

Mr James Bennett
Area Coroner
Coroner's Court
Steelhouse Lane
Birmingham
B4 6BJ

Tuesday 07 November 2023

Regulation 28 Response – Peter Martin Aaron Fleming

Dear Mr Bennett,

Background

This response is provided by Birmingham City Council (BCC) in response to the regulation 28 report to Prevent Future Deaths, dated the 14th July 2023, made by James Bennett Area Coroner for Birmingham and Solihull areas, under paragraph 7, schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013. This report was made following an Inquest touching upon the death of Mr Peter Martin Aaron Fleming. BCC was not an Interested Person and took no part in the Inquest.

Mr Fleming died on the 10th November 2022. The conclusion of the Inquest on 4th July 2023 was Suicide. At the outset of this response, the local authority offers its deepest condolences to the family of Mr Fleming.

The matter of concern is that Birmingham City Council could not provide an Approved Mental Health Practitioner ('AMHP') to attend in a 24-hour period.



AMHP resources and decisions made on the 14th and 15th October 2022

BCC had been informed by Heartlands Hospital at 18:58 hours on 14 October 2022 that Mr Fleming had been placed on a s.136 at 17:07 hours on 14th October 2022. At 22:53 hours on 14th October 2022 a call was made to Heartlands hospital to confirm the whereabouts of Mr Fleming as it had been stated in the referral that he was being moved to the Place of Safety at the Oleaster Hospital. During the call at 22:53 hours it was confirmed that the hospital were waiting to hear back from the Place of Safety regarding the transfer. There was no further update provided overnight on 14th October. On 15th October 2022 at 11:27 hours a follow up call was made to Heartlands hospital and it was confirmed that Mr Fleming was remaining at the Emergency Department and Police were with him and that he remained settled. At 11:36 hours on 15th October a further call was received from Police requesting an update of 4 s136 cases the team were managing through and he reiterated this was urgent. There was a second call received from Police at 12:50 hours requesting an update on allocation of an AMHP and at 15:59 BCC were informed Peter's s136 had now lapsed and that he had discharged himself. There are no recordings of actions taken between these escalation calls.

Birmingham does have a dedicated Place of Safety namely the Oleaster Hospital, which has up to 3 spaces available at any one time. A hospital or a care home may also be used as a place of safety under the provisions of the Mental Health Act so in this instance the use of accident and emergency was an acceptable alternative to a placement being available at Oleaster.

There was a delay in allocating the assessment to an AMHP as there were multiple calls between Heartlands Hospital and the dedicated Place of Safety Oleaster to determine whether Mr Fleming would be transferred.

During the day shift of 15th October 2022 Birmingham City Council Out of Hours Team were dealing with 4 s.136 requests.

BCC were also given conflicting information regarding the actual end time of the s136 and Birmingham City Council believes Mr Fleming was released from the s136 before the 24 hour timeframe was ended.

A call was made to Heartlands Hospital at 15:59 hours on 15th October 2022 to a member of the Psychiatric Liaison Team to discuss allocating an AMHP to complete the Mental Health Act Assessment. It is recorded within BCC electronic records that BCC were informed the s136 had lapsed and that Mr Fleming had discharged himself and had gone home. This was an hour and 8 minutes before the s136 would have expired assuming that the time we were given for the s136 to have commenced was at 17:07 hours.

From the staffing levels on 15th October 2022 BCC did have sufficient AMHPs on shift in which to complete the assessment before the end of the 24 hour timeframe. BCC holds an electronic diary showing that on 15th October 2022 there were three AMHPs on duty from 8 am to 7 pm which covers the time period prior to the expiry of the s136 at 17:07 hours. The BCC Out of Hours Service operates with an average of 5/6 AMHPs on Duty covering the 22 hours period from 8 am to 6 am the following day. On 15th October 2022 there were 5 AMHPs on duty over 24 hours.

AMHP Availability

Birmingham City Council is actively seeking to recruit, retain and train Approved Mental Health Professionals and is maximising AMHP resources through use of Agency Workers and requiring all AMHPs to contribute to our AMHP service on a daily basis. We recognise the impartiality of the AMHP role and we reserve the right under s13 Mental Health Act 1983 to consider all requests for Mental Health Act Assessments and we encourage staff to look at alternatives to assessment where possible. BCC has seen an increase in requests for assessments which has risen by at least 20% this year suggesting that the acuity of people requiring formal admission under the Act has increased.

The lack of bed availability increases the number of times we assess individuals as medical recommendations which are valid for 14 days often expire whilst the person is waiting for a bed, which also impacts on our referrals. BCC has also seen a significant increase in the use of s136 in Birmingham and in our Out of Hours Service s136 assessments account for 47% of all Mental Health Act assessments completed Out of Hours.

Figures are retained by BCC detailing all requests for Mental Health Act Assessments and this includes the outcome of all assessments completed. A monthly report is usually produced giving these details. The Mental Health System in Birmingham meets as a partnership monthly at a Joint Strategic Meeting chaired by Birmingham and Solihull Mental Health Trust where s136

assessments are regularly discussed and reported and figures are retained by the Trust around conversion rates.

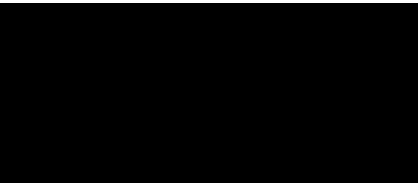
Birmingham City Council has the responsibility under the AMHP regulations to Approve and Authorise AMHPs who work for or on behalf of the Local Authority. Birmingham City Council, Birmingham and Solihull Mental Health Foundation Trust and Birmingham Women's and Children's Trust are currently consulting on a new Memorandum of Understanding which will mean that AMHPs employed directly by the NHS in Birmingham will all contribute to the AMHP rota increasing the capacity by a further 14 AMHPs available to cover AMHP duties on a monthly basis. This includes a commitment from Birmingham City Council to fund AMHP training for NHS staff who meet the criteria for the course.

Within the regulation 28 report the Coroner recognises the chronic lack of resources including Care Coordinators, Mental health Inpatient beds and Approved Mental Health Professionals (AMHPs) at a local and national level. This is also recognised by the Chief Social Worker and their staff including ██████████ who represents Mental Health Services at a National Level. As a Local Authority BCC is represented at the National AMHP Leads Network and we have a dedicated AMHP Lead who is promoting and actively supporting the training of AMHPs in Birmingham both within the Local Authority and with local NHS partners.

In 2022 we received funding from Skills For Care for an additional 10 AMHPs and we were successful in training 8 AMHPs in the first year – AMHP Training takes 2 years to complete with a period of supported practice following successful completion of the qualification. Birmingham City Council aims to train 5 AMHPs per year . Birmingham City Council has the responsibility under the AMHP regulations to Approve and Authorise AMHPs who work for or on behalf of the Local Authority. Birmingham City Council, Birmingham and Solihull Mental Health Foundation Trust and Birmingham Women's and Children's Trust are currently consulting on a new Memorandum of Understanding which will mean that AMHPs employed directly by the NHS in Birmingham will all contribute to the AMHP rota increasing the capacity by a further 14 AMHPs available to cover AMHP duties on a monthly basis. This includes a commitment from Birmingham City Council to fund AMHP training for NHS staff who meet the criteria for the course.

Birmingham City Council regrets that Mr Fleming felt compelled to take his own life, however we cannot predict what the outcome of a Mental Health Act Assessment may have been if completed within the 24 hour timeframe allowed for this assessment. We attend almost 100% of s136 assessment requests within the timeframe and we would remind partners that Police can apply for an extension if they feel the risk necessitates this.

Yours sincerely,



Head of Service
Operations & Partnerships

Date Tuesday 07 November 2023



Head of Service
Operation & Partnerships

10 Woodcock Street
Aston
Birmingham
B7 4BL

