

**Dorset County Hospital NHS Foundation Trust
Mental Health Legislation Committee in Common**

TERMS OF REFERENCE

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| Committees in Common | <p>1.1 The Dorset County Hospital NHS Foundation Trust is putting in place a governance structure, which will enable it to work together with the Dorset HealthCare University NHS Foundation Trust.</p> <p>1.2 Each Trust has agreed to establish a committee which shall work in common with the other (Committee in Common or CiC), but which will each take its decisions independently on behalf of its own Trust.</p> <p>1.3 Each Trust has decided to adopt terms of reference in substantially the same form, except that the membership of each CiC will be different.</p> <p>1.4 The CiC shall meet together with the associated committee from Dorset HealthCare University NHS Foundation Trust as the Dorset Trust Mental Health Legislation CiCs</p> |
| Responsibilities | <p>2.1 The Committee-in-Common has been established by the Board of Dorset County Hospital NHS Foundation Trust as a committee with these terms of reference, to be known as the Dorset HealthCare Mental Health Legislation CiC.</p> <p>2.2 These terms of reference set out the membership, remit, responsibilities and reporting arrangements of the Dorset County Hospital Mental Health Legislation CiC. It is supported in its work by other committees established by the Board.</p> <p>2.3 The Dorset County Hospital Mental Health Legislation CiC is authorised to investigate any activity within these terms of reference. It is authorised to seek any information it requires from any member of staff and all members of staff are directed to cooperate with any request made by the Committee-in-Common.</p> <p>2.4 The Dorset County Hospital Mental Health Legislation CiC is authorised to obtain external legal or other independent professional advice if it considers this necessary, taking into consideration any issues of confidentiality and the Trust's standing financial instructions.</p> <p>2.5 The Dorset County Hospital Mental Health Legislation CiC is a committee of the Trust and therefore can only make decisions binding Dorset County Hospital NHS Foundation Trust. None of the Trusts other than Dorset County Hospital NHS Foundation Trust can be bound by a decision taken by Dorset County Hospital Mental Health Legislation CiC.</p> <p>2.6 The Dorset County Hospital Mental Health Legislation CiC will form part of a governance structure to support collaborative leadership and relationships with system partners and follow good governance in decision making (as set out in the updated Code of Governance for NHS Provider Trusts).</p> <p>2.7 The overall aim of the Dorset County Hospital Mental Health Legislation CiC is to monitor, review and provide assurance to the Board the adequacy of the Trust's processes to support the operation of mental health</p> |

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| | legislation. This includes the mental health act, the mental capacity act and deprivation of liberty safeguards |
| Role and Purpose | <p>3.1 Paragraph 15(2) and (3) of Schedule 7 of the National Health Service Act 2006 allows for any of the functions of a Foundation Trust to be delegated to a committee of directors of the Foundation Trust. This power is enshrined in Dorset County Hospital NHS Foundation Trust's Constitution.</p> <p>3.2 The Mental Health Legislation CiC will, together with the other Committees in Common, advise, support and assure the Board of Dorset County Hospital NHS Foundation Trust and Dorset HealthCare University NHS Foundation Trust:</p> <ul style="list-style-type: none"> - the Trust is operating and will continue to operate in accordance with the law and best practice in relation to the rights of mental health services users and specifically the legislation below (and any subsequent updates) and care and treatment in the Trust embraces the core values of current mental health legislation and protects service users and the community of which they are members. - the lawful detention and treatment of service users in accordance with the Mental Health Act 1983 and Mental Health Act 1983: Code of Practice; - the appropriate application of Deprivation of Liberty Safeguards and the requirements of the Mental Capacity Act 2005; and - Mental Health Units (Use of Force) Act 2018 and associated statutory guidance. |
| Responsibilities | <p>The Dorset County Hospital Mental Health Legislation CiC will:</p> <p>4.1 Monitor, review and report to the Board, on compliance with all aspects of mental health legislation.</p> <p>4.2 Be assured that there are systems, structures and processes in place to support the operation of mental health legislation, within both inpatient and community settings and ensure compliance with associated codes of practice and recognised best practice.</p> <p>4.3 maintain oversight of Care Quality Commission (CQC) inspection action plans specifically relating to mental health legislation and any mental health legislation matters arising from routine CQC related activity other external inspections.</p> <p>4.4 Review national reports related to mental health legislation and consider actions arising for the Trust.</p> <p>4.5 Be assured that the Trust has in place and utilises appropriate policies and procedures in relation to mental health legislation and to facilitate the publication, distribution and explanation of the same to all relevant staff, service users and manager.</p> <p>4.6 Ensure that there is a scheme of delegation in place for the Mental Health Act 1983 and receive assurance that the trust is operating in accordance with the Scheme of Delegation.</p> <p>4.7 Be assured that appropriate staff groups receive guidance, education and training in order to understand and be aware of the impact and implications of all new relevant mental health associated legislation.</p> |

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| | 4.8 Provide oversight of the process of recruitment, induction, appraisal and development of Associate Hospital Managers. |
| Accountability Arrangements | <p>5.1 The Dorset County Hospital Mental Health Legislation CiC is accountable to the Board of Dorset County Hospital NHS Foundation Trust.</p> <p>5.2 The Committee Chair will provide an assurance report following each meeting to the Board of Directors of Dorset County Hospital NHS Foundation Trust.</p> <p>5.3 Dorset County Hospital Mental Health Legislation CiC shall provide such other reports and communications briefings as requested by Dorset County Hospital NHS Foundation Trust's Board for inclusion on the agenda of Dorset County Hospital NHS Foundation Trust's Board meeting.</p> |
| Membership / Attendance | <p>6.1 <u>Non-Executive</u></p> <ul style="list-style-type: none"> • Three Non-Executive Directors (at least one and no more than two may be Joint NEDS across DCH and DHC) and one of whom will either be the Chair or the Vice Chair of the Committee <p>6.2 <u>Executive</u></p> <ul style="list-style-type: none"> • Joint Chief Nursing Officer (or nominated Deputy) • Chief Medical Officer – DCH (or nominated deputy) • Joint Director of Corporate Affairs <p>6.3 <u>In attendance</u></p> <ul style="list-style-type: none"> • DCH - Director of Nursing and Quality • Joint Director of Corporate Affairs or nominated deputy • Nominated Governor(s) • Other staff of the Trust may be requested to attend for specific matters. • Mental Health Legislation Manager • Deputy Director of Nursing & Quality • Head of Safeguarding • Medical Director for Mental Health <p>6.4 Where a member is unable to attend routinely an appropriate deputy who will attend on a regular basis should be nominated and notified to the Chair.</p> |
| Chair | <p>7.1 When the Dorset County Hospital Mental Health Legislation CiC meets with the associated committee from Dorset HealthCare University NHS Foundation Trust as committees in common, one person nominated from the Members of each of the CiCs shall be designated the Chair and one from the other Trusts CiC membership as the Vice Chair.</p> <p>7.2 The Chair and Vice Chair shall preside over and run the common meetings with the roles then rotating on an annual basis between the Trusts members.</p> |
| Quorum | 8.1 Members of the Dorset County Hospital Mental Health Legislation CiC have a responsibility for the operation of the Dorset County Hospital Mental Health Legislation CiC. They will participate in discussion, review evidence and provide objective expert input as part of the Dorset County Hospital Mental Health Legislation CiC to the best of their knowledge and ability, and endeavour to reach a collective view. |

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| | <p>8.2 Each Member of the Dorset County Hospital Mental Health Legislation CiC shall have one vote. The Dorset County Hospital Mental Health Legislation CiC shall reach decisions by consensus of the Members present.</p> <p>8.3 The quorum shall be three (3) Members. This must include at least two Non-Executive Directors from the Trust (which may include Joint NEDS acting for both Trusts) and an Executive Director.</p> <p>8.4 If any Member is disqualified from voting due to a conflict of interest, they shall not count towards the quorum for the purposes of that agenda item.</p> |
| Administrative Support | <p>9.1 Administrative support will be arranged by the Corporate Affairs Directorate.</p> <p>9.2 Agenda and papers will be circulated one week prior to the meeting</p> |
| Frequency of Meeting | <p>10.1 Agenda and papers will be circulated one week prior to the meeting.</p> <p>10.2 Subject to the below, Dorset County Hospital Mental Health Legislation CiC meetings shall take place quarterly.</p> <p>10.3 Any Trust CiC Member may request an extraordinary meeting of the Dorset County Hospital Mental Health Legislation CiC (working in common) on the basis of urgency etc. by informing the Chair. In the event it is identified that an extraordinary meeting is required the Chair shall give five (5) Working Days' notice to the Trusts.</p> |
| Conflict of Interest | <p>11.1 Members of the Dorset County Hospital Mental Health Legislation CiC shall comply with the provisions on conflicts of interest contained in Dorset County Hospital NHS Foundation Trust Constitution/Standing Orders and NHS Conflicts of Interest guidance. For the avoidance of doubt, reference to conflicts of interest in Dorset County Hospital NHS Foundation Trust Constitution/Standing Orders also apply to conflicts which may arise in their position as a Member of the Dorset County Hospital Mental Health Legislation CiC. All Members of the CiC shall declare any new interest at the beginning of the meeting and at any point during a meeting if relevant.</p> |
| Date Approved | <p>12.1 Approved by Executive Director members May 2025</p> <p>12.2 Ratified by Dorset County Hospital NHS Foundation Trust Board of Directors 10 December 2025</p> |
| Date Review | <p>31 March 2026</p> |