





FOI212 Response

Question	Supporting information/evidence
<p>1) Name of Trust:</p>	<p>Birmingham and Solihull Mental Health Foundation Trust (BSMHFT)</p>
<p>2) What is your Trusts CQC rating?</p>	<p>Requires Improvement</p>
<p>3) Please complete the embedded document. The majority of information should be easily available through your mental health act/law team and or performance/information as part of your Trust submission to NHS Digital</p>	<div data-bbox="1294 416 1361 475" data-label="Image"> </div> <p data-bbox="1227 480 1435 528">MHA- DoLS Activity Comparison Report.doc</p> <p data-bbox="1227 616 1906 643">Please see attached Spreadsheet and note the following:</p> <ul data-bbox="1227 651 2018 1364" style="list-style-type: none"> - The Trust is unable to provide data for row 11 within the Admissions table, this is because the data is not readily captured in the detail requested. Obtaining the data requires tailored methodology to extract data which the Trust is unable accurately carry out. - Data provided for the Admissions table This includes any time a section changed including changing to/from informal and 17A. - The Trust is unable to provide data for row 66 within the Community Treatment Order table. This is because the data is not readily captured in the detail requested. Obtaining the data requires tailored methodology to extract data which the Trust is unable accurately carry out. - Data provided for the Community Treatment Order (CTO) table Includes all patients where CTO status is active on 31/3 - Data provided for the Community Treatment Order (CTO)

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	<p>table is higher than previous categories combined as it also includes Informal – CTO.</p> <ul style="list-style-type: none"> - Data could not be provided for Detention under the Deprivation of Liberty Safeguards. This is because obtaining the requested data will require a manual search and collation which the Trust is unable to carry out. The Trust therefore rely on the exemption Section 12 of the Freedom of Information Act 2000 to refuse this part of your request. - Tribunals and Hospital Manager Referrals are not mutually exclusive so some hearings will be included in both categories.
<p>4) Are your mental health act offices on hospital sites or do you provide this service centrally/mixture of both? Please specify. If centrally how is work from the sites collated/allocated/copies sent back to the individual hospital site/unit?</p>	<p>The Mental Health Act (MHA) offices are located on Trust site and spread across Trust sites which are,</p> <ul style="list-style-type: none"> • B1- Trust headquarters • Zinnia Centre • Oleaster Centre • Northcroft • Tamarind Centre • Reaside clinic • Mary Seacole House • Ardenleigh
<p>5) Please embed your mental health act/law team structure including direct reports (i.e. team manager up to director level). Please ensure their band and hours worked are specified for each person across each site within the structure/if central please specify this in the structure. Please embed your team and team managers' job description and person specification here – which also shows the banding levels.</p>	<p>The Trust does not have a written MHA Team structure and therefore unable to provide the requested information.</p> <p>However, please find embed job descriptions (JD) of core staff members within the MHA Team.</p> <p>Please note that there is a band 8b post for which the JD is</p>

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	<p>currently undergoing amendments and therefore the Trust is unable to provide this at this time.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  Band 5 - MHLA Review Oct 2019.pdf </div> <div style="text-align: center;">  Mental Health Legislation Assistant </div> <div style="text-align: center;">  Band 7 JD Deputy Mental Health Legisla </div> </div>
<p>6) If not specified in the above – please also include your mental health act governance structure i.e. mental health act team reporting to mental health act committee reporting to a high-level board meeting etc. – also, please specify whether the mental health act teams on hospital sites also hold local mental health act forums or feed into local acute care forums etc.</p> <p>Please include relevant terms of reference for each group and state how often the local forums meet and who chairs these.</p>	<p>The Trust does not have a written structure however, please find below the Mental Health Legislation Sub Committee Terms of Reference (ToR) which outlines the route in which the Mental Health Legislation Committee feeds into Trust Board, frequency of meeting and members of the Committee</p> <p>Please note that there are no local MHA forums.</p> <div style="text-align: center;">  00 Terms of Reference.docx </div>
<p>7) Approx. how many sections (excluding short-term sections) are your team managing in each hospital site at any one time (include both inpatient sections and CTOs)</p>	<p>Please see table below for the number of sections managed by the Mental Health Legislation Team and note the following,</p> <ul style="list-style-type: none"> • The data provided is representative to the time period of 27/11/2020. • Total number of CTO's across the Trust (Approx.); 238.

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	<ul style="list-style-type: none"> Total Number of Sections across the Trust (Approx.); 537. <table border="1" data-bbox="1227 308 1921 783"> <thead> <tr> <th>Areas</th> <th>Number of Sections</th> <th>CTO's</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Oleaster / Barberry</td> <td>69</td> <td>53</td> <td>122</td> </tr> <tr> <td>Mary Seacole/Zinnia/Juniper</td> <td>95</td> <td>85</td> <td>180</td> </tr> <tr> <td>Northcroft</td> <td>143</td> <td>77</td> <td>220</td> </tr> <tr> <td>Reaside & Hillis Lodge</td> <td>102</td> <td>8</td> <td>110</td> </tr> <tr> <td>Tamarind/Ardenleigh</td> <td>128</td> <td>15</td> <td>43</td> </tr> </tbody> </table>	Areas	Number of Sections	CTO's	Total	Oleaster / Barberry	69	53	122	Mary Seacole/Zinnia/Juniper	95	85	180	Northcroft	143	77	220	Reaside & Hillis Lodge	102	8	110	Tamarind/Ardenleigh	128	15	43
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<p>8) Which MHA forms other than the statutory detention papers do you offer admin scrutiny for- does this include s17 leave forms, AWOL forms, treatment forms etc.? Please specify.</p>	<p>Detention forms</p> <p>Treatment forms – only in respect of signatures and dates, not content</p>																								
<p>9) Do you have SLAs around MHA detention/administration with acute general hospitals on site which includes provision of RCs, processing of tribunal and managers hearings etc.? Please embed an example of an SLA (you can remove name of the hospital/trust but please include the charge for the service you provide). Please include training slides where training is part of the SLA agreement too.</p>	<p>The Trust currently has a Mental Health Act Administration contract with Sandwell and West Birmingham NHS Trust.</p> <p>Please note that the Trust is unable to provide the Mental Health Act Administration Contract. This is because the contract holds commercially sensitive information and disclosure of this document would seriously prejudice the interests of the incumbent supplier and any third parties that may wish to bid to supply this service in the future.</p> <p>The Trust therefore reply on the exemption Section 43 of the Freedom of Information Act 2000 to refuse this part of your</p>																								

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	<p>request.</p> <p>Training has been developed however, due to current health crisis and the unprecedented demands on the Trust the training has been postponed. Please note that currently training material cannot be provided as it is not yet available.</p>
10) How many hospital managers do you have?	30
11) How much are they paid – please specify if this is per patient hearing/per session of 2 or more etc.	£55 per session; £35 per training / business meeting
12) Does the chair of the panel get paid slightly more for their role/function – if so – please specify how much	The Chair of the panel is not paid more for their role/function.
<p>13) Who delivers training to your hospital managers (including refresher training)?</p> <p>How often is training delivered?</p> <p>Please embed your training materials here.</p>	<p>Training is delivered by the Head of Mental Health Legislation or appropriate subject matter leads</p> <p>The training frequency is quarterly, however can also be delivered when necessary/ upon request.</p> <p>No training material available as the training is carried out verbally and remotely.</p>
14) What is your hospital manager re-appointment process? Please provide a summary.	<p>Hospital manager re-appointment process is:</p> <ul style="list-style-type: none"> - Advertise locally - Interview - Induction specific to the role and MHA
15) When do you commence your hospital managers’ renewal hearing process – is this upon receipt of the completed Form H5, CTO7 etc. and if this is the case does the hearing take place after the expiry date?	<p>Hospital managers’ renewal hearing process is carried out 2 months prior the expiry date.</p> <p>Hearings take place prior the expiry date and any hearings that take after the expiry date are reported as an exception</p>

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<p>16) How are your managers' hearings taking place during Covid-19 – please specify and include details around whether this is by:</p> <p>A) Video conferencing hearings – please specify which platform you use (i.e. Microsoft Teams – Zoom etc.)</p> <p>B) Audio conferencing hearings – please specify which platform you use.</p> <p>C) Please state how you process claims for telephone conferencing – i.e. additional fixed fee / or upon receiving copy of itemised bill – if your telephone conferencing platform is free – please specify which platform this is</p>	<p>Currently managers hearing is taking place virtually via Microsoft (MS)Teams.</p> <p>Claims are processed in the same manner as face-to-face hearings, with the exception of travel expenses as hearings are carried out remotely.</p>
<p>D) Technology used by managers – please state what this is (i.e. mobile phones/tablets/laptops etc.) and whether it is the managers own or provided by your Trust</p>	<p>Technology that is used by Managers are Trust devices.</p>
<p>E) Was any training provided to your managers in terms of using new technology and how was this delivered to them – please specify</p>	<p>Formal training was not provided however, general guidance was issued to Trust staff which addressed any issues/ queries.</p> <p>In addition to this Staff members are able to obtain assistance from the Trust's ICT Team in the occurrence of any technical issue.</p>
<p>F) Are you still undertaking full hearings (including professionals/patients/relatives/legal representatives/IMHAs etc.) or hearings on paper? Mixture of both? Please specify.</p>	<p>The Trust is currently undertaking full hearings and has done so throughout the pandemic</p>
<p>G) Are you still holding hospital managers hearings for all:</p> <p>Appeals</p> <p>Barring Orders</p> <p>Renewals</p>	<p>The Trust is currently holding managers hearing for all Appeals, Barring Orders and Renewals.</p>

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<p>H) Hearing on papers (if so – how do you ensure the patient/nearest relatives views are captured and are they are given an opportunity to speak with the panel should they wish to) please specify.</p>	<p>Not applicable as hearings are carried out remotely.</p>
<p>I) How do you exchange/send receive the medical, nursing and social circumstances reports and completed managers decisions i.e. via nhs.net/postal service – mixture of both etc. please specify</p>	<p>Trust documentation is exchanged/sent via secure Nhs.net accounts</p>
<p>17) What patient electronic system do you use to record sections i.e. Rio/Paris – please specify</p>	<p>Currently the Trust is using Rio</p>
<p>18) Are your mental health act office staff able to scan and upload all mental health act/law related papers and associated administration (letters/notifications/reminders) into your patient electronic system (therefore offices being paperless) or are these held in patient files in your office/ward as hard copies – please specify</p>	<p>The Trust's MHA Office / Team are able to scan and upload all mental health act related documentation into Rio.</p> <p>Please note that the Trust is also piloting an Electronic Document and Records Management System (EDRMS).</p> <p>EDRMS is a high-tech management system that enables the Trust to scan paper notes, both clinical and corporate, then storing the digitized notes within a sophisticated management system that will allow them to be available on screen, when and where they are needed.</p> <p>Please note that the Trust is not completely paperless, and work is ongoing to achieve this goal.</p>
<p>19) Are any of your MHA statutory forms and local recording forms built into your EPR for completion? If so, please specify which forms.</p>	<p>The following forms are built into Rio,</p> <ul style="list-style-type: none"> - T2 - s17 - s62 - All MCA
<p>20) Do you accept transfers under s19 of the Act on full set of copies with originals to follow?</p>	<p>Yes, transfers under S19 of the Act are accepted so long as the full set of copies with originals follow.</p>

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<p>21) How do you and who delivers training to your frontline staff around receipt and scrutiny of MHA detention documentation – please specify method of training – please embed your training materials here:</p>	<p>Mental Health Legislation Act training is delivered locally.</p> <p>Please note that training materials cannot be provided as they are not readily available within our system and are held in paper format. Obtaining the materials will require a manual search and collation which the Trust cannot carry out during these unprecedented times. With this in mind a Section 12 exemption has been applied as the Trust is unable to obtain the requested data.</p>
<p>22) How do you and who delivers your training around MHA/MCA/DoLS etc. How often is this training delivered? If training is delivered via e-learning – what system/package do you use Please embed your training materials here:</p>	<p>MHA/MCA/DoLS training is deployed via e-learning</p> <p>The training must be completed every 3 years.</p>
<p>23) Please attach your mental health act team’s business continuity plan in the event your staff cannot work from the office/on site</p>	<p>Not applicable- Currently the Mental Health Legislation (MHL)Team cannot carry out their roles offsite or remotely as there are statutory responsibilities which are required to be carried out onsite.</p> <p>However, this may change in the future with the new regulations introducing electronic section papers, at present this has not been established.</p> <p>Please note that all staff members within the MHL Team have been on site throughout the pandemic and continue to do so.</p> <p>Furthermore, staff members have access to Microsoft Teams to carry out parts of their role which means they don’t have to leave</p>

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	<p>their office during the day, and no-one enters other than those working in it.</p>
<p>24) Who chairs your mental health act committee/scrutiny group? How often do these meetings take place? Please embed your terms of reference.</p>	<p>A Non-Executive Director (NED) chairs the Trust's Mental Health Legislation Committee.</p> <p>The meetings take place on a quarterly basis, for details of the Terms of Reference please refer to question 6.</p>
<p>25) Who chairs your hospital managers committee? How often do these take place? Please embed your terms of reference</p>	<p>The Trust does not have a Hospital Managers Committee, rather a Hospital Managers Meeting which is chaired by the Senior Lay Manager.</p> <p>The meeting is carried out on a quarterly basis and does have an established Terms of Reference as this is not a committee.</p>
<p>26) Please embed a copy of your Trust MCA, Best Interest, Advance Decision template here</p>	<p>The Trust is unable to embed a copy of the Trust's MCA and advance decision as the forms are inbuilt into our Patient administration system, Rio.</p> <p>However, the Trust can provide a template of the Best Interest checklist. Please see below for the embedded document.</p> <div data-bbox="1294 995 1361 1054" data-label="Image"> </div> <p>05 Best interest checklist.docx</p>
<p>27) Who manages applications for DoLS/start date/expiry dates/notification to CQC etc. Please specify</p>	<p>The management of DoLS is carried out by the MHA office / Ward Manager.</p>
<p>28) Who will be responsible for management/application/monitoring/scrutiny of the new LPS system? Please specify – i.e. sit with the Safeguarding team etc.</p>	<p>The Trust MHL Team</p>
<p>29) Who is responsible for reviewing requests for reports under s49 of the</p>	<p>The Trust's Chief Mental Health Legislation Officer reviews</p>

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<p>MCA within your Trust? How many requests have you received over the last two years to date? How many have you completed? How many have you refused to accommodate and on what basis?</p>	<p>requests and decides whether we shall provide a report.</p> <p>A total of 22 requests were received from 01/12/2018 – 01/12/2020</p> <p>All requests are reviewed and currently there are 4 requests that the Trust are awaiting further information.</p> <p>The Trust has refused 9 on the basis that we are not the appropriate body, or the individual was not known to our services.</p>