

## Escalation and Assurance Report

Report from: Mental Health Legislation Committee

Date the meeting: 16<sup>th</sup> September 2021

### Key discussion points and matters to be escalated from the discussion at the meeting:

#### Alert:

- No matters to highlight.

#### Advise:

- Mental capacity Act audit results were presented to Committee highlighting sustained compliance with assessment of patients and documentation. However Best Interests Assessment and meetings compliance has fallen significantly although numbers of patient requiring a BIA has increased. Committee will receive a progress report in November and monitor compliance
- The MCA will be replaced with Liberty Protection Safeguards (LPS) in April 2022. However a national delay means the Code of Practice has not yet been published and the implementation date may slip. The changes have financial implications for all provider organisations however we are unable to quantify this until the CoP is received.
- The Committee noted that the numbers of physical interventions has risen and data suggests this is predominantly on female wards. Committee has requested the Positive and Proactive Steering Group to undertake a detailed analysis of the data and report back to November committee. It was agreed that a staff story about the difficult decision-making process to apply full physical interventions would be brought to a future meeting.
- The Committee was briefed by the Chair of Positive and Proactive Steering Group on a presentation on “No Force First” from clinical leads at Merseycare NHSFT. BDCT has committed to adopting the No Force First principles and the programme of work will be led by the P&P group with routine reporting to MHLC.
- The Board was advised in July of a deterioration in the timeliness of reports to tribunals and hospital managers. Work is underway to address this, using QI methodology. A 30 day report out will be given to November committee

#### Assure:

- Committee received reports from the CQC MHA Monitoring review visits to the low secure units and older persons mental health. It noted very positive comments from Service users and families about the care they received, it also noted significant improvements achieved compared previous inspection reports.

#### Risks discussed:

- The Board Assurance Framework and Corporate Risk Register was noted and discussed.

**New risks identified:**

- There is a potential risk of litigation if the Trust isn't seen to be fully compliant with Mental Capacity Act Best Interests Assessments. It was agreed this risk sits at a Care Group level

**Report completed by: Carole Panteli Chair of MHLC**

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