

▶ **Mental Health Legislation Committee**

Presentation to the Council of
Governors

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Outline of the presentation

- Background
- Why governance is so important
- Mental health legislation governance structure
- Current key issues
- Priorities for 2022/23

▶ Background

- SHSC is registered to provide regulated activities under the Mental Health Act (MHA)
 - MHA gives wide range of powers to the State
 - Removal of a person's liberty ('detaining'/'sectioning')
 - Restricts liberties in the community
- MHA places a range of legal obligations placed on the Trust
- **Essential that the Board is assured about compliance with the law**

▶ **Background** *continued*

- Mental health legislation - not just the Mental Health Act
- Mental Capacity Act
- Deprivation of Liberty Safeguards
- Liberty Protection Safeguards
- Various statutory regulations
 - MHA Code of Practice
 - MCA Code of Practice

▶ Why the governance is important

Non-compliance =

- SHSC potentially breaking the law
- Patients' human rights potentially being breached
- SHSC potentially faces regulatory action by CQC
- Poor organisational reputation
- Poor service user experience
- Poorer outcomes and longer recovery for patients
- CQC Report - Aug 21 stated:
 - *The trust must ensure that there is improved governance and oversight of practices and policies in place for monitoring the Mental Health Act.*



▶ Governance Structure



▶ Key issues

Improvements needed in relation to:

- Mental capacity assessments and best interest decisions
- Patient leave, risk assessments and documentation
- Meeting the legal duty to provide information to patients about their rights
- Conducting seclusion reviews in accordance with the statutory requirements

▶ **Priorities for 22/23**

- Improve assurance in relation to mental health legislation governance
 - **Aim to have the CQC ‘must’ in relation to the Mental Health Act governance completed**
- Move towards new set of Key Performance Indicators
 - New KPIs reflect broader range of mental health legislation issues (previous KPIs more focussed towards MHA only)

► **Priorities for 22/23**

- Support increased focus towards protecting patient's human rights
- Strengthen the interface between the Trust Board and Associate Mental Health Act Managers ('AMHAMs')
- Be assured in relation to Liberty Protection Safeguards and the new legal duties which will be placed on the Trust
- Support operational services to help them carry out their functions where escalation is required

▶ Thank you for listening

Questions?

