

**NORTHUMBERLAND, TYNE AND WEAR NHS FOUNDATION TRUST**

**BOARD OF DIRECTORS MEETING**

**Meeting Date :** 27 May 2015

**Title and Author of Paper:** Code of Practice Implementation Progress Report, Andrew Hope, Head of the Mental Health Legislation

**Paper for Debate, Decision or Information:** Information

**Key Points to Note:**

This report was considered at the Mental Health Legislation Committee on Wednesday 20 May 2015.

The Code of Practice (CoP) was revised as it was considered as “confusing, contradictory and did not give useful guidance to support professional practice and delivery of consistently high quality care”.

The new CoP came into force on the 1<sup>st</sup> April 2015 and contains 5 new guiding principles and 40 Chapters. All providers will be given a 6 months bedding in period to ensure compliance and improvements in working practices.

This is a significant piece of work for the organisation and other mental health providers as there are over 53,000 detentions per year which are subject to the Act and the Provisions of the Code of Practice.

The CoP provides statutory guidance to registered medical practitioners, approved clinicians, managers and staff of providers, and approved mental health professionals.

Recent changes within NTW have seen the responsibility for the Mental Health Legislation Department to be aligned to the Executive Director of Nursing and Operations. This will ensure a greater clinical and operational focus.

A Mental Health Act Code of Practice Core Implementation Group has been established with representation from the Legislative Department, Clinical Services supported by expert training and project management.

A High Level Plan and risk register has been developed which will form the basis of regular briefings through to the Group Business Meeting and the Mental Health Legislative Committee.

**Outcome required:** To note

## Mental Health Act Code of Practice Implementation

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### Purpose

To update on the implementation of the Mental Health Act Code of Practice published April 2015 and the forthcoming Reference Guide to the Mental Health Act due to be published in late May 2015.

### Background

The primary objectives of the new Code are to ensure consistently high quality care for patients subject to the Act, enhance equality, and promote recovery and positive health outcomes. Patients, their families and carers, and professionals will have greater awareness and understanding of the Act, its safeguards, their rights and responsibilities and are better able to be involved in decisions about care and treatment and raise concerns if they think the Code is not being properly applied. In particular, the Code supports delivery of a number of key commitments including to promote recovery, reduce the use of restrictive interventions and eliminate discrimination.

The new Code of Practice for the Mental Health Act came into effect in England on 1 April 2015.

The main changes are:

#### 5 new guiding principles

- Least restrictive option for maximising independence
- Empowerment and Involvement
- Respect and Dignity
- Purpose and effectiveness
- Efficiency and equality

Additional chapters on care planning, human rights, equality and health inequalities

Consideration of when to use the Mental Health Act and when to use the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards

New section if things go wrong - provides information on resources when there is poor quality of care or when safeguards of the Act are not applied

New sections on physical health care, blanket restrictions, duties to support patients with dementia and immigration detainees

Significantly updated chapters on the appropriate use of restrictive interventions, particularly seclusion and long-term segregation, police powers and places of safety

Further guidance on how to support children and young people, and those with a learning disability or autism

The changes will have significant impact across all areas of NTW including care delivery, governance and administration and management of the Mental Health Act and the Mental Capacity Act.

The following list is not exhaustive, but is a pre cursor to the work currently being undertaken, to identify all areas that will be impacted by the above changes.

- Mental Health Legislation related policies
- administration processes
- forms and recording of legislation
- training programmes
- RIO
- interface with partner agencies (e.g. Local Authority, CCG, Advocacy, Police)
- integration of changes into practice
- cultural application of legislation
- involvement of patients and carers
- Identification of blanket restrictions
- patient hearings (MHT and Hospital Managers)

The Corporate Decision Team considered a paper "Implementation of the Revised Code of Practice in NTW – February 2015" along with a further paper "Implementation Structure for MHA Code of Practice March 2015"

## Regulatory Guidance

The Government's impact assessment of the revised Code states the following:

### ***Implementation and next steps***

*CQC is currently preparing guidance for its inspection teams on how to monitor and assess against the new requirements in the Code from 1 April 2015. CQC will allow for a 'bedding in' period while providers adjust their systems, update policies and roll out training. This should be completed within 6 months of the new Code coming into force i.e. 1 October 2015.*

This recognises that services will have still been adjusting to the revised Code upon its implementation, and may not have completed training exercises or the revision of their policies by the 1 April. All mental health services are expected to have started the process for such training and policy revision by that date, and be able to demonstrate evidence of this to our inspectors and reviewers. It would be less reasonable to expect complete knowledge of, and compliance with, revised expectations in the Code from the start of April. Inspectors and reviewers undertaking visits over the next few months are expected to provide supportive feedback to services on the implications of the new Code wherever possible.

### **Current Trust Position**

Considerable work has been undertaken by the Mental Health Legislation Department to identify and raise awareness of the new Code from its publication on the 16<sup>th</sup> January 2015.

Significant changes have been agreed and made by the Executive Team to the Governance and management arrangements of Mental Health Legislation.

- Mental Health Legislation responsibility and accountability from the 1<sup>st</sup> May 2015 moves to the Executive Director of Nursing and Operations.
- Group Director of Inpatient Care identified and leading the Implementation of the COP and also managing the Mental Health Legislation Team.
- Mental Health Legislation Department, realigned management reporting on an interim base to Operations from the 1st May 2015.
- Head of Informatics, Information, Records and the MHA post realigned to Mental Health Legislation Department to provide specialist and expert advice on whole time equivalent basis.
- Expressions of interest currently being sought for extra whole time equivalent clinical nurse to support implementation Trust wide.
- Project Manager identified from Transforming Services Office, share point drive set up and now in use to support Trust implementation.

- Code of Practice Implementation Group has been formed, membership and terms of reference agreed, two meetings have taken place with meetings scheduled fortnightly. (see attached TOR)
- Management oversight of the Core Implementation Group undertaken by Group Business Meeting with summary reports on progress taken monthly. Assurance will be formally submitted to the Mental Health Legislation Committee via an agreed project format.
- Code of Practice high level plan completed and agreed. 40 chapters to the Code. Implementation team agrees that it is not straight forward as starting at Chapter 1 and working through the 40 chapters. Priority of work to be identified via risk analysis in line with the Trust risk management policy NTW (0)33.
- A Risk Register for Mental Health Act Code of Practice Implementation Group has been developed
- Training needs analysis completed during April with a new training programme introduced from the 1<sup>st</sup> May:

**Managing Mental Health Legislation** in practice - this will be one day detailed training aimed at staff in the Trust who have specific responsibilities for using the legislation in their day-to-day work e.g. Medical Staff, Nursing Staff; MHL Administration Staff

**Overview of Mental Health Legislation** - This will be three hours training aimed at staff who use the legislation in their day to day work but don't necessarily have specific responsibilities for it e.g. support workers, clinical managers, activity coordinators

**Awareness of Mental Health Legislation**- This will be a one hour session aimed at other staff in the Trust who need to understand what the legislation is and how it generally affects people e.g. general administration staff, domestic staff, reception staff

**Individual designed sessions** for identified groups of staff - These will last for approximately two hours and be designed to meet the needs of groups of staff with individual needs e.g. Responsible Clinicians, Hospital Managers (including Panel Members).

**MHA Code of Practice awareness sessions** - this will be a one hour session specifically looking at the new code, changes and a general overview of the implications to practice, these will be available to all staff in addition to the sessions above and are planned to run March to September.

## **Conclusion**

This paper is for information and to offer assurance to the Mental Health Legislation Committee that the implementation of the CoP is currently on track and running to plan in the bedding in period.

**Next meeting of the Implementation Group is the 4<sup>th</sup> June 2015 and the MHLC will be updated on their actions and progress.**

14<sup>th</sup> May 2015