

Aneurin Bevan University Health Board

Mental Health Act Monitoring Committee

Terms of Reference

Draft Revised – July 2019 (Revised October 2019)

ANEURIN BEVAN UNIVERSITY HEALTH BOARD
MENTAL HEALTH ACT MONITORING COMMITTEE
REVISED DRAFT TERMS OF REFERENCE (July 2019)

1. Introduction and Purpose:

The Standing Orders of the Health Board state "The Board may and, where directed by the Welsh Government must, appoint Committees of the Health Board either to undertake specific functions on the Board's behalf or to provide advice and assurance to the Board in the exercise of its functions. The Board's commitment to openness and transparency in the conduct of all its business extends equally to the work carried out on its behalf by committees".

In accordance with Standing Orders (and the Health Board's Scheme of Delegation), the Board shall nominate a committee to be known as the Mental Health Act Monitoring Committee. The detailed terms of reference and operating arrangements set by the Board in respect of this Committee are set out below.

2. Constitution:

The Board hereby resolves to establish a Committee of the Board to be known as the Mental Health Act Monitoring Committee, which will incorporate the Health Board's statutory responsibilities under the Mental Health Act 1983 and this committee will scrutinise and monitor the organisation's compliance with the Act.

The Committee will be formed of Independent Members of the Health Board and therefore will have no executive powers and decision making powers, other than those specifically delegated by the Board and outlined in these Terms of Reference.

3. Scope and Duties:

The Health Board has determined that in order to put in place arrangements to monitor and review the way the Health Board discharges its functions and responsibilities under the Act and the ways in which they

are exercised on its behalf, that the Committee will be authorised to undertake this role. The Committee will be expected to regularly report to the Board on its findings for advice and assurance purposes.

The Committee shall consider:

- how the delegated functions under the Mental Health Act are being exercised (for example using a programme of Annual Audit) and in line with the 'Code of Practice' requirements
- the multi-agency training requirements of those exercising the functions (including discussing the training report for assurance)
- the operation of the 1983 Act within the Aneurin Bevan University Health Board area
- issues arising from the operation of the hospital managers' power of discharge
- a suitable mechanism for reviewing multi agency protocols/policies relating to the 1983 Act
- trends and patterns of use of the Mental Health Act 1983
- cross-agency audit themes and sponsor appropriate cross-agency audits
- lessons learnt from difficulties in practice and the development of areas of good practice
- Develop an annual report for presentation to the Health Board.

The Committee will also in respect of its provision of advice and assurance to the Board:

- (a) Advise on the development and delivery of high quality and safe mental health and learning disabilities services, consistent with the Board's overall strategic direction of the Health Board through its Integrated Medium Term Plan and any requirements and standards set for NHS bodies in Wales;
- (b) consider the implications for mental health and learning disabilities services arising from the development of the Board's corporate strategies and plans or those of its stakeholders and partners, including those arising from any other Committees of the Board and statutory partnerships;
- (c) The Committee will, in respect of its assurance role, seek assurances that governance (including risk management) arrangements are appropriately designed and operating effectively to ensure the provision of high quality, safe mental and learning disabilities care and services across the whole of the Board's activities including those services provided for the Board by third sector providers and service provision made by the independent sector. Also, that all opportunities are taken to

promote continuous improvement and that the consideration of the experience of patients and service users are key features of the Committee's assurance arrangements.

4. Authority

The Committee is authorised by the Board to:

- investigate any activity within its Terms of Reference and in performing these duties shall have the right, at all reasonable times, to inspect any books, records or documents of the Health Board. It can seek any information it requires from any employee and all employees are directed to co-operate with any request made by the Committee
- obtain outside legal or other independent professional advice and to secure the attendance of representatives of other agencies with relevant experience and expertise if it considers this necessary, subject to the Board's budgetary and other requirements
- by giving reasonable notice, require the attendance of any of the officers or employees and auditors of the Board at any meeting of the Committee.

5. Scheme of Delegation

The Health Board as Hospital Managers may arrange for their functions under the Mental Health Act to be carried out on a day to day basis by particular Officer/Lay Member on their behalf. These individuals appointed by the Health Board will be known as Associate Hospital Managers and will form the membership of the Power of Discharge Sub-Committee, which will report routinely to the Committee for assurance and developmental purposes. However the Power of Discharge Committee will also report directly to the Board on an annual basis.

6. Membership and Partnerships

The Mental Health Act 1983 gives responsibility to health and social care organisations and practitioners, in collaboration with a range of other agencies including police and ambulance services, as well as third sector bodies such as advocacy providers. Therefore, consideration will be given to reflecting this wider partnership in the membership of the Committee, as different agencies and practitioners have differing responsibilities and duties under the Act.

Membership of the Committee:

The Vice Chair of the Health Board shall Chair the Committee given their specific responsibility for overseeing the Health Board performance in

relation to primary care, community and mental health services and the following shall be members:

- Three Independent Board Members (one of which would be the Chair of the Committee i.e. the Vice Chair of the Health Board)

The Director of Primary, Community and Mental Health will be lead Executive for the Committee. However, will not be a formal member of the Committee, but the expectation is that the Director or deputy will be in attendance at all Committee Meetings, but count toward a quorum.

Other key members of staff from the Health Board and Partner organisations will be invited to attend the Committee either as a standing invitation or an invitation to present or speak on specific subjects or areas of the Committee's business. The Committee will determine these invitations.

7. Support to Committee Members

The Board Secretary, on behalf of the Committee Chair, shall:

- determine the secretarial and support arrangements for the Committee;
- Arrange the provision of advice and support to committee members on any aspect related to the conduct of their role; and
- Co-ordinate the provision of a programme of organisational development for committee members.

8. Committee Meetings

Quorum

This will comprise two Independent Members, one of which must be the designated Chair or Vice Chair.

Frequency of Meetings

Meetings shall be held quarterly per annum. The Committee will arrange meetings to fit in with key statutory requirements during the year consistent with the Health Board's annual plan of Board Business.

Circulation of Papers

Papers will be distributed at least 7 calendar days prior to each meeting.

Reporting and Assurance arrangements

The Committee Chair shall:

- report formally, regularly and on a timely basis to the Board on the Committee’s activities. This includes oral updates on activity, the submission of committee minutes and written reports, as well as the presentation of an annual report;
- bring specific attention to any significant matters under consideration by the Committee via the submission of the minutes as part of the Committee Chairs’ Assurances Reports to the Health Board;
- ensure appropriate escalation arrangements are in place to alert the Chair, Chief Executive or Chairs of other relevant committees of any urgent/critical matters that may affect the operation and/or reputation of the Health Board.

The Board Secretary, on behalf of the Board, shall oversee a process of regular and rigorous self-assessment and evaluation of the Committee’s performance and operation.

9. Relationship with the Board and its Committees/Groups

The Committee, through the Committee Chair and members, shall maximise cohesion and integration across all aspects of governance and assurance through the:

- joint planning and co-ordination of Board and Committee business;
- sharing of information, as appropriate.

The Committee shall embed the Health Board’s corporate standards, priorities and requirements, e.g. equality and human rights through the conduct of its business.

10. Related Sub Groups

- Mental Health Act Monitoring Group/Power of Discharge Committee

11. Applicability of standing orders to committee business

The requirements for the conduct of business as set out in the Health Board’s Standing Orders are equally applicable to the operation of the Committee, except in relation to the Quorum.

12. Review

These Terms of Reference shall be adopted by the Committee and be subject to review on an annual basis.