

**Minutes of the Mental Health Legislation Committee
Tuesday 7 November 2023 at 10:00am
Held via Microsoft Teams**

Present:

Ms Kaneez Khan	Non-executive Director (Chair)
Dr Chris Hosker	Medical Director
Ms Nichola Sanderson	Director of Nursing and Professions

In attendance:

Mr Kieran Betts	Corporate Governance Officer (meeting support)
Dr Nuwan Dissanayaka	Associate Medical Director
Ms Alison Kenyon	Associate Director Service Development (for item 6)
Ms Sarah Layton	Mental Health Legislation Team Leader
Ms Maxine Naismith	Head of Service for Adult Social Care Leeds
Ms Emma Oldham-Fox	Professional Practice Lead: Reducing Restrictive Practice
Mr Keir Shillaker	Director: Mental Health, Learning Disability, and Autism, West Yorkshire Health and Care Partnership (observing the meeting)
Ms Janet Smith	Head of Safeguarding and Public Protection
Ms Wendy Tangen	Clinical Services Inclusion Lead (for item 7)
Ms Viv Uttley	Mental Health Act Manager
Mr Oliver Wyatt	Head of Mental Health Legislation

Minute

Action

	<p>Mrs Khan opened the meeting at 10:00am and welcomed members of the Mental Health Legislation Committee.</p>	
<p>23/046</p>	<p>Apologies for absence (agenda item 1)</p> <p>Apologies were received from Ms Merran McRae, Chair of the Trust, who is a member of the Committee.</p> <p>Apologies were also received from Mrs Clare Edwards, Associate Director of Corporate Governance; and Ms Maxine Naismith, Head of Service for Adult Social Care Leeds, who are attendees of the Committee.</p> <p>Apologies were also received from Mrs Joanna Forster Adams, Chief Operating Officer, who was asked to attend for agenda item 6. The Group noted that Ms Kenyon was deputising for Mrs Forster Adams for this item.</p> <p>The Committee noted that Mr Shillaker was observing the meeting.</p> <p>The meeting was quorate.</p>	

23/047 Declaration of any conflict of interest in respect of any agenda item (agenda item 2)

No one present at the meeting declared a conflict of interest in any of the items to be discussed.

23/048 Minutes of the meeting held on 1 August 2023 (agenda item 3)

The minutes of the Mental Health Legislation Committee meeting held on the 1 August 2023 were **accepted** as a true record.

23/049 Approval for the minutes above to be uploaded to the Trust's external website (agenda item 3.1)

The Committee **agreed** that the minutes of the Mental Health Legislation Committee meeting held on the 1 August 2023 were suitable to be uploaded to the Trust's external website.

23/050 Matters arising (agenda item 4)

The Committee **noted** that there were no matters arising that were not either on the agenda or on the action log.

23/051 Cumulative action log (agenda item 5)

The Committee confirmed that actions 101, 102, and 103 were complete and could be removed from the log and that action 098 related to an item on the agenda and could be marked as complete. The Committee then discussed the open actions and received the following updates:

Action 052: The Committee heard that Section 12 (S12) assessment delays and delays in service users being allocated beds continued to be monitored by the Mental Health Legislation Operational Steering Group (MHLOSG). Mr Wyatt added that he would continue to attend S12 meetings and meetings with the Adult Social Care team to monitor these delays.

Action 085: The Committee heard that the human rights training programme delivered in cooperation with the British Institute on Human Rights would continue to be delivered across the Trust up until the end of 2023. The Committee noted that the impact evaluation of this training would be reported at the February 2024 Mental Health Legislation Committee (MHLC) meeting. Ms Oldham-Fox informed the Committee that overall, the training programme was

going well and that the training sessions had been well attended. She added that the Trust aimed to develop a 'Human Rights Committee of Practice' which would enable practice leads to continue to review Trust practice and policies in relation to human rights law. The Committee noted this update.

Action 090: The Committee heard that the Trust was unable to obtain the York Advocacy Data from the York Advocacy Group. Mr Wyatt informed the Committee that discussions on how this data could be generated internally by the services operating in York without significantly increasing their overall workload had begun, and an update on this would be available at the February 2024 MHLC meeting.

Action 104: The Committee heard that the Mental Health Legislation (MHL) Team would attend Acute Services, Older People's Services, and Forensic Services meetings in November 2023 where feedback on the Consent to Treatment Audit Report would be disseminated. Mr Wyatt additionally reported that the possibility of getting Section 62 treatment certificates uploaded to the Electronic Prescribing and Medicines Administration system was being explored in collaboration with the Pharmacy Team. The Group noted this update.

Action 086: Ms Layton confirmed that the matter of whether any service users had been disadvantaged in their outcomes at a Mental Health Tribunal Hearing as a result of not having an advocate present would be explored in the Mental Health Tribunal Outcomes Report, which was scheduled to come to the February 2024 MHLC meeting.

Action 074: The Committee heard that mental health tribunal outcome data was still not available on CareDirector, and that the action to add this functionality remained with the CareDirector Team. Ms Layton reported to the Committee that she had not been given an estimated implementation date for this added functionality. The Committee agreed that this work needed to be prioritised by the CareDirector team so that any disparities in the delays faced by service users from different ethnic backgrounds in tribunal hearings could be monitored. It agreed that this issue would be escalated to the Board of Directors' attention if an update and planned timeline for implementation was not available ahead of the next Committee meeting in February 2024.

Action 095: The Committee heard that the Positive and Safe Working Group Restrictive Interventions Annual Report would continue to provide data on the use of restrictive interventions on service users from different ethnic backgrounds. Ms Oldham-Fox added that the Informatics Team had completed work to ensure that the use of restrictive interventions on service users with learning disabilities and/or autism would also be available in annual reports going forward. The Committee agreed that this action had been completed.

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

Ms Kenyon provided the Committee with a verbal update in the role of the executive lead for reducing health inequalities on behalf of Mrs Forster Adams who had sent her apologies in advance of the meeting. She informed the Committee that the Chief Operating Officer was the executive lead in this area, and that the Trust was committed on delivering on the Leeds Mental Health Strategy which had been developed with the Leeds Health and Care Partnership in collaboration with other providers in the city. She reported that a key priority of the Leeds Mental Health Strategy was reducing the health inequalities experienced by minority and disadvantaged groups, in particular detentions under the Mental Health Act (MHA), and that the Trust had multiple workstreams in order to achieve this aim.

Ms Kenyon next provided the Committee additional detail on the work conducted by the Trust to reduce health inequalities experienced by service users. She explained that as part of the Care Services Strategic Plan, each service line was required to set annual objectives which would reduce health inequalities, which were monitored throughout the year. She additionally reported that the Trust was in the final stages of hiring for the new role of Head of Health Inequality, who in collaboration with other inclusion workers would be responsible for producing a specific strategic plan to reduce health inequalities that was consistent with the Leeds Mental Health Strategy.

The Committee **received** a verbal update on the role of executive lead on reducing health inequalities and the work the Trust was conducting in this area to fulfil this aim as set out in the Leeds Mental Health Strategy.

23/053 Mental Health Act Detentions Report: 2022-23 (agenda item 7)

Ms Tangen presented the Committee with the Mental Health Act Detention Report. She explained that the report showed the data on service users which had been detained under the Mental Health Act by the Trust in the 2022/23 fiscal year based on their ethnic group, age group, and gender. She additionally explained that these service user demographics had been compared with general population demographics to investigate whether any groups had been disproportionately detained. The Committee discussed the content of the report.

Dr Hosker noted that the report stated that detention rates for males declined for older age groups compared with younger age groups but pointed out that the data seemed to demonstrate that proportionally males aged 65 or older was the group with the highest detention rate. Ms Tangen agreed to examine this element of the report. Dr Hosker highlighted the importance of keeping the general population demographic data up to date to ensure that the detention data could be accurately compared. Ms Tangen reassured the Committee that this would be done in consultation with population health colleagues.

Dr Dissanayaka drew the Committee's attention to the use of terms such as "higher ethnic groups" and "lower ethnic groups" used in the report and questioned Ms Tangen what this meant. Ms Tangen clarified that this was in

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reference to broad ethnic groups, such as “white” and more specific ethnic groups, such as “White – Irish and White – British”. The Committee agreed that this terminology should be amended to make this clearer in the report to avoid misinterpretation.

The Committee next considered the number of service users who had been detained where their ethnic group was not known, which accounted for the second highest overall group by number. Ms Tangen informed the Committee that she was working with the Business Intelligence Team to improve the recording of patient demographic information, and that updates on this would be reported to the Clinical Service Group. The Committee noted this update.

The Committee **received** the Mental Health Act Detentions Report for 2022-23 and **noted** its content.

23/054 Mental Health Legislation Operational Steering Group Feedback (agenda item 8)

The Committee welcomed Ms Smith to the meeting, noting that she had taken over as Chair of the MHLOSG in August 2023. Ms Smith provided the Committee with an overview of the main issues raised at the MHLOSG at its 10 August, 14 September, and 12 October 2023 meetings. The Committee noted these issues.

The Committee discussed the issues regarding the consent to treatment provisions and the legal authorisation of prescribing medication to patients in the Trust’s care. The Committee noted that there was a disparity between the good practice being followed on the Psychiatric Care Intensive Service (PICU) and Ward 3, Becklin Centre on this issue compared with other inpatient areas and questioned the reasons behind this disparity. Mr Wyatt reported that these areas had demonstrated a focus on addressing these issues that was echoed in the leadership on these wards. He added that the best practice from these areas would be shared across the Trust. The Committee noted that the unavailability of medical certificates on the EPMA system remained a limiting factor, but that the MHL Team would continue to support medical colleagues in the legal authorisation of medication. Dr Hosker reassured the Committee that this was a long-standing issue across all organisations and that there was no evidence to suggest that the issue was getting worse. He added that he was assured that the medication which was being administered was appropriate for patient care, and that the issue related to the correct authorisation of medication.

Next, the Committee considered the issues around the Trust’s relationship with regional police services following the introduction of the “Right Care, Right Person” model which changed the way the emergency services responded to calls involving concerns about mental health. The Committee noted that this model had been adopted by the West Yorkshire Police service and that a change in the incidents police from this service were willing to attend had been reported by Trust staff. The Committee also noted that this model had not been adopted by the North Yorkshire Police service and that there had been no issues reported by Trust services operating in this jurisdiction. The Committee heard that the Police Liaison Meeting had been restarted between the Trust and partners in the

West Yorkshire Police and it highlighted the importance of constructive dialogue between the two organisations to address issues regarding the new model of approach. Dr Dissanayaka additionally recommended to the Committee that more frontline staff should be invited to this meeting to share their experiences.

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

23/055 Mental Health Act Managers Forum Feedback (agenda item 9)

Ms Uttley highlighted the main topics which had been discussed at the Mental Health Act Managers (MHAMs) Forum meeting held on the 18 October 2023. She informed the Committee that the MHAMs had received useful training sessions on the use of psychotropic medication and mental health tribunal hearing decision writing. She added that six new MHAMs had started with the Trust since the last Committee meeting, and that the Trust was in the process of conducting interviews to add more MHAMs to replace the managers who would be reaching the end of their placements in January 2024. The Committee noted these updates.

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

23/056 Mental Health Legislation Activity Report (agenda item 10)

The Committee received the Mental Health Legislation Activity Report which covered Quarter 2 of the 2023-24 financial year. Dr Dissanayaka highlighted the main issues raised in the report. The Committee noted that there had been one fundamentally defective detention recorded in this period.

The Committee next examined the increase in Second Opinion Appointed Doctor (SOAD) referral delays outlined in the report. Mr Wyatt explained to the Committee that additional measures had been introduced by the MHL Team to mitigate this issue, such as encouraging referrals to be made as early as possible and raising outstanding requests with the CQC. He added that the team was encouraging evidence to be collected and retained on when SOAD referrals had been made. The Committee also heard that delays in SOAD referrals had a compounding effect whereby the Trust was required to use Section 62 powers more frequently which increased the administrative workload of the MHL Team. Mr Wyatt reassured the Committee that while this extra workload did put additional pressure on the MHL Team, that he and Dr Hosker met monthly to ensure that the MHL Team had sufficient resources to cope with this workload. The Committee noted this update.

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.

23/057 Publications to Consider / Legislative Changes (agenda item 11)

The Committee **noted** that there were no additional publications to consider, or updates on draft legislative changes since the previous Committee meeting.

23/058 Review of the Risk Register (agenda item 12)

The Committee received an update on the two risks relating to mental health legislation on the Trust's risk register. Mr Wyatt reported to the Committee that the first risk related to delays in MHA assessments caused by the lack of availability of Section 12 approved doctors which could result in delayed admissions. The Committee noted that the monitoring of this risk was ongoing.

The Committee next considered the second risk on the risk register, which related to training resources being made available to community and inpatient staff on community treatment order recalls and revocations. Mr Wyatt informed the Committee that the planned video tutorials on this were scheduled to be filmed by mid-November 2023. He added that once these video tutorials had been uploaded to the Trust's website that this risk would be taken off the risk register. The Committee noted this update and was assured that the risks which had been identified were being appropriately managed.

The Committee **received** and **reviewed** the risk register. It was **assured** that the risks identified were being appropriately managed.

23/059 Annual Review of the Terms of Reference of the Mental Health Legislation Committee (agenda item 13)

The Committee reviewed the updates made to its Terms of Reference (ToR). It heard that these updates consisted of small updates which aimed to standardise its ToR with other Board Sub-Committee's ToR. The Committee agreed to approve these amendments and noted that they would be presented to the Board of Directors at its November 2023 meeting for ratification.

The Committee **reviewed** and **approved** its Terms of Reference.

23/060 Review of the Mental Health Legislation Committee Cycle of Business for 2024 (agenda item 14)

The Committee **reviewed** and **approved** its Cycle of Business for 2024.

23/061 Mental Health Legislation Committee Dates for 2024 (agenda item 15)

The Committee **reviewed** and **noted** its 2024 meeting dates.

23/062 Any risks or issues to be escalated to the Trust Board or other Sub-Committees (agenda item 16)

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

- The Committee noted that an action for the CareDirector Team to enable the recording of mental health tribunal hearing outcomes on CareDirector remained ongoing. It agreed that this issue should be escalated to the Board of Directors attention should an update not be ready by February 2024.
- The Committee received the Mental Health Act Detentions Report 2022-23 and noted its contents.
- The Committee continued to monitor changes observed in the response of West Yorkshire Police to mental health incidents following the implementation of the “Right Care, Right Person” agenda.
- The Committee received the Mental Health Legislation Activity Report for Q2 2023-24 and was assured the plans in place were sufficient to ensure ongoing compliance with all mental health legislation.
- The Committee reviewed the risk register and was assured that the risks associated with mental health legislation were being appropriately managed.
- Updates to the Committee’s Terms of Reference had been reviewed and approved by the Committee, subject to ratification by the Board of Directors.
- The Committee approved its Cycle of Business plan for 2024.

23/063 Any other Business (agenda item 17)

The Committee did not discuss any other business.

The Chair of the Committee thanked everyone for attending and closed the meeting at 11:40am.

Date and time of next meeting:

Tuesday 6 February 2024 at 10:00am until 12:00pm via Microsoft Teams.