

Mental Health Legislation Committee Key Issues Report

Board Date		24/09/2026
Date of Committee		06/08/2026
Report of:		Mental Health Legislation Committee
Quoracy met:		Yes
1	Agenda	The Mental Health Legislation Committee continues to meet quarterly. The Committee considered an agenda which is attached: Mental Health Legislation Capacity and Compliance Committee - Betsi Cadwaladr University Health Board
2a	Alert	The Mental Health Legislation Committee wishes to alert members of the Board that: - During the last quarter an unusually high number of discharges (eight in total) were granted by the Mental Health Tribunal (six) and the Associate Hospital Managers (two). This is being reviewed to understand the reason for this increase, any common factors in the circumstances of the discharged patients and any implications for practice within our inpatient wards. - There are increasing concerns regarding the availability of Approved Mental Health Professionals (AMPs) with the delay in securing an AMP a likely contributory factor in a serious incident.
2b	Assurance	The Mental Health Legislation Committee wishes to assure members of the Board that: - There continues to be significant progress in regards to Mental Capacity Act administration (a smaller backlog, increased training compliance and a significantly lower rate of administrative errors) with effective operational arrangements in place. - Additional independent Associate Hospital Managers have been recruited, with a high level of training compliance. - The Independent Mental Health Advocacy (IMHA) Service is functioning well. Ongoing monitoring is in place to ensure services continue to meet statutory requirements.
2c	Advise	The Mental Health Legislation Committee wishes to advise members of the Board that: the recent Supreme Court judgement in respect of the case brought by the Attorney General for Northern Ireland (AGNI) on the applicability of the Deprivation of Liberty Safeguards (DoLS) has significant implications for the administration of the

		regime, likely resulting in fewer patients covered by DoLS but a more complex assessment process. Work is underway to implement the necessary changes, with further updates to be provided to Committee regarding progress. Consideration is being given to wider themes and generic issues arising from findings of the Healthcare Inspectorate Wales (HIW) report focused on the Conwy Learning Disabilities Service, a joint service provided by the Local Authority and the Health Board.
2d	Review of Risks	The Committee agreed with proposed actions to mitigate the risk of discontinuity in meeting our statutory duty to provide an IMHA service due to procurement legislation.
2e	Sharing of learning	The Committee held a good discussion on the question of whether the voluntary admission of patients to inpatient care is a positive (consistent with the principle of least necessary constraint) or an indication of the failure to provide more appropriate and earlier support in the community. The latter is a major focus for the new Mental Health Strategy of the Welsh Government.
3	Actions to be considered by the Quality Safety and Experience Committee	The Committee agreed that an update on the Learning Disabilities services should be received at the Quality, Safety & Experience Committee for system oversight following a recent HIW report.