

**Birmingham & Solihull Mental Health NHS Foundation Trust**

**Mental Health Legislation Group to be held**

<b>Report: Oct 2023 – Dec 2023</b>
<b>Strategic or Regulatory Requirement to which the paper reports – mental health legal updates</b>
<b>Action:</b> This report is for discussion
<b>Claims/PFDs:</b> We have received 3 PFD's during this period. XXXX Section Redacted as it does not relate to PFD XXXX
<b>MHA/MCA queries of note/trends:</b> XXXX Section Redacted as it does not relate to PFD XXXX
<b>Legislation:</b>  XXXX Section Redacted as it does not relate to PFD XXXX
<b>Caselaw:</b> XXXX Section Redacted as it does not relate to PFD XXXX
<b>Points of interest:</b> XXXX Section Redacted as it does not relate to PFD XXXX
<b>Board Director:</b> XXXX, Medical Director
<b>Previously discussed:</b>



**PFDs:**

We have had 3 PFD's since October 2023.

**XXXX XXXX**

This PFD was issued by XXXX XXXX, Assistant Coroner in October following an inquest relating to a patient who was found deceased in the canal after leaving A&E. The inquest revealed that the member of staff from the PLT was a bank worker and did not have access to the records at City Hospital. The hospital records had contained information around the patient reporting to City Hospital staff XXXX wanted to take his own life by slitting his throat. This information had not been verbally handed over to the staff member from PLT by A&E staff. It was also not uploaded to City notes until after PLT had seen the patient. The Coroner felt all PLT staff needed access to City Hospital records, even bank staff. BSMHFT have done a joint response with Sandwell and West Birmingham NHST to the Coroner explaining that we have now arranged for regular bank staff to have access the city notes and explained the arrangement in place for ad hoc agency and bank staff to access the notes when required to ensure all staff have access when necessary.

**XXXX XXXX**

This PFD was issued by XXXX XXXX, Area Coroner in November and was issued due to evidence heard from a GP in this inquest who stated that GP's were not aware that referrals to secondary services may be given to the neighbourhood teams based in the GP practices. The Coroner believed this could result in GP's not being aware that the patients have not received the care they wished them to have. There was no opportunity for BSMHFT to respond to this point in the inquest as there were no senior staff giving evidence as no RCA had been required. A letter was written to the Coroner to explain the extent of communication and work that has gone into the changes in services and provided evidence of this. It also updated the referral form to remove the wording at the top stating that it was a referral to secondary services, as the neighbourhood team are part of this.

**XXXX XXXX**

This PFD was issued by XXXX XXXX, Area Coroner in November. This was the third PFD this year for the same issue and the second this year by the same Coroner for the same issue. XXXX explained in his rationale that XXXX believes by continuing to issue PFD's for this point is the only way to improve this problem. The PFD was issued around lack of beds in the Trust and consequently patients waiting in the community to be admitted. Submissions were made that the Trust is doing all it can to resolve this and to manage patients effectively in the community until a bed can be found and have given extensive evidence in previous PFD responses on how we are doing this. We urged the Coroner to look to other areas to issue the PFD, if XXXX still wished to issue this but he still issued against the Trust. XXXX did also finally issue against

the Secretary of State for Health and the ICB (ICB did a previous joint response on this matter with us). A response has now been drafted updating on the further work the Trust continues to do in respect of the management of beds and urging the Coroners to understand that the Trust is doing all that it can within its power.

**Clinical negligence:**

XXXX Section Redacted as it does not relate to PFD XXXX

**Settled matters since October**

XXXX Section Redacted as it does not relate to PFD XXXX

**MHA/MCA queries of note/trends:**

XXXX Section Redacted as it does not relate to PFD XXXX

**Legislation:**

XXXX Section Redacted as it does not relate to PFD XXXX

**Caselaw:**

XXXX Section Redacted as it does not relate to PFD XXXX

**Points of interest:**

XXXX Section Redacted as it does not relate to PFD XXXX