

BIRMINGHAM AND SOLIHULL MENTAL HEALTH NHS FOUNDATION TRUST

**MENTAL HEALTH LEGISLATION COMMITTEE,
TO BE HELD ON WEDNESDAY 20th APRIL 2016**

MHLC TERMS OF REFERENCE

ACTION:

The Committee needs to review and approve the Terms of Reference for the Committee

Executive Summary

The Committee work plan requires that the Terms of Reference are reviewed annually in line with the work plan.

This will then need to be submitted to Trust Board for approval.

The Terms of Reference are now explicit in identifying the Medical Director as the Executive Director lead for this committee.

Operational representation will be from the Associate Director of operations. CNMs are no longer required to attend.

MAC rep has been removed and accountability for feeding back to the medical staff will lie with the medical director.

AUTHOR: LOUISE McLanachan, Head of Mental Health Legislation

BOARD SPONSOR: Medical Director, Hilary Grant

PREVIOUSLY DISCUSSED:

Annual Review carried out in 2015.



Terms of Reference for the Mental Health Legislation Sub Committee

Purpose

The Mental Health Legislation Committee (the “Committee”) is a sub-committee of the Birmingham & Solihull Mental Health NHS Foundation Trust Board and its purpose is to provide assurance to the Trust Board on all matters relating to the administration within the organisation of statutory requirements relating to mental health legislation. These are defined as the Mental Health Act (1983), as amended by the 2007 Act, the Mental Capacity Act 2005 and the guiding principles set out in the Code of Practice and associated legislation as it applies to the Mental Health Act and the Mental Capacity Act and any similar legislation yet to be enacted. All references to MHA and MH Legislation within these Terms of Reference include this wider definition.

The Committee will monitor and review the adequacy of the Trust’s processes for administering the MHA and MCA and formally submit an annual report on its activities and findings to the Trust Board.

Authority

The Committee is authorised by the Trust Board to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request made by the Committee.

The Committee will agree an annual work programme which will be approved by Trust Board to reflect these responsibilities.

The Executive Director responsible for this committee is the Medical Director.

Duties

- To monitor and scrutinise the Trust’s implementation of and compliance with, current MH Legislation and guidance and to consider the implication of any proposed changes within the context of the Trust.
- To review assurance that arrangements for the compulsory detention of service users within the Trust is lawfully managed
- To monitor and scrutinise trends in the application of the MHA within the Trust and make recommendations for change where necessary.
- To monitor and scrutinise the results of Care Quality Commission visits and other relevant external reports and clinical audits; and other relevant internal reviews and receive assurance regarding the implementation of recommendations.
- To maintain an appropriate number of suitably skilled and experienced Lay Managers in place within the Trust; and to ensure that they are appropriately supported to fulfil their duties; and to monitor and scrutinise their activities
- To approve MHL specific policies and procedures for use within the Trust and to monitor and scrutinise their application
- To continuously assess and review risks which may impact on the ability of the Trust to meet the requirements of the MHA, reviewing assurance that the risks are appropriately managed, and to identify and report to Trust Board any new risks that require escalation.

Frequency of meetings

The Committee will meet quarterly. It is the responsibility of the Trust's Head of Mental Health Legislation to ensure items are identified for the Committee's agenda in line with the Committee's terms of reference, its work programme agreed at the beginning of each year and the current risks facing the organisation and to agree these with the Chair of the Committee.

Membership

The membership of the Committee shall comprise

Member:	Responsibilities
Non-Executive Director (Chair)	To chair the committee. Responsible for ensuring that issues raised at Trust Board are reviewed by the committee. Responsible for presenting feedback on the work of the committee to Trust Board.
Non-Executive Director	Responsible for ensuring that issues raised at Trust Board are reviewed by the committee.
Head of Mental Health Legislation	Responsible for co-ordinating the work programme of the committee. To provide specialist advice and support to the committee on MHL issues.
Two Lay Managers (one of which will be the Senior Lay Manager)	Responsible for ensuring that the experience and expertise of Lay Managers is reflected in the work of the committee, ensuring that Lay Managers concerns are reviewed by the committee and supporting feedback from the committee to Lay Managers.
Medical Director	To take overall responsibility for professional medical issues identified by the committee, ensuring that relevant issues are highlighted to the committee and that actions are followed up.
Medical Leads for MHA and MCA	To provide expert advice on MHA and MCA and to take up any specific issues raised by the Committee
Deputy Director of Nursing	To take overall responsibility for professional nursing issues identified by the committee, ensuring that relevant issues are highlighted to the committee and that actions are followed up.
1 Associate Director of Operations	To take responsibility for ensuring that operational issues identified by the committee are addressed and that the committee actions reflect operational arrangements.
Trust Solicitor	To ensure that the committee is kept abreast of relevant case law / legal matters and to advise the committee on any potential legal issues.
Associate Director of Governance	To ensure that wider governance issues relating to the responsibility of the committee are addressed and co-ordinated with other governance arrangements within the Trust.

Notwithstanding the individual roles, all members of the committee will be expected to take collective responsibility for decisions made by the committee.

Members are expected to attend all meetings but, if they are unable to do so, should send nominated deputies to be agreed in advance with the Chair of the Committee. If the Chair is unable to attend, the Vice Chair will act in their place.

Ex Officio Members will be:

- The Chief Executive Officer of the Trust
- The Chair of the Trust
- All Non-Executive and Associate Non-Executive Directors of the Trust
- The Director of Nursing

The Committee also has scope to co-opt other individuals either as permanent members of the Committee or on an ad-hoc basis where it is felt expertise or specialist advice is required. This includes but is not limited to:

- A representative from Birmingham City Council (Adults and Communities)
- A representative from Solihull MBC

Quorum

The quorum of the committee will consist of at least four identified members of the committee, including one non-executive director and one clinical member of Trust staff.

Monitoring

The Committee will monitor its performance both in terms of providing assurance to Trust Board and in terms of ensuring it meets the remit as set out in its terms of reference through agreement of an annual work plan, inclusion in the work plan of any items delegated to the Committee by Trust Board and through the Assurance Framework, monitoring implementation of the annual work plan, assessment of the Committee's performance through an annual self-assessment and an evaluation of the Committee's performance through an annual report to Trust Board.

Reporting to Trust Board

The Trust Board will receive the minutes of Committee at the next Trust Board meeting following the Committee meeting. The Committee will also report to the Board annually on its work (see above) in line with its approved work plan.