National Webinar: Applying the Mental Health Act during the COVID-19 Pandemic | video MHA assessments

Wednesday 27 May 2020

11:30 - 12:30

NHS England and NHS Improvement

Welcome & Introductions

Mark Trewin, Mental Health Social Work Lead, DHSC

Agenda

11:30 -		**Mark Trewin**: Mental Health Social Work Lead, DHSC
11:35 - 11:45	Application of video assessments to the Mental Health Act: Key messages from the Guidance	**Ruth Davies**-

The team today

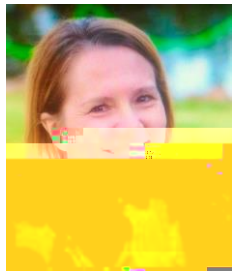
Chair

MARK TREWIN
DHSC

Speakers and Panel Guests

ANDY BRAMMER
AMHP, WAKEFIELD

BECKY GATE
NHSE/I



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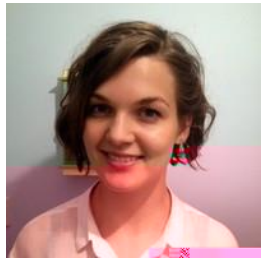
SLaM



HANNAH COAKER
DHSC

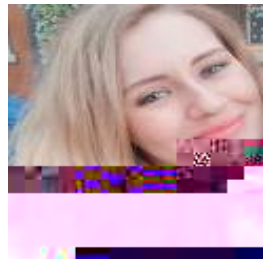
MARK TREWIN
DHSC

MATTHEW LEES
DHSC

RUTH DAVIES
NHSE/I

Technical support/chat box facilitator

NATALIE
SCARIMBOLO
SKILLS FOR
CARE



JOSIE WELLER
NHSE/I

Key messages from the guidance

Ruth Davies, Programme Manager, Adult Acute Care Mental Health, NHSE/I
Becky Gate, Senior Project Manager, Digital Mental Health, NHSE/I

V.2 of the Legal guidance background and aims

Legal guidance has been developed to support continued safe use of the MHA in the face of challenges posed by COVID 19, so that people can access the care they need whilst having their rights upheld

The challenges resulting from the pandemic include:

- Resource shortages across health and social care
- Social distancing, PPE and other measures intended to reduce infection
- Legal complexity regarding use of the Act for ensuring compliance with infection control measures

These pose legal and operational challenges to assess, detain and treat people in a safe and timely way, whilst maintaining the safeguards set out in the Act and code of practice

The guidance aims to mitigate these challenges by providing advice for Mental Health, Learning Disability and Autism, and specialised commissioning services on applying the MHA during the COVID-

Digital technology can play an enabling role in the MHA

Long Term Plan recognises digital technology as a key component of service transformation

Viewed as an essential component (and recommendation) of a modern MHA by the Independent Review. Opportunities accelerated by current challenge of the COVID-19 pandemic

A

We're supporting

CareQuality
Commission

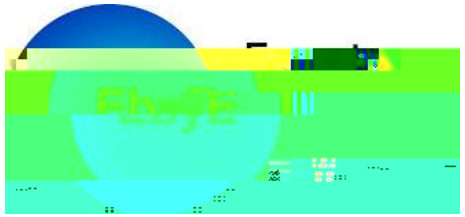
#AMHP17
Pride In Practice

NHS

PSYCH

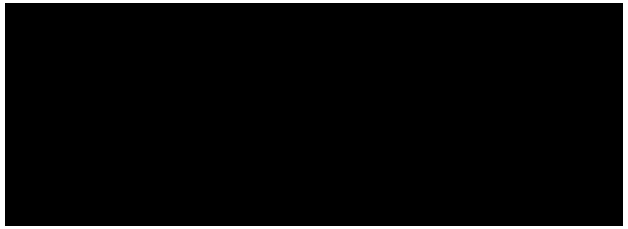
AUTISM

NHS



Department
of Health &

NHS England and NHS



CCIO
Network

Rethink
Mental
Illness.

Processes should be in place to ensure focus on service user needs, support for staff, and accountability for the system:

Wherever possible make a joint decision and an agreement on the use of video assessments,

Staff should be confident of their competence, training (and support) to facilitate a video assessment that meets the MHA requirements. This includes awareness of any biases

Staff should ensure:

the person is not adversely impacted by the use of video assessments

there is adequate visual and audio access

In order for a video assessment to be considered, there must be robust digital technology in place and a suitable environment that can enable a high-quality personal assessment to be conducted.

To ensure this, the following minimum standards should be met:

1) body language and facial expressions of the person being assessed, and staff should be accurately observed

2) a consistent connection must be maintained that allows uninterrupted video and audio streams. To ensure this, technology and equipment should be tested in advance of the assessment starting, for example by checking the broadband speed or by streaming a short video

3)

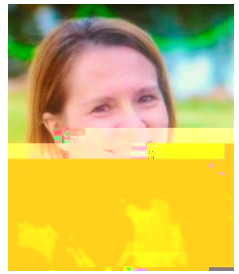
A checklist has been developed to support assessors in ensuring minimum standards and safeguards

New way of working

Vital that it is safe, consistent and well-governed

Principles outlined in the MHA Code of Practice should remain foremost

Steering Group developed a checklist to support decisions this will be included in the published guidance

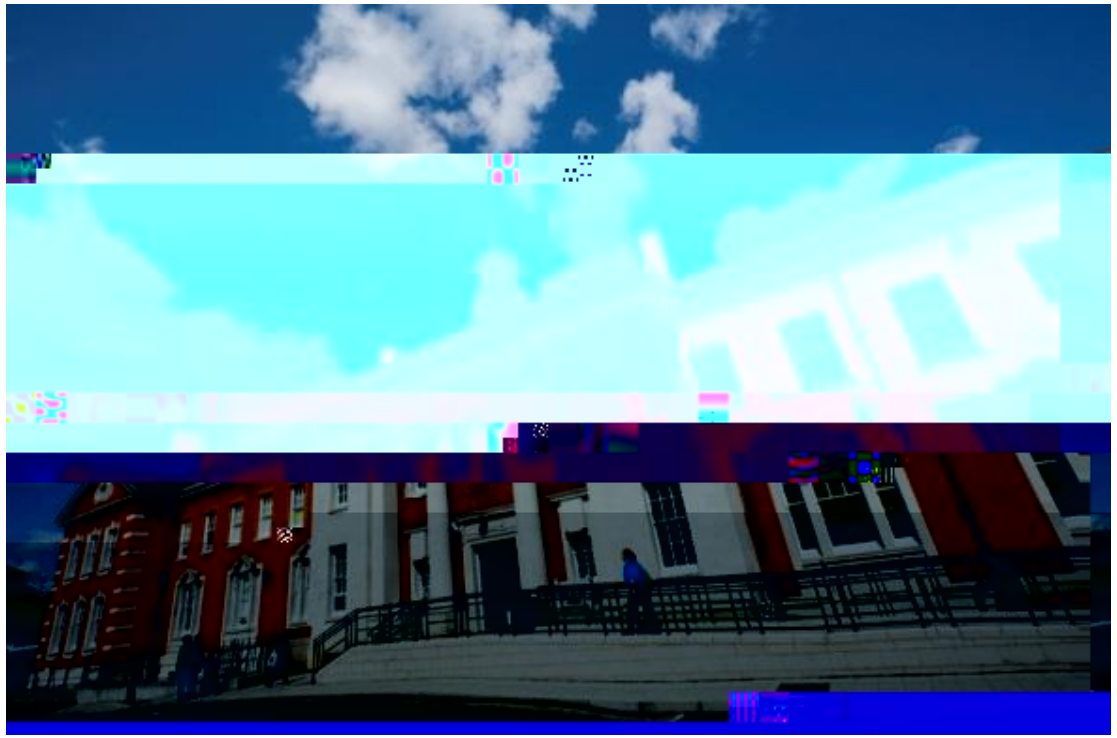


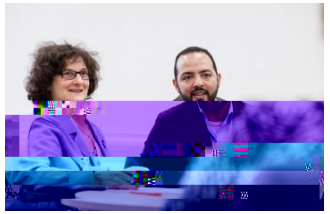
Lessons learnt

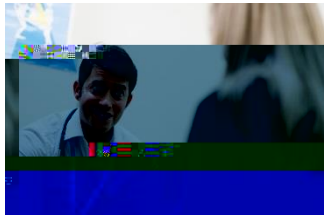
Carla Fourie, South London and Maudsley NHS Trust (SLaM), Director of Social Care

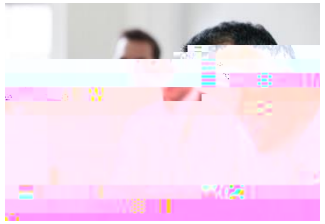
Applying the Mental Health Act during Covid-19

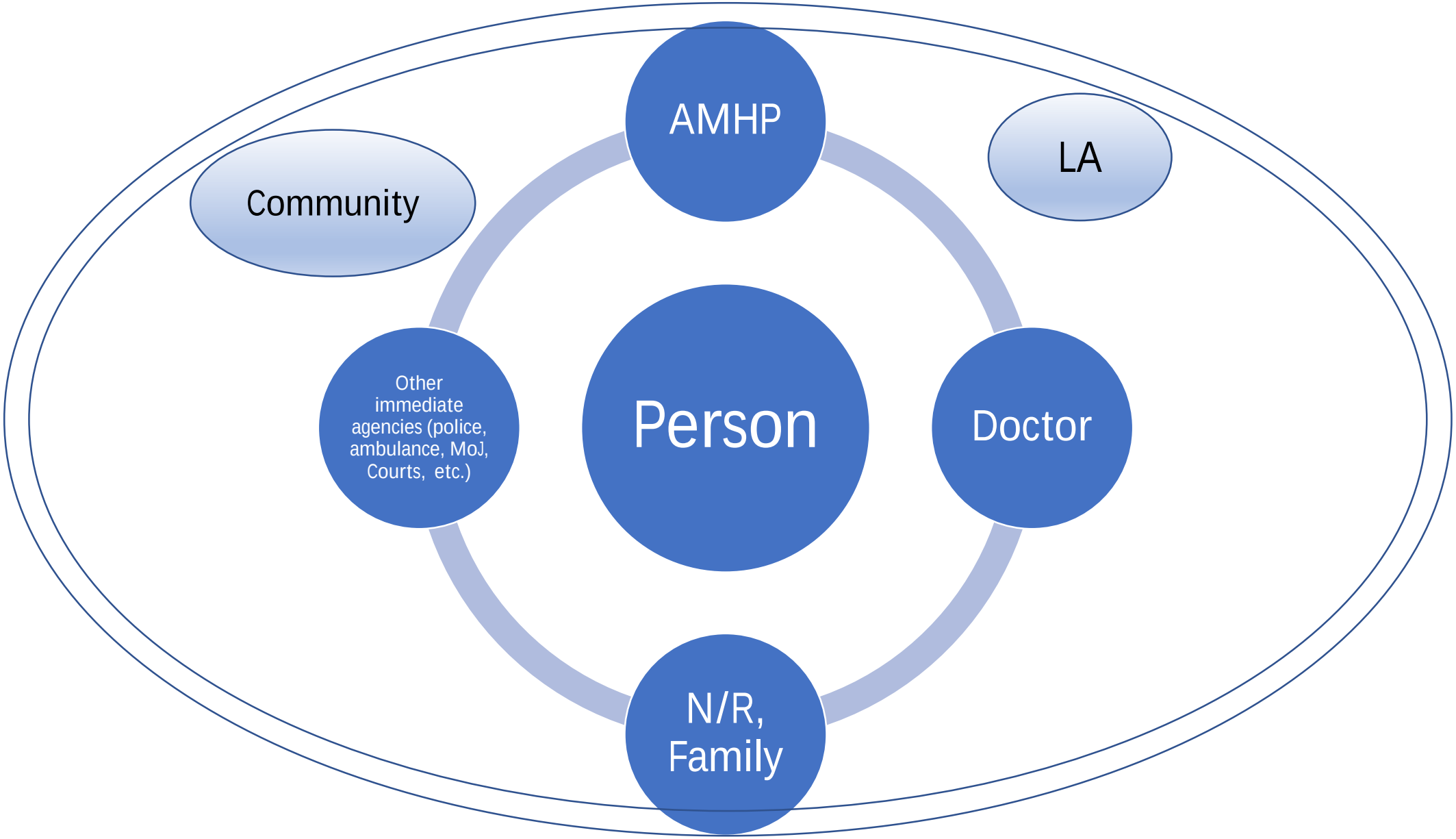
Carla Fourie, Director of Social Care










AMHP
LA
Community
Other immediate agencies (police, ambulance, MoJ, Courts, etc.)
Person
Doctor
N/R, Family

Partner response:
Mental Health Law and Covid-19

SLAM's Mental Health Law Committee

CV-19 Mental Health Law Sub-Committee (Clinical Lead - Director of Social Care)

SLAM MH Law office

CV-19 Clinical Ethics Committee

SLAM Quality Centre Covid-19 Learning Workstreams

Partner discussions, forums, MoU

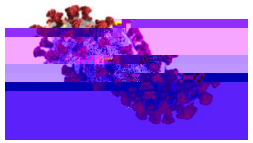
Directors of Adult Social Care

Local Authority Mental Health Managers

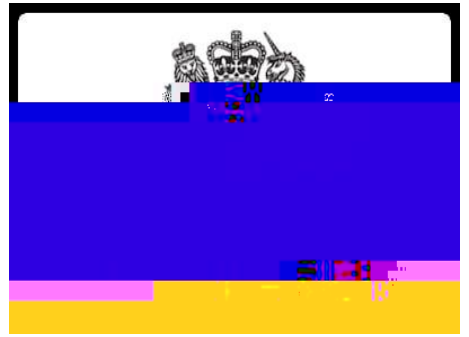
AMHP Managers/ Leads

Partnership forums

Agency Interdependence – CV19



Legal and other Frameworks



Mental Health Act **(S11(5), S12(1), S13(2), Code of Practice**)
Human Rights Act, MCA

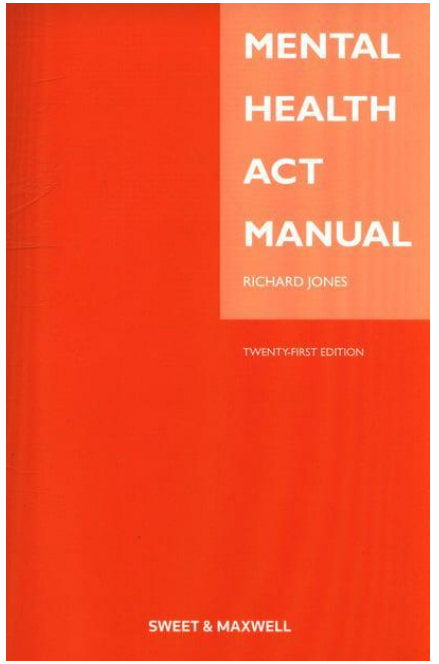
Emergency (and temporary) Coronavirus Act provisions

Legal Advice Trust and Local Authority (x4)

Other guidance e.g. Essex Chambers, NHSX, BASW

Social Work England / Professional Standards

Accessible Information Standard

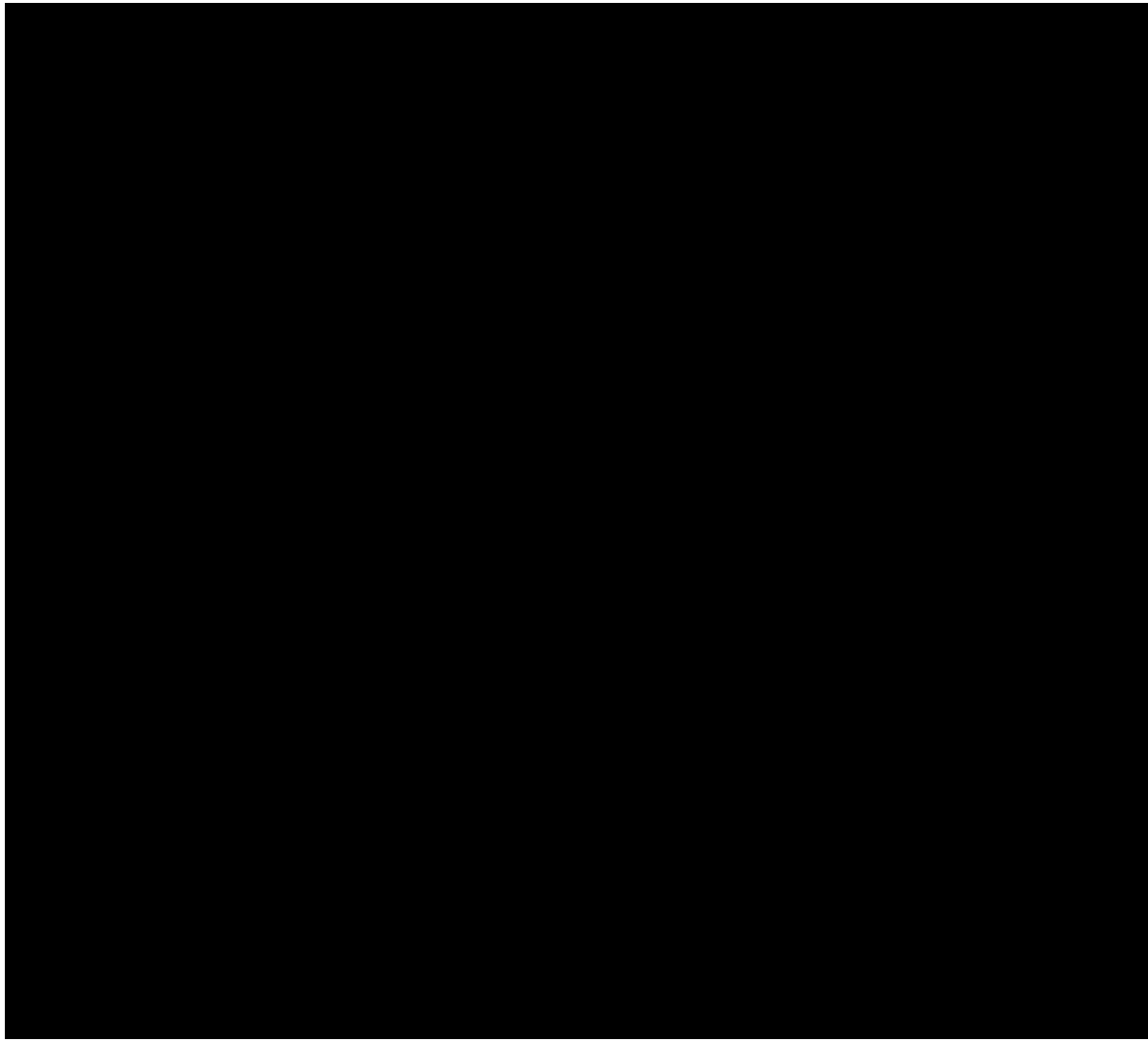


Principles and Ethical Considerations

Overarching principles in the MHA Code of Practice

AMHPs have a key responsibility to ensure that people's human rights are upheld and that the guiding principles of the MHA, as laid out in its Code of Practice (2015), are followed.

In R (Munjaz) v. Mersey Care NHS Trust [2005] UKHL 58 the House of Lords decided that the code cannot be departed from unless there **are cogent reasons to do so**. The current unprecedented public health crisis could be considered as a cogent reason for departing from the code in exceptional circumstances where agreed that virtual assessments are the safer option for all involved



Joint development of Guidance for AMHPs, and for Medical Recommendations

Significant harm through transmission (reduced footfall to wards & care homes, CV-

Challenges and Safeguards

Infection Control considerations government guidance and own personal experiences

Quality of Technology and interoperability issues

- highlights importance of person-centred assessments

Environment different settings/scenarios. Is one more optimal for virtual assessments than the other?

Disputes between AMHPs and Doctors about when virtual assessments are appropriate

Different groups of people with more complex presentations/ needs (learning disabilities, children, autism, hearing impairments)

Quality how do we monitor, how do we learn?

Digitisation of Documentation – clear processes must be developed

Practicalities, practicalities!!

Service user and carer perspectives views

Overall supportive of virtual option for assessments where you can *‘see the other person*

Noting virtual consultations routine elsewhere such as in primary care and in courts.

Service user A: Noted her own personal fear of an assessment surrounded by staff in full PPE: *"Have you seen full PPE? Imagine being unwell and questioned by that".*

Carers: Offering video consultation to carers prior to assessment to support the process of ascertaining their views

Professionals Views

AMHPs

Debates on Human Rights, Mental Health Act, Infection fears, PPE, Technology, digitalisation of forms

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Yes **Not optimum** **Never**

Section 12 doctors as above but more open to virtual assessments.

IMHA

Patients are becoming more used to virtual meetings, and it may be more disturbing to some people to see doctors in full PPE, rather than via video looking "normal".

If a patient refused to engage with a virtual assessment, stating they would prefer face to face assessment, even if in full PPE, would they have that option?".

Monitoring

Local Authorities collate daily/weekly AMHP sitReps

AMHP data sharing and monitoring across the system through centralised spreadsheet:

- Covid-19 impact on AMHP availability
- Delays (AMHP, S12 doctors, conveyance, Beds)
- **Virtual assessments**
- Lessons learnt

Over representation of certain groups (e.g. BAME)

Escalation processes need to be clear

Continuous Learning and Quality Improvement

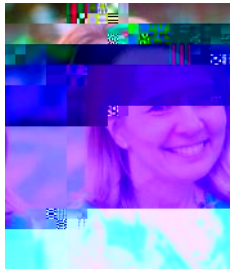
Quality Centre manages a programme of Covid-19 learning

Several workstreams with 3 month learning cycles

Panel Guests

ANDY BRAMMER
AMHP, WAKEFIELD

BECKY GATE
NHSE/I



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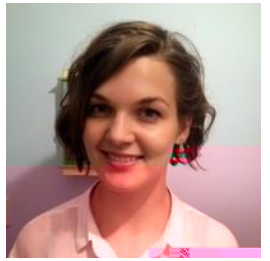

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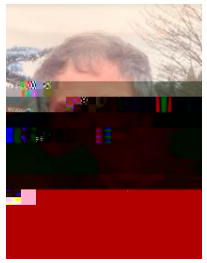

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AOB & close

Mark Trewin, Mental Health Social Work Lead, DHSC