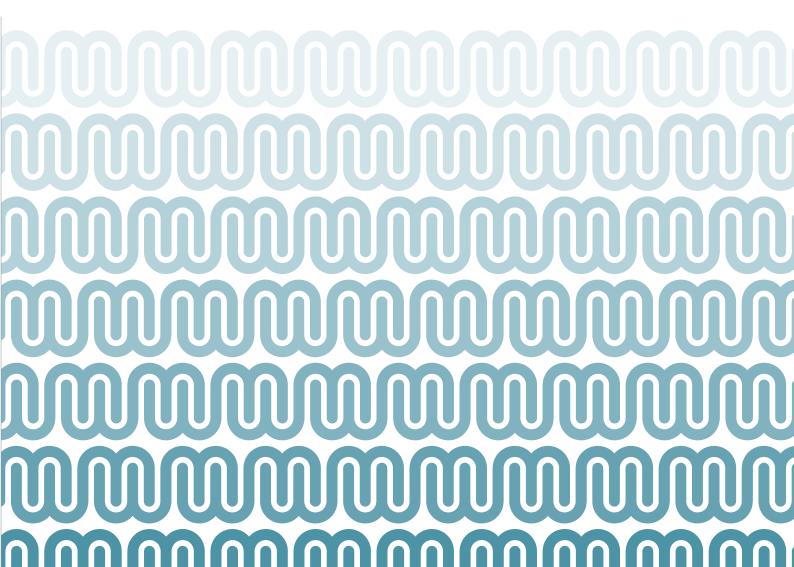


# Business plan review 2020-21

Corporate document

July 2021





### **Business Plan Review 2020/21 Performance against Key Targets**

The Commission had five key performance indicators (KPIs) outlined in its initial Business Plan for 2020/21. A revised business plan was discussed and agreed at the Board meeting in June 2020.

Our activity most affected by the pandemic was visits to individuals. Whilst we retained the right to visit any individual if we had concerns about their care and treatment, we did not do any face to face visits during the first lockdown April – July 2020 and the level 4 restriction period from January to March 2021. We did set ourselves up with the technology to do remote visits which we trialled during the year.

Performance against each of the original KPIs is noted below and an outline of other key work undertaken when visits were not possible.

- To visit a minimum of 1,350 individuals during 2020-21

  We did 10 local visits and five guardianship visits during the year. From these visits we reviewed the care and treatment of 73 individuals. We met with seven carers or relatives during these visits.
- To ensure that at least 25% visits to individuals in local services are in the unannounced format Given the need to plan and risk assess all visits it was not appropriate to do unannounced visits over the last year. We think that this position will remain for some time to come and have not included it as a KPI for 2021/22.
- To produce AWI biennial monitoring report by 30 September 2020

  Report published on 30 September 2020
- To maintain an accuracy rate of at least 97.5% in random samples of telephone advice given During the year there were 3,372 (2019-20 4,230) calls allocated to duty practitioners as "requests for advice". When we audited calls this year, we found that around 10% (2019-20 9%) of these resulted in information being recorded but no advice being requested or given. We therefore estimate the approximate number of calls requesting advice at around 3,029 (2019-20 3,848).

We audited 187 calls, which is 6% of the total "requests for advice" allocated to duty practitioners. We gave advice in 168 of these calls.

Number of audited calls where advice given	168
Number of calls where advice accurate	153
Number of calls in which we could have added to the advice given	11 (6.5%)
Inaccurate items of advice	4 (2%)
% accuracy	98%
Target for accuracy	97.5%

We have therefore performed better than our target of 97.5%.

We will follow-up all our recommendations to services arising out of local visits and achieve satisfactory responses in no less than 95% of cases within the agreed timescale. We will publicly report upon this.

Our local visits to individuals allow us to make specific recommendations to services. We made 104 recommendations following 41 local visits conducted between 1 January 2020 and 31 December 2020. Note, this is not the same as the number of visits reported during the year 1 April 2020 to 31 March 2021, as we allow three months for a response to recommendations from services. We made no recommendations in five of our visits to services.

- a) We were satisfied that services had responded to 81 (78%) of recommendations.
- b) We have not yet received responses to 28 (27%) recommendations. of these recommendations 10 (36%) have a response date of 12 May 2021, or beyond, and reminders have been sent of the upcoming deadline. For the 18 recommendations (17%) that have passed the response deadline, we have been in contact with the service manager to request this information and we will take further action in 2021/22.
- c) We have therefore ensured that we followed up all recommendations due to services and we received satisfactory responses to 73%. This is significantly below our performance indicator of 95% due to the fact that we experienced some problems in getting responses from some services during the Covid-19 lockdown period. These have been chased up.

In previous years we published a report on the outcomes from all of our local visits. It was agreed in June 2020 that this was not a priority for the organisation.

#### Other Key Priorities during the Year

Our first priority was to keep the organisation running and through implementing our business continuity plans were able to facilitate all staff working from home and to continue our focus of promoting the rights and welfare of vulnerable individuals.

As part of the revised business planning in June 2020 and ongoing throughout the year we adapted our priorities to suit the ongoing pandemic conditions. In most other years a large part of our

resource is committed to visiting individuals and as this was restricted for most of the year we prioritised other work:

- We provided advice to Scottish Government and other stakeholders on the implications of emergency legislation and other issues arising from the pandemic on restrictions and safeguards for vulnerable people subject to mental health and incapacity legislation.
- We updated 13 good practice guides and 15 advice notes and produced the Covid 19 advice note (24 editions).
- We planned for two webinars based on much of the information in the advice notes, these were delivered in April reaching 367 participants across Scotland.
- We started a project to look at the experience, barriers and problems that people from an ethnic minority with lived experience of mental illness, and their carers, experience in accessing and receiving support from mental health services. This will report in September 2020.
- We completed a review of 457 moves of people from hospital to care homes during the initial period of the pandemic. Our authority to discharge report was published in May 2021.

A detailed report on our key objectives is outlined in appendix 1.

## Appendix 1 Business Objectives 2020-21 End year Report May 2021

These are the amended business objectives for 2020/21 agreed at the Board in June 2020.

Green - work will be completed by March 2021

Amber - risk that work will not be completed by March 2021

Red - work will not be completed by March 2021

#### Strategic priority 1: to challenge and to promote change

Activity	Development need	Responsible	Timescale	Progress	Status	
Influencing and	Promote development of human rights based MH and incapacity law and practice by leading	Exec Dir (Medical)	Ongoing	Response to initial consultation completed in May 2020.		
empowering	MWC input to review of Mental Health Act			Currently giving evidence to review on young people and MHA and participated in evidence session on 25 September		
				Involved in capacity and SIDMA subgroup of the review. Produced detailed analysis of SIDMA test for the review		
		N N	Developed a video with Edinburgh Napier on the different formulations of capacity across the world for the review			
				Given evidence to the compulsion subgroup on length of detentions		
					Given evidence to the economic, social and cultural rights subgroup	
			Governance structure set up internally to ensure focus given to review and MWC views discussed and fed in to the review			

Activity	Development need	Responsible	Timescale	Progress	Status
	Develop a system of review for deaths in detention that is agreed with stakeholders and present costed business case to Scottish Government	Exec Dir (Nursing)	June 2021	The project has completed a lot of research and background work but consultations with stakeholders (both individuals and services) delayed due to pandemic. Business case presented to SG in January, funding for one year to March 22 given to complete the project. Recruitment to project in March Exec Dir (Nursing) now executive lead and carry forward to 21/22	
Monitoring the law	Publish information on the use of advance statements, as part of monitoring the MHA	Exec Dir (Medical)	October 2020	Report approved at December Board and to be published in February	
New objective added October 20	To produce a report on the use of emergency and short term detention orders under MHA from March to August 2020	Exec Dir (Medical)	November 2020	Published in December	
	To develop a programme of more in depth analysis on the use of the mental health act:	Exec Dir (Medical)			
	<ul> <li>Analysis of rise in use of detention for young people</li> </ul>		August 2020	Published in October	
	<ul> <li>Analysis of MHO consent in EDCs for young people</li> </ul>			This has been addressed in the report above	
	Revocation period for STDC		August 2020	Work with Edinburgh Uni statistics department has commenced again (stopped due to illness)	
	Developing a monitoring and research strategy	Executive Director (Medical)	March 2021	Work has started with a staff consultation group at end of June and work being done on a first draft for discussion. Key elements of document incorporated into 21/22 business plan	

Activity	Development need	Responsible	Timescale	Progress	Status
Visiting individuals	Produce two national reports on visits to individuals in services across Scotland providing similar care and treatment (from visits in 2010 (20))	Exec Dir			
	visits in 2019/20) <ul><li>to individuals in older people wards</li><li>to individuals with eating disorders</li></ul>	Nursing Exec Dir Nursing	April 2020 June 2020	Completed Completed	
Information and advice	We will review and revise the following good practice guides:	Overall: ED (E&P)	ounc 2020	Completed	
	Right to treat	Exec Dir (Medical)	March 2021	This has been delayed Carried forward to 21/22	
	Rights, risks & limits to freedom	ED (E&P)	October 2020	Guide has been updated and legal parts reviewed, published in March 2021	
New objective added May 2020	A review of all of our older good practice guides and advice notes is being undertaken due to the lockdown hiatus in visiting. Progress to date is outlined in appendix 1	Exec Director (E&P)	Ongoing	See appendix 2 for progress report	
	Tenancy good practice guide (new guide)		March 21	This has been delayed due to other work priorities. Carry forward to 2021/22	
	To produce a flowchart on the medical management patients lacking capacity	Exec Director (Medical)	July 2020, revised to November 2020	These good practice flowcharts were suggested by a service following a low level investigation by us	
	To produce a flowchart on adult support and protection responsibilities in relation to medical management and risk	Exec Director (Medical)	July 2020, revised to November 2020	Initial work on flowchart started but still some medical work to do and then input on ASP. Change of executive lead has delayed process  Carry forward to 21/22	

Activity	Development need	Responsible	Timescale	Progress	Status
New objective added September 2020	To provide up to date guidance on appropriate legal process of moving people without capacity to care home (update 13za)	Exec Dir (Social Work)	June 2020	Initially on hold as was not appropriate in early stage of pandemic, now new project below	
		Chief Executive	January 2021	There is ongoing concerns about people being moved without appropriate legal authority during the pandemic. A position statement was produced in October 2020 and project set up to analyse a sample of care home moves. This project was a priority and additional staff recruited. Report approved at April Board and published in May	
New objective added May 2020	Coronavirus advice notes	Exec Dir (E&P)	Ongoing	Version 22 published 29 January	

#### Strategic Priority 2: Focus on the most vulnerable

Activity	Development need	Responsible	Timescale	Progress	Status
Visiting individuals	To undertake visits to individuals for the following themed visits  to individuals with a dual diagnosis of mental illness and substance misuse	Exec Dir Medical	March2021	Carried forward to 21/22. Lead transferred to Exec Dir (Nursing)	
	to individuals in prisons	Exec Dir (E&P)	January 2021	Planning work been completed, carried forward to 21/22. Lead transferred to Exec Dir (SW)	
New objective added May 2020	To review how we might do all of our visits for the rest of the year in the new socially distanced environment. Progressing discussions about use of Near me technology. Initial review team set up	Exec Dir (practitioners)	May 20 for initial review	10 local visit reports published to end January 21 reviewing care and treatment of 73 individuals Level 4 restrictions curtailed face to face visits although retain right to visit if concerned about an individual's care and treatment. Some remote visits were completed	
	To consult with individuals and/or carers prior to each of the themed visits	Exec Dir lead as above		Themed visits carried forward to next business year	
	To implement an improvement project to focus on a specific group, likely to be people with ARBD, of people on guardianship. This will be a subset of the 350 guardianship visits	Chief Executive	To start in April 2020	The ARBD review was part of the overall review of guardianships to include outcomes. A revised visit form has been developed with ARBD supplementary questions. SOPs updated for remote visiting and training on Near me. Visits started in February and report scheduled for September 21	

Activity	Development need	Responsible	Timescale	Progress	Status
Monitoring and law	To implement the actions outlined in the corporate parent plan	Exec Dir (practitioners)	March 2021	The Children's Right Report was approved by Board in February and published in April	
				A revised corporate parent plan will go to Board in April	
	To publish report on admissions to perinatal units	Exec Dir (Medical)	June 2020	A report was discussed at the OMG in August, some follow up work being completed. Information will be published on the website but not a report	
Investigations and casework	To undertake a themed investigation of individuals in prison and pathways of mental health care	Interim Exec Dir (practitioners)	January 2021	The draft report scheduled in November was delayed will be presented to Board in May 2021 and published in July 2021	
	To continue to work with Scottish Government on review of homicides by people in touch with mental health services	Executive Director (Nursing)	Ongoing	This work is being undertaken by the project team also working on deaths in detention work. Meetings with COPFS held with limited progress made. Consultation with stakeholders delayed due to pandemic. Funding secured to complete project by March 22	
New objective added June 2020	To undertake a themed project into ethnicity issues within the Scottish Mental Health Sector, - involving consultation with individuals and professionals and looking at what data we have or could collect	Executive Director (Medical)	December 2020, revised to April 21, now Sept 21	Project is progressing across all its workstreams. Consultations completed and semi structured interview format designed and questionnaires for services. Report scheduled for August Board	

#### Strategic Priority 3: Increase our impact (in the work that we do)

Activity	Development need	Responsible	Timescale	Progress	Status
Visiting individuals	Produce overview report of local visits for 2019/20	Exec Dir Nursing	August 2020	It was agreed that this is not a priority and will not be produced this year.	Removed
	To follow up recommendations from previous themed visits –		Closure reports to Board by:		
	Individuals with borderline personality disorder	Exec Dir (N)	June 2020	Presented to June Board	
	<ul> <li>Individuals in rehabilitation psychiatric wards</li> </ul>	Exec Dir (SW)	February 2021	Recommendations currently under review	
	Individuals with ASD	Exec Dir (Med)	October 2020, revised to April 21	Services did not respond to follow up during pandemic, now being chased and scheduled June 2021 Board	
	Individuals in older people wards	Exec Dir (N)	March 2021	Services did not respond, now scheduled for October Board	
Monitoring and law	To follow up recommendations from previous investigations  Ms ST	Exec Dir (E&P)	October 2020	Approved by OMG in January and presented to Feb Board	
	To produce the biennial report on AWI monitoring	Exec Dir (SW)	October 2020	Completed – published on 30 September 2020	
					Removed

Activity	Development need	Responsible	Timescale	Progress	Status
	More in-depth analysis on the use of CTOs, STDCs and EDCs	Exec Adviser (Medical)	June 2020	Nothing more on CTOs Others are same as previous section	
Investigations and casework	To produce a report on lessons learnt from our investigations	Exec Dir (Nursing)	December 2020	The Investigations Lead started in August and is developing a project plan incorporating a review of the investigations processes and timeline from notifications to end result. The first draft the plan was discussed at OMG in December. This will be carried forward to 21/22 business plan	
Information and advice	Contribute to Board and Regional educational events to engage with Psychiatrists and GPs in training	Exec Dir Medical	Ongoing	Work is ongoing. A session with the learning disability faculty organised for October	
				Attended medical manager meeting in GGHB in October Provided lead session on Mental	
				Health Law (how well does the 2003 Act work?) to the Winter meeting of the RCPsych in Scotland.	
	Series of engagement events with MHOs (ten throughout the year)	Exec Dir SW	Ongoing	We usually do this through existing meeting however these have largely been postponed by the local authorities due to Covid and their pressure of work at present.	Removed

#### Strategic priority 4: Improve our efficiency and effectiveness

Activity	Development need	Responsible	Timescale	Progress	Status
Influencing and empowering	To produce updated strategic plan	HOCS	April 2020	Plan approved at June Board will be published with caveat that will need reviewed once implications of pandemic better understood	
	To develop a communications plan to support the business plan	HOCS	April 2020	Delayed due to pandemic, was presented to August Board although not discussed. Approved at December Board	
	To implement agreed recommendations from stakeholder survey	CEO	December 2020	Report and action plan published in August. Review of action plan carried forward to 21/22	
Investigations and casework	Implement investigations unit	Exec Dir SW/ HOCS	April 2020	Investigations Lead post recruited from practitioner group	
Monitoring the Acts	Dependent on business case - implement new system for Part 16 administration	HOCS		The business case by NSS was not completed in March. Not currently a priority - stop	Removed
Information and advice	Review case for producing series of podcasts	Executive Director (E&P)		Podcasts used for launch of Eating disorder themed visit report and planned for young people experience of detention report in October	
New objective added Dec 20	To produce some information leaflets in easy read format	Executive Director (E&P)	March 21	Easy read completed by external organisation	

Activity	Development need	Responsible	Timescale	Progress	Status
Continuous improvement	Implement agreed recommendations from workforce plan/ skill mix review	All Exec Dir	Ongoing	Chief Executive interim report to Board in February	
	To review KPIs for business plan and consider other performance indicators and trend analysis	CEO	March 2021	Corporate performance framework completed for 21/22 by external consultants	
	Review benefits of access to Office 365 licences and develop an implementation plan	HOCS	May 2020 (review)	External review received early May and OMG agreed funding for development of sharepoint later in the year. This is dependent on NHS NSS overall project which is delayed. Got confirmation 30 Nov that NSS can support SharePoint developments, tendered for Intranet development in December and project ongoing for new intranet by end March. Intranet development is complete but hosting arrangements through NSS currently on hold	
	Review and implement Near me video technology for allowing remote visits and DMP visits, if appropriate	HOCS	September 2020	Near me waiting room set up for MWC. Internal policies for use for DMPs and visits approved.	
	Review and implement the risk management strategy	HOCS	Ongoing	Substantial review to take in current pandemic risks completed and approved by Board in June, with update in December and a further revision approved by Board in February	
	Complete the self-assessment of the operation of the Board, Audit Committee and Operational Management Group	HOCS	Ongoing	OMG self-assessment cancelled in April 20 AR&IG self-assessment in November and Board self- assessment in December	

Activity	Development need	Responsible	Timescale	Progress	Status
				Advisory committee completed biennial self-assessment in September	

#### **Appendix 2**

#### Revised good practice guides published 2020-21

- 1. Young people in adult mental health wards 12/06/2020
- 2. Working with the AWI Act Information and guidance for people working in adult care settings 08/07/2020
- 3. Common Concerns with POA 28/07/2020
- 4. Covid-19 FAQs 22 edition 29/01/21
- 5 Money Matters 28/01/21
- 6. Supported decision making 04/02/21
- 7. Decisions about technology 05/02/21
- 8. Rights, risks and limits to freedom 18/03/21
- 9. Consenting Adults 9/4/21
- 10. Medical treatment under Part 16 of the Mental Health (Care and Treatment)(Scotland) Act 2003 -19/04/21
- 11. Treatment under section 47 of the Adults with Incapacity Act: overview and guidance (formerly 'The Adults with Incapacity Act in general hospitals and care homes') -22/04/21
- 12 Power of Attorney guide for staff in Hospitals and Care Homes 11/05/21
- 13 Power of Attorney under AWI guide for general practitioners -11/05/21

#### Good practice guides revisions in progress

1. Social circumstances reports

#### Revised advice notes published 2020-21

- 1. Complaints about solicitors and Tribunal hearings 12/06/2020
- 2. Can you detain someone who won't talk to you? 15/06/2020
- 3. Urgent medical treatment under the MHA (s243, T4) 15/06/2020
- 4. Guardianship applications before 16th birthday 06/08/2020
- 5. When is AWI incapacity more than inability to communicate? 06/08/2020
- 6. s47 certificates still needed if there is a welfare proxy 06/08/2020
- 7. Transfers under s47 AWI Act 06/08/2020
- 8. Unlawful short term detention and section 291 06/08/2020
- 9. Guidance on changes supervision of welfare guardians June 2014 06/08/2020
- 10. Deprivation of Liberty Sent for publication 2/10/2020
- 11. Non-compliance with community compulsory treatment orders 21/08/2020

- 12. Legal aid for welfare guardianship 05/02/21
- 13. Hidden surveillance 05/02/21
- 14. Deprivation of liberty 14/03/21
- 15. Medical treatment under part 16 of the MHA

#### **Advice notes revisions in progress**

- 1. Cross Border transfers, cross border absconding & cross border visits under mental health law a fact sheet for practitioners
- 31 March 2021

#### **Appendix 3 Comparative Data on activity**

	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10
Visits												
Themed visit reports	0	2 <sup>1</sup>	2 <sup>2</sup>	2 <sup>3</sup>	3	4	3	3	2	3	3	4
Local visits (to services)	10	127 <sup>4</sup>	103	113	116	121	121	124	112	139	87	183
Of which unannounced	0	31	28	29	30	31	30	26	29	28	21	15
Number of individuals visited	73	986	1104	1240	1583	1670	1921	2186	1916	1878	1925	1859
File reviews and/or other activity <sup>5</sup>	0	321	298	216	72	185	173	351	1499	884	555	-
Total number of individuals review of care and treatment	73	1307	1402	1456	1578	1885	2094	2537	3415	2762	2480	1859
Percentage of file reviews	0	24.6	21.2	14.8	4.6	9.8	8.3	13.8	43.9	32	22.4	
Number of advocacy workers met with		Not recorded	Not recorded	Not recorded	38	31	32	5	Not recorded			
Number of relatives/carers met with on visits	7	121	104	112	80	117	77	183	Not recorded			
Guardianship visits (included in total visits above)	5	313	341	294	407	462	552	578	560	522	394	331

One to be published in August 2020.
 Both to be published in August 2019.
 One published in May and the other to be published in August 2018.
 A higher number of local visits than previous years to compensate for fewer people seen on themed visits.

<sup>&</sup>lt;sup>5</sup> The procedures for reporting on visits were changed in 2017/18. Prior to this file reviews were separate to those people seen. Now we may do a file review and other activity without speaking to the individual and this is recorded separately.

	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10
Monitoring												
MHA forms processed	39,514	39,085 <sup>6</sup>	39,233	36,752	35,754	33454	32558	31203	28797	29224	27948	26937
Guardianship and intervention orders processed	2,418	3,605	3,535	3,335	3,291	2898	2754	2368	2096	2038	1822	1519
EDC notifications by phone processed	Not recorded	Not recorded	Not recorded	Not recorded	750 <sup>7</sup>	952	1001	1129	1037	967	1015	1016
Monitoring reports (including visits or case reviews and numbers are recorded in total number of visits above)	0	0	0	18	1 <sup>9</sup>	1	2	3	3	2	2	1
DMP opinions	2,266	2,360	2,138	1,925	1858	1877	1719	1606	1508	1454	1279	-
Neurosurgery assessments	0	0	0	0	0	0	0	6	4	4	5	-
Information and advice												
Number of recorded telephone calls	4,433	4730	4790	5087	6078	6870	7782	7570	6688	6448	6311	7399
Requests for advice	3,815	4275	4238	4518	4475	4839	5143	4834	4099	4012	3880	-
Requests allocated to practitioner duty	3372	4,230	4,191	4412	4388	4727						

 <sup>&</sup>lt;sup>6</sup> These figures may be incomplete due to disruption of Covid -19 in March 20. Do not include 464 POS notifications which are no longer processed as forms.
 <sup>7</sup> From 1 Feb 2017 we stopped recording EDC notifications.
 <sup>8</sup> POS report to be published in July 2018 – did not include visits to individual.
 <sup>9</sup> This report (POS) did not include visits to individuals and so not included in visit numbers.

	2020/21	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11	2009/10
Investigations												
Number of investigations progressed	27 <sup>10</sup>	29	21	24	23	29	21	22	15	15	14	13
Of which published	0	1	0	1	1	1	1	5	4	4	3	3

 $^{\rm 10}$  This number includes the eight cases in the women in prison report.