, with the next meeting scheduled in late May 2023. The Committee agreed that it would seek an update at the August MHLC meeting.

Next, the Committee considered action 083 which related to a letter being sent to the CQC to escalate issues the Trust was experiencing in being referred Second Opinion Appointed Doctors (SOAD) in response to Section 62 referrals in a timely manner. Mr Wyatt reported to the Committee that he continued to withhold sending this letter as the Trust was still recording improvements in this area and the Trust was doing relatively well compared to other partners in the region. The Committee agreed that this improvement would continue to be monitored, and it would decide at its next meeting whether this letter of escalation was still necessary.

Following this, Mr Wyatt provided an update to the Committee on action 084 which related to the production of a report for the Committee to provide assurance that the Trust was using Section 62 powers appropriately. Mr Wyatt informed the Committee that the planned Consent to Treatment Audit, which would form the basis of this report, had been postponed until 5 May 2023 due to unplanned staff absences. He also informed that the scope of the audit had been expanded to also examine whether prescriptions prescribed to service users

matched the information on the Electronic Prescribing and Medicines Administration, in addition to looking at Section 62 and treatment certificates. The Committee agreed to receive an update on this action at the next meeting.

Next the Committee discussed action 089 which related to the Committee receiving a report on the work completed by Synergi-Leeds in addressing health inequalities experienced by individuals from minority ethnic backgrounds. The Committee noted that the Synergi-Leeds annual report for 2022-23 had been included for information in the May 2023 MHLC papers and agreed that the action had been completed. Ms Tangen also informed the Committee that Synergi-Leeds had completed a document detailing its work proposal for 2023-24. Mr Betts agreed to circulate this to Committee members following the meeting. The Committee noted that the Trust was contributing financially to this project, and that it would like to see some evidence of reduction of detentions in minority ethnic groups as an outcome of this financial support.

**KB**

After this, Mr Wyatt provided the Committee an update on action 090 which related to a formal letter being sent which would request access to the York advocacy data from the York Advocacy Group. Mr Wyatt explained that this letter had not been submitted as he had recently had constructive conversations with the group on a separate issue, and he hoped that this would provide a potential pathway to receiving this data. He additionally advised the Committee that the letter was ready in draft and would be submitted in the event that these conversations did not lead to a positive outcome. The Committee agreed with course of action and agreed to hear an update on this action at the next meeting.

Next, the Committee considered action 092 which was for Mr Wyatt to produce a report for the Committee which summarised the key proposed legislative changes to the Mental Health Act (MHA). Mr Wyatt informed the Group that he had prepared PowerPoint presentation instead due to the volume of changes being considered as opposed to the paper. He added that this was now the main focus of the Mental Health Legislation (MHL) Team after the UK Government's decision to step away from the introduction of the Liberty Protection Safeguards. The Committee agreed that the presentation should be circulated to members of the Committee for information following the meeting.

**OW /  
KB**

The Committee next discussed action 093 which related to the "Care Plans and Clinical Risk Assessments" internal audit being amended so that the executive sponsor for this area was listed as Dr Hosker. Mr Betts informed the Committee that this had been completed by the internal audit team. The Committee agreed to close the action.

The Committee next considered a series of actions which had undetermined completion dates. The first of these was action 074 which related to delays in MHA tribunals being recorded on CareDirector. Ms Layton informed the Committee that this work still remained with the CareDirector Team and that no further update was available at this time. Next, the Committee examined action 081 which related to the Committee receiving feedback on Section 136 responses from Yorkshire Ambulance Service and West Yorkshire Police Service. Mrs Rose reported that no feedback had been received yet from the multiagency meeting and as such the action was still ongoing. Finally, the

Committee considered action 087 which related to the production of a report on service users who had been detained under MHA powers after previously being determined to have capacity to make informed decisions. Mr Wyatt informed the Committee that the audit which explored the use of Section 5 (2) powers that would form the basis of this report would be conducted following the conclusion of the Consent to Treatment Audit and that this remained action remained ongoing.

Finally, the Committee discussed action 086 which related to a report being produced which explored the issue of lack of advocates being available to service users at MHA tribunal hearings. Ms Layton confirmed that this action remained ongoing while the MHL team awaited an opportunity to begin this work. Ms McRae queried on what circumstances would allow work on the production of this report to commence and whether the existing contracts with advocate groups were resulting in the provision of an adequate service. Mr Wyatt informed the Committee that while production on this report had not commenced, he and the rest of the team continued to frequently meet with advocacy group representatives. Ms Naismith confirmed that the contract for the advocacy services was the responsibility of Leeds City Council and that these contractual issues could be raised at the upcoming Mental Capacity Act Local Implementation Network meeting. Mr Wyatt explained that due to the MHL teams existing work commitments on conducting audits on Consent to Treatment and Section 5 (2) use by the Trust, that work was unable to commence in this area at this time. The Committee agreed to continue to monitor the progress of this action and not assign it a completion date at this stage.

The Committee was **assured** on the progress made on the actions on the cumulative action log and **agreed** on which actions should be closed.

Mrs Woffendin re-joined the meeting.

## 23/020 Synergi-Leeds Annual Report (agenda item 6)

The Committee received the Synergi-Leeds Annual Report for 2022-23 which provided a summary of the work that the partnership had achieved in its aim to tackle mental health inequalities experienced by minority ethnic groups. Dr Hosker informed the Committee that the Mental Health Population Board, which included representatives from the third sector as well as the Leeds office of the NHS West Yorkshire Integrated Care Board, would be meeting regularly to discuss how meaningful change in health outcomes could be achieved in this area. Dr Dissanayaka added that while conducting the MHA review that a large difference had been noted in the work performed and the service users seen by the voluntary sector and clinical services, and as such more collaboration would lead to a better collective understanding of the issues in this area.

The Committee discussed what work the Trust was and could do to improve outcomes in this area. It noted that the Trust only saw individuals at the point of detention and as such needed to try to influence other services to improve preventative work or consider service options to intervene before detention was

deemed necessary. Dr Hosker highlighted to the Committee that population health was data driven and therefore the Committee needed to have a clear position on the data it required in this area, and that once this data was collected it could have a clearer strategic overview of the issues experienced by minority ethnic groups. He also informed the Committee that part of the Mental Health Strategy was the ambition to reduce health inequalities and that Mrs Joanna Forster Adams, Chief Operating Officer, was the lead on this within the Trust. The Committee agreed that Mrs Forster Adams should provide additional clarity on the health inequalities work that she and the Trust was involved in.

JFA

The Committee **received** the Synergi-Leeds Annual Report for 2022-23 and discussed it in detail. It **agreed** that Mrs Forster Adams should provide additional insight in the work the Trust was conducting in order to address issues of health inequalities experienced by service users from different backgrounds.

**23/021 2022/23 Mental Health Act Detentions Report** (agenda item 7)

Ms Tangen presented the Mental Health Act Detentions Report to the Committee. She outlined to the Committee that the data demonstrated that there had been a reduction in adult acute admissions for Black/Black British and Asian/Asian British ethnic groups compared with White/White British individuals in 2022/23, however, it was hard to draw conclusions as to why this was the case. The Committee considered data presented.

The Committee next considered how the data could be expanded on and improved for future reports. The Committee suggested many ways in which this could be done, including:

- Recording data for admissions through other service areas, such as Children and Young People's Mental Health Services.
- Recording readmission data, such as through Community Treatment Order recalls.
- Increasing the frequency of the report.
- Recording other patient demographic details, such as gender, age group and post code catchment areas.

The Committee agreed that Ms Tangen should consider these suggestions and report back to the Committee on what data should be collected in this report going forward.

WT

The Committee **received** and **considered** the findings of the 2022/23 Mental Health Act Detentions Report. It agreed that Ms Tangen should consider what additional data should be captured in this report going forward to improve it and bring these suggestions back to the Committee to consider.

**23/022 Mental Health Legislation Operational Steering Group Feedback** (agenda item 8)

Mrs Rose presented the minutes of the MHLOSG meetings in February and March 2023 to the Committee. She highlighted two items in these minutes for the Committee's attention. First she informed the Committee there had been issues with the Trust's new learning platform "Learn" that was impacting the mandatory training compliance. This involved staff being assigned incorrect training courses on the system. Mr Wyatt informed the Committee that this was being mitigated by the MHL Team who were conducting manual reviews of automatically assigned training and correcting errors, and that this issue had been escalated to the mandatory training team. The Committee suggested that this issue should be escalated directly to Mr Darren Skinner, Director of People and Organisational Development. Mr Wyatt confirmed that he would do this.

OW

Second Mrs Rose drew the Committee's attention to risk issues which has been raised around the availability of Section 12 doctors in the Trust, in particular during working hours. She informed the Committee that these issues had been raised before and it had been suggested that the risk register should be updated with this issue, both in terms of staffing and patient experience. Mr Wyatt informed the Committee that this had not been completed yet as he was awaiting any additional outcomes of the Section 12 Doctor Solutions meeting that was scheduled later in the month of May 2023.

The Committee **received** feedback from the Mental Health Legislation Operational Steering Group and **discussed** the updates provided.

23/023

### **Mental Health Act Managers Forum Feedback** (agenda item 9)

Mrs Bryan provided the Committee with feedback from the Mental Health Act Managers (MHAMs) Forum meetings. She informed the Committee that the April 2023 meeting had been cancelled, with the next meeting scheduled for July 2023. She added that 11 new MHAMs had been appointed since the last MHLC meeting.

Next she outlined the issues raised at the MHAMs Forum meetings to the Committee. These consisted of:

- The lack of advocates being available for service users attending MHA tribunal hearings. The Committee noted that this had been covered previously in the meeting.
- The quality of the interpretation services offered at MHA tribunal hearings. She informed the Committee that the MHAMs would be monitoring and reviewing the quality of interpretation at meetings going forward.
- The MHAMs had noted that LYPFT staff had received an uplift in business mileage rates that they were able to claim back and had queried whether they would be able to benefit from the same uplift. In addition, the 50-mile cap on mileage claims available for MHAMs had been questioned as this cap meant that MHAMs residing in Leeds were reluctant to attend hearings in York, and vice versa. Ms Layton informed Ms Bryan that both these issues would be considered in the private MHLC meeting that would follow after the the main meeting.

- The number of experienced MHAMs that would be leaving the Trust over the following 12-month period as a result of reaching their nine-year term limit. She added that this could potentially impact the service provision of the Trust, in particular in conducting face-to-face MHA tribunal hearings. The Committee noted that this issue would also be considered in the private meeting of the MHLC.

The Committee **received** feedback from the Mental Health Act Managers Forum and **discussed** this feedback.

**23/024 Mental Health Legislation Activity Report** (agenda item 10)

The Committee **received** the Mental Health Legislation Report and was **assured** that the plans in place were sufficient to ensure ongoing compliance with all mental health legislation.

**23/025 Publications to Consider / Legislative Changes** (agenda item 11)

The Committee recalled that the UK Government's decision to step away from the implementation of the Liberty Protection Safeguards, and the proposed changes to the Mental Health Act and its progress through Parliament had been discussed earlier in the meeting. Mr Wyatt assured the Committee that there was nothing further to bring to the Committee's attention at this time.

The Committee **received** an update on draft legislative changes and **discussed** the potential implications.

**23/026 Mental Health Legislation Committee Annual Report 2022-23 (including the Annual Report of the Mental Health Act Managers)** (agenda item 12)

The Committee **approved** the Mental Health Legislation Committee Annual Report 2022-23. It noted that this report would be presented to the June 2023 Board of Directors meeting.

**23/027 Any risks or issues to be escalated to the Trust Board or other Sub-Committees** (agenda item 13)

Mrs Khan noted that she would be raising the following points at the next Board meeting:

- In respect to the Committee receiving a report on the use of restrictive interventions on service users from different ethnic backgrounds, the Positive and Safe Working Group would be tasked with deciding what



data and information should be included in the Positive and Safe Working Group Restrictive Interventions Annual Report going forward. This decision would then be reported back the MHLC for approval.

- The Committee understood that the number of mental health advocates being available upon request at MHA tribunal hearings remained an issue. It agreed that the MHL team would investigate this issue and report the findings back to the Committee but noted that the MHL Team had insufficient working capacity to conduct this investigation at this time.
- The Committee received the Synergi-Leeds Annual Report for 2022-23.
- The Committee received and was assured by the Mental Health Detentions report for 2022-23. It agreed that Ms Tangen should consider what additional data should be captured in this report going forward to improve it and bring these suggestions back to the Committee.
- The Committee noted issues regarding the number of experienced MHAMs that would be leaving the Trust over the next 12 months and would consider this issue in-depth at the private MHLC meeting following the main meeting.
- The Committee noted that the MHAMs would be assessing the quality of interpreting services provided at Mental Health Act tribunal hearings.
- The Committee received and was assured by the Mental Health Legislation Activity report for Quarter 4 2022-23.
- The Committee received and approved its Annual Report for 2022-23.

**23/028 Any other Business** (agenda item 14)

The Committee noted that this meeting would be the final meeting attended by Mrs Woffendin, Ms Bryan, Mrs Hill, and Mrs Rose who would all be leaving the Trust service ahead of the August 2023 meeting. The Committee thanked all four individuals for their work and support they had provided to the Trust and to the Committee across multiple years of service and wished them well in their future endeavours.

The Committee **noted** that this would be the last meeting for four of its members/regular attendees and thanked each of them for their work and support they provided to the Trust and to the Committee.

The Chair of the Committee thanked everyone for attending and closed the meeting at 12:00pm.

**Date and time of next meeting:**

Tuesday 1 August 2023 at 10:00am until 12:00pm via Microsoft Teams.