

Freedom of Information Request

Reference Number: EPUT.FOI.20.1749
Date Received: 17th November 2020

Information Requested:

1. Name of Trust
2. What is your Trusts CQC rating?
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
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?
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.
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. Please include relevant terms of reference for each group and state how often the local forums meet and who chairs these
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)
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
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.
10. How many hospital managers do you have?

11. How much are they paid – please specify if this is per patient hearing/per session of 2 or more etc.
12. Does the chair of the panel get paid slightly more for their role/function – if so – please specify how much
13. Who delivers training to your hospital managers (including refresher training)? How often is training delivered? Please embed your training materials here.
14. What is your hospital manager re-appointment process? Please provide a summary
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?
16. How are your managers’ hearings taking place during Covid-19 – please specify and include details around whether this is by:
 - a. Video conferencing hearings – please specify which platform you use (i.e. Microsoft Teams – Zoom etc.)
 - b. Audio conferencing hearings – please specify which platform you use.
 - 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
 - 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
 - e. Was any training provided to your managers in terms of using new technology and how was this delivered to them – please specify
 - f. Are you still undertaking full hearings (including professionals/patients/relatives/legal representatives/IMHAs etc.) or hearings on paper? Mixture of both? Please specify.
 - g. Are you still holding hospital managers hearings for all:
 - i. Appeals
 - ii. Barring Orders
 - iii. Renewals
 - 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
 - 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
17. What patient electronic system do you use to record sections i.e. Rio/Paris – please specify
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

19. Are any of your MHA statutory forms and local recording forms built into your EPR for completion? If so, please specify which forms
 20. Do you accept transfers under s19 of the Act on full set of copies with originals to follow?
 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:
 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:
 23. Please attach your mental health act teams business continuity plan in the event your staff cannot work from the office/on site
 24. Who chairs your mental health act committee/scrutiny group?
How often do these meetings take place?
Please embed your terms of reference
 25. Who chairs your hospital managers committee?
How often do these take place?
Please embed your terms of reference
 26. Please embed a copy of your Trust MCA, Best Interest, Advance Decision template here
 27. Who manages applications for DoLS/start date/expiry dates/notification to CQC etc.
Please specify
 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.
 29. Who is responsible for reviewing requests for reports under s49 of the MCA within your Trust?
 - a. How many requests have you received over the last two years to date?
 - b. How many have you completed?
 - c. How many have you refused to accommodate and on what basis?
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Response:

The Trust is unable to provide this information as it is not readily available. To collate this information would require a manual trawl of all records that would exceed the time and cost limits as set out in the Act. The Trust is therefore applying Section 12 of the Act (where cost of compliance exceeds appropriate limit)

Applied Exemptions

Section 12 (Exemption where cost of compliance exceeds appropriate limit)

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
 - (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT’s Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>