

Report to the Joint Health Overview and Scrutiny Committee 6th October 2016

Central Place of Safety (CPoS) Proposal

Section 4: Formal agreements between the four borough local authorities of Lambeth, Lewisham, Croydon and Southwark.

1. Introduction:

Following the recommendations made by the Health Overview and Scrutiny Committee on the 26th April 2016, the following engagement has taken place with the local authorities across the four boroughs which SLaM covers. This is in addition to the engagement work undertaken before this date.

- 1.1 The Director of Social Care in SLaM has engaged with each Director of Children's Social Care in Southwark, Lambeth, Lewisham and Croydon and gained their views in relation to their respective statutory responsibilities towards children and young people being assessed under section 136 of the Mental Health Act 1983.
- 1.2 The Director of Social Care in SLaM, has also engaged with each Director of Housing and/or lead managers with people with no recourse to public funds (NRPF), and gained their views in relation to respective statutory responsibilities towards people who are homeless and/or have NRPF.
- 1.3 Several meetings and workshops have been held with AMHP managers, Heads of Social Care, Emergency Duty Team reps, the Director of Social Care in SLaM and the members of the current peripatetic CPoS team. Work has been focussed on the development of a preferred model for AMHP services and operational protocols across the four boroughs.
- 1.4 The CPoS team manager has also met separately with the AMHP managers to work on jointly agreed protocols which will form part of the CPoS operational policy and procedures.
- 1.5 The Director of Social Care for SLaM has consulted with an Associate Director in a neighbouring local authority which has had a CPoS in its borough for several years.

- 1.6 All these professional views and perspectives have contributed to the on-going development of the protocols outlined below. The four Directors of Adult Social Services (DASS) have agreed, in principle, to sign up to a Memorandum of Understanding (MOU), the finer detail of which is still under development.
- 1.7 Further engagement has taken place with the police and London Ambulance Service (LAS) on transport protocols and the King's Health Partners' Pathway Homeless team on additional support for homeless people.

2. AMHP Services

- 2.1 Under section 13 of the Mental Health Act 1983, it is the statutory duty of each local authority social services authority to provide sufficient numbers of AMHPs to respond to requests for assessments within their local authority area when required. As the CPoS is on the Maudsley hospital site and, therefore, within the borough of Southwark, technically, this statutory responsibility in relation to people detained under section 136, falls to Southwark local authority social services. To avoid this, the four DASS have agreed to accept collective responsibility for providing AMHPs to respond to requests for assessments for residents of their borough or for people detained on S136 by the police in their borough. They have also agreed to, in principle, take collective responsibility for assessments which are required for people detained by the police and are resident, outside of the four boroughs.
- 2.2 **In office hours: 9am to 5pm, Monday to Friday: people detained under section 136 of the Mental Health Act by the police and are resident in the boroughs of Lambeth, Lewisham, Croydon and Southwark and taken to the Central Place of Safety:**
- 2.3 If the person is seen by a doctor and is deemed to have a mental disorder requiring an assessment by an AMHP, the agreement is that the AMHP duty service in the borough in which the person was detained by the police, or the borough in which the person is resident, will deploy a duty AMHP to attend

the CPoS to do the assessment under section 136. The borough in which the person is resident, will take precedent over the borough in which the police made the detention.

- 2.4 For people who are detained under section 136 of the Mental Health Act and who are ordinarily resident, or detained by the police in boroughs outside of the four boroughs of Lambeth, Lewisham, Croydon and Southwark, who are seen by a doctor and an assessment under the Mental Health Act is indicated (i.e. first medical recommendation made), the CPoS team will negotiate a transfer to the place of safety in the home borough as soon as practicable.
- 2.5 If a transfer back to the home borough place of safety is not possible or there is a clinical reason not to transfer, then the person will be assessed by an AMHP under arrangements to be finalised and agreed in the MOU by the DASS.

3. AMHP assessments for homeless people and/or people with no recourse to public funds

- 3.1 If the person who has been detained by the police is homeless and has a local connection to one of the London boroughs of Lambeth, Southwark, Lewisham and Croydon, then the AMHP duty service in that borough will deploy an AMHP to do the assessment.
- 3.2 If the person has a local connection to a London borough outside of Lambeth, Southwark, Lewisham and Croydon, then the CPoS team will negotiate a transfer back to the place of safety in the borough in which the person has a local connection. If this is not possible or there is a clinical reason not to transfer, then again, the person will be assessed by an AMHP under arrangements to be finalised and agreed in the MOU by the DASS.
- 3.3 For the purposes of establishing which AMHP service should respond, a 'local connection' will be defined as the borough where the person has a GP, is receiving mental health services or is still open to a mental health service.

- 3.4 If the person has no local connection, then the person will be assessed under the agreed arrangements in the MOU.

4. AMHP Service out of office hours: Monday to Friday, 5pm to 9am and Saturday and Sunday, 24 hours

- 4.1 Outside of office hours, the Emergency Duty teams for Southwark, Lambeth and Lewisham and Croydon dedicated AMHP service will follow the same protocol as the day time AMHP duty services.

5. Housing duties

- 5.1 Under part 7 of the Housing Act 1996, local authorities have a duty towards homeless people if certain criteria are met. For the purposes of this agreement, homeless people who are being discharged from the CPoS will be signposted for housing assistance to the local authority in which they have a 'local connection', using the definition of that within Part 7 of the Housing Act 1996, that the person must: "live, or have lived, in the area for at least six months in the last year or three of the last five years."
- 5.2 If the person is deemed to have no 'local connection', then they will be directed to present to the borough in which the person was detained by the police and accepted for assessment there.

6. People with no recourse to public funds (NRPF)

- 6.1 NRPF applies to people who are migrants and who are 'subject to immigration control' and, as a result, have no entitlement to certain benefits, local authority housing and homelessness assistance. However, they may be entitled to social services care and support under the Care Act 2014 and require an assessment of their eligibility for care and support. In such cases, the person will be signposted to present to the local authority in which they have a 'local

connection' using the definition above or the local authority in which they were detained by the police.

7. Children and young people

- 7.1 The Mental Health Act 1983, applies equally to children and young people and to adults and children and young people can be detained under section 136 of the Mental Health Act 1983. In most cases, the child or young person will be directed to the borough of residence for further local authority support under the Children Act 1989. In highly unusual cases of unaccompanied minors presenting to the CPoS, (there are no recorded cases of unaccompanied minors presenting on s136), the child or young person would be signposted to the borough with a local or family connection or the borough in which they were picked up by the police.

8. Dispute resolution

- 8.1 In the event of a dispute between the AMHP services, either in or out of hours, over which duty service should undertake an assessment, the immediate safety and best interests of the service user and their carers/family should be paramount. Any disputes should be negotiated between the AMHP practitioners on duty in order to facilitate the timely completion of the assessment in the best interest of the service user. However, if this is not possible and the dispute is going to cause an unreasonable delay in assessment, then the duty AMHP who initially received the referral should respond and complete the assessment. The circumstances of the case should then be referred to the AMHP manager to take to the monthly interface meeting to learn lessons and prevent similar situations arising. If such disputes occur more than once, then the chair of the interface meeting will escalate these cases to the Heads of Social Care in the respective boroughs and the Director of Social Care in SLaM. This will be considered a breach of this protocol and the individual cases formally reviewed and appropriate direction given to the practitioners involved. This will be

reported to the DASS, joint commissioners and the Chief Operating Officer in SLaM, via the formal reviews as in 9.1 and further action taken as required.

- 8.2 Any wider boundary disputes between the local authorities in relation to housing duties, NFPF or children and families will be dealt with as they are currently.

9. Evaluation and review

- 9.1 The protocols within the MOU will be subject to formal review at three and six monthly intervals following its operational implementation. It will then be subject to an annual review by all four boroughs.
- 9.2 An interface meeting between the four AMHP managers, the CPoS team in SLaM and the police will be established to review working arrangements and the MOU on a monthly basis. Any operational problems will be escalated to the Heads of Social Care and Director of Social Care for formal review.
- 9.3 The operational protocols will be formally reviewed by the Heads of Social Care and Director of Social Care at 3 and 6 month periods and progress and any boundary disputes will be formally reported to a meeting of the DASS, joint commissioners and Chief Operating Officer in SLaM.

10. Transport

- 10.1 In relation to travel times to the CPoS, there is still some concern that this may cause delays in response times, particularly for AMHPs travelling from Lewisham and Croydon, at peak times. This will be monitored and reviewed by the interface meeting as part of the formal evaluation process. The CPoS team will work collaboratively with AMHPs and be mindful to request their attendance in a timely manner and not, for example, until the person is fit to be interviewed, to avoid unnecessary travel time for the AMHPs.

- 10.2 Dedicated parking for duty AMHPs visiting the CPoS to undertake assessments has been agreed and will be provided on the Maudsley site.
- 10.3 In relation to transport issues for patients, the standards of good practice set by the revised Code of Practice to the Mental Health Act will be followed, namely: “People taken to a health-based place of safety should be transported there by an ambulance or other health transport arranged by the police who should, in the case of section 136, also escort them in order to facilitate hand-over to healthcare staff.” (16.41 revised Code of Practice).
- 10.4 In all cases, a collaborative decision-making process between the police and the London Ambulance Service (LAS) will be followed, which considers the risks and issues on an individual basis.
- 10.5 There has been further engagement with the police and LAS and the private ambulance provider, (ERS) and all are in agreement with the procedures as set out in the draft Joint Operational Policy for the reception and care of service users admitted to a place of safety under section 136 of the Mental Health Act 1983. This stipulates that when it has been agreed that the person should be brought to the Central Place of Safety, the police will contact the LAS to arrange transport of the person in an ambulance.
- 10.6 The person will only be transported by the police in a police vehicle in exceptional circumstances, for example: if the ambulance control indicates a significant delay in providing ambulance transport or where there are urgent reasons to remove the person and the risks caused by the delay outweigh the risks associated with using police transport.
- 10.7 Patients who require an admission following an assessment and need to be safely transferred from the place of safety will be considered as urgent and an emergency. To enable this level of responsiveness, a private ambulance will be stationed at the Maudsley Hospital at all times, exclusively for the use of the place of safety. This ambulance will be for the transport of patients to services within the Greater London area only.

- 10.8 For patients who are to be admitted to a service outside of this area, the CPoS team will request an ambulance via the usual telephone booking system.
- 10.9 For patients who may need to be transferred between places of safety, the the police custody officer and CPoS team will liaise with each other and make every effort to secure an ambulance and avoid the use of police transport. When police transport has to be used due to the risks posed by violent behaviour, a member of the ambulance crew will be asked to be present in the police vehicle and the ambulance requested to follow behind. In any case, a police officer will always accompany the detained person to the place of safety.

11. Discharge from the place of safety.

- 11.1 The authority to detain a person under section 135 (1) or 136, ends as soon as the assessment is completed and suitable arrangements have been made. If the person has been assessed by a doctor and not deemed to have a mental disorder, then the person must be discharged even if not interviewed by an AMHP.
- 11.2 In these cases, minimum discharge standards will apply and the CPoS team will ensure the following arrangements are put in place:
- Ensure the person is able to access safe accommodation (e.g. house keys, someone at home to let them in, friend to stay with, directions or an appointment with the Homeless Persons Unit).
 - The person has some money to get home.
 - Appropriate transport arrangements have been made to get home safely.
 - With the consent of the person, a relative, friend or carer will be informed of the discharge and follow up plans
 - The person's GP will be notified of the admission within 24 hours and sent a written discharge summary.
 - The person has access to appropriate on-going support (e.g. GP appointment, family, friends, carers, appointment with a care co-ordinator, information about drop in centre

for substance misuse, peer support group, Home Treatment team and information about the Trust's 24 hour crisis line.

- The person is provided with a written crisis plan.
- If on Opiate Substitution Therapy (e.g. Methadone or Buprenorphine/ Subutex) all arrangements will be made for the prescription to continue in the community.

11.3 If the person is seen by a doctor and is deemed to have a mental disorder but does not require admission, then he/she must be interviewed by an AMHP. The AMHP should consult with the doctor about suitable arrangements which need to be made for the person's follow-up treatment and care.

11.4 The CPoS team will support the AMHP in making suitable follow-up arrangements and will have access to the Home Treatment team.

12 Discharge arrangements for people who are homeless.

12.1 The CPoS team will have access to the King's Health Partnership (KHP) Pathway Homeless Team which has nursing and housing advice expertise. As a minimum, the team will offer housing advice and information on services that can support the person to address their housing or homelessness situation. The CPoS team will have access to telephone advice but in certain circumstances and if clinically appropriate, a member of the team may offer a face to face assessment in office hours. The KHP Pathway Homeless team have produced a leaflet for the CPoS staff and patients which will be offered as part of an out of hours discharge plan. If the person is being admitted to hospital and the CPoS staff identify a housing issue, a referral to the KHP team will form part of the in-patient care plan.

12.2 The CPoS team will also have access to peer support through, 'Solidarity in a Crisis'. This is a team of people with lived experience of mental health problems who are able to offer timely support to those in crisis. The team currently work with the Trust's liaison teams and have made a commitment to extend their support to people being discharged from the CPoS.

- 12.3 In addition to this, people who are homeless and being discharged will be signposted to housing services in the borough in which they have a local connection.

13 People who have No Recourse to Public Funds (NRPF)

- 13.1 NRPF applies to people who are migrants and who are 'subject to immigration control' and, as a result, have no entitlement to certain benefits, local authority housing and homelessness assistance. However, they may be entitled to social services care and support under the Care Act 2014 and require an assessment of their eligibility for care and support. In such cases, the person will be signposted to present to the local authority in which they have a 'local connection' using the definition above or the local authority in which they were detained by the police.

14 Children and young people

- 14.1 When a child or young person under the age of 18 years is detained and brought to the CPoS, the Child and Adolescent Mental Health (CAMHS) Specialist Registrar doctor will assess him/her to make an initial judgment of the most appropriate care pathway.
- 14.2 If an admission is not required then the CAMHS Specialist Registrar and the AMHP will co-ordinate the safe discharge of the child or young person.
- 14.3 The child or young person's parents, family or legal guardian will be contacted as soon as possible, to ensure they know their whereabouts and can arrange to visit him or her at the CPoS.
- 14.4 The Trust's Named Doctor and Nurse for Safeguarding Children have been consulted and advised on admission procedures to the CPoS to ensure any child or young person is safeguarded on admission.
- 14.5 If the child or young person requires further support from a local authority under the Children Act 1989, on discharge from the CPoS, in most cases, he/she will be directed to the borough of residence for further local authority support. In

highly unusual cases of unaccompanied minors presenting to the CPoS, the child or young person would be signposted to the borough with a local or family connection or the borough in which they were detained by the police.

15 Conclusion

- 15.1 A memorandum of understanding (MOU) has been agreed in principle between the four local authorities as the way in which they will work together to take collective responsibility for the delivery of duties in respect of people detained under the Mental Health Act and taken to the CPoS. A document has been drafted and the finer detail will be finalised and formally agreed by the four DASS.
- 15.2 All the agreements contained within this paper and the final MOU will be subject to rigorous and regular monitoring, evaluation and review.

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