

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
ON TUESDAY 25 FEBRUARY 2020
IN CONFERENCE ROOMS 1 AND 2, THISTLE HOUSE
AT 10.30 AM**

Board members meeting at 10.00am

Present:

Sandy Riddell (Chair)
Safaa Baxter
Mary Twaddle
Gordon Johnston
Nichola Brown
David Hall
Alison White

In attendance:

Colin McKay, Chief Executive
Alison McRae, Head of Corporate Services
Kate Fearnley, Executive Director, Engagement and Participation
Mike Diamond, Executive Director, Social Work
Alison Thomson, Executive Director, Nursing
Arun Chopra, Executive Director, Medical
Claire Lamza, Interim Executive Director, Nursing

Secretary:

Katrina Thomson

1. Welcome and Apologies

Apologies were received from Cindy Mackie.

2. Declaration of Interest

None.

3. Announcements

Gordon Johnston announced he had been appointed as non-executive member and whistleblowing champion to NHS Forth Valley Health Board.

The Chair confirmed the re-appointment of Safaa Baxter as the Vice Chair.

The Chair reported that there has been 23 applications for the CEO post and said that he, Mary Twaddle and David Hall from the Board are involved in the selection process.

The Chair acknowledged that this was Colin McKay's last Board meeting as Chief Executive of the Mental Welfare Commission. He thanked Colin for his huge contribution to the work of the Commission, and referred to his career before the Commission, where he had been with the Scottish Government for 14 years part of which was involved in mental health law reform and most notably the Millan Committee. Previous to that he had been a solicitor at Enable as well as a part-time commissioner with the Mental Welfare Commission in the 1990s. The Chair also reflected that Colin was the first non-medical CEO with a strong influence on human rights. Colin has shown great leadership and passion while at the Commission and will be hugely missed but leaves behind him a strong legacy. The Board thanked Colin and gave him their best wishes for the future.

Colin McKay then gave a presentation on his reflections of his achievements over the last five years.

4. Minutes of Board meeting held on 10 December 2019

The minutes of the meeting were approved.

5. CEO Update and reflections

Legislation and policy reviews

The Rome review of learning disability and autism in the MHA was published in December. Awaiting Government response, but much likely to be left to Scott review

The Scott review call for evidence has been published. Arun Chopra is coordinating MWC response. The Commission has met review team to discuss how MWC data can inform review

The Commission has submitted evidence to the review of forensic mental health services.

Tayside/Strang Report

The report into mental health services in Tayside is now published. Tayside has accepted recommendations and in recovery mode.

Quality and Safety Board

The first meeting of the Ministerially led board was held on 19 February. One of the main topics is recommendation 12 of the Strang report – to review the powers of Healthcare Improvement Scotland (HIS) and MWC. It is not yet clear how this will be done, but HIS and MWC have offered to work with officials to look at options. Mr McKay suggested that this should be a priority topic for away day discussions and that the MWC Board may wish to discuss in more detail at future meeting.

United Nations Committee on the Prevention of Torture (CPT) visit

The Commission has reviewed notes of prisoners highlighted in CPT report and has very real concerns about difficulty in discharge, and the ability to care safely in prisons for very vulnerable women. Dr Brock and Mr McKay met with Derek Barron, Chair of review of forensic mental health services about the report. At the Commission's Operational Management Group (OMG) last week it was agreed to take this forward as a themed investigation.

Publications

The themed visit report to individuals in rehabilitation wards was published on 20 January – it received good media coverage and was welcomed by rehabilitation psychiatrists. The monitoring report on young people and the use of MHA is scheduled for the end of March

Monitoring

A number of projects are underway that will be of relevance to the MHA review, including timing of discharge under a short term detention certificate and use of emergency detention certificates for young people.

Deaths in detention

This project is making good progress, a literature review is underway, planning for consultation event with bereaved relatives in May and the staffing group has been recruited.

The review of people committing homicide who have recently been in touch with mental health services is also being undertaken by this team in the Commission. However this project has stalled as it is difficult to get engagement with Crown Office and Procurator Fiscal Service (COPFS). The Scottish Government sponsor department is following up on this.

Skill mix review

There has been good engagement with staff and the OMG has confirmed a range of new posts are required to ensure our efficiency in the future (investigations, impact, monitoring and project and digital improvement). We are currently proceeding with an Investigations Lead post which will be an internal appointment and open to practitioner staff and a Projects, Improvement and Digital Development post which will be advertised externally. Further work is required on scoping out impact and influencing and monitoring posts and to review whether we have budget for these. There is also further work on the corporate services and practitioner structure and organisation to be completed.

Stakeholder research

The survey is closing 25 February and an overview of the results will be discussed at the staff away day in March.

Staffing

Alison Thomson is the Interim CEO and Claire Lamza the Interim Executive Director, Nursing.

Kate Fearnley will be retiring at the end of June.

6. Items for discussion and/or approval

6.1 Themed visit report - Older People's Mental Health

The Executive Director (Nursing) said she would welcome discussion on the recommendations and explained that Appendix 1 was a survey of psychiatrists who worked in 9 of the 14 health boards. This survey highlighted the problems in transferring from adult psychiatry to old age psychiatry which is dementia driven.

It was acknowledged that was a very good report. It was suggested that as well as the recommendations going to health boards they should be recommended to IJB's too.

General points raised were the lack of psychology and how this can be implemented and how Boards can get away from mixed wards. Referring to the Appendix it was suggested that it should be moved forward and that a short summary should be in the main report.

The Board approved the report, subject to the changes discussed.

6.2 Business Plan 2019/20 Progress Report

HOCS said this report was to the end of January 2020 and that all KPI's are on target.

The Board noted the contents of the paper.

6.3 Strategic Plan

HOCS explained that this was the first draft of the strategic plan. There have been discussions with staff where a strong theme was to focus visits to people in the community as well as in hospital. The intention is to discuss the draft plan at the Advisory Group and await the outcomes of the stakeholder survey before finalising the plan.

She also reported that the external Auditors had identified a risk with the two year period for the strategic plan which the auditors feel will result in the Commission not being able to carry out medium to long term (3-5 years) financial planning as there is no business/corporate plan on which to base the financial planning.

The CEO suggested that the Strategic Plan be prepared for 3 years and kept under review.

The Board agreed the draft strategic plan and agreed it should be prepared for 3 years.

6.4 Business Plan 2020/21

HOCS explained that the KPI's had not been reviewed and asked the Board to consider how useful the KPIs are and what additional information would be useful. It was noted that although the number of visits was useful information, it was suggested that it would be useful to know how much time is spent visiting people. In response to this it was explained that guardianship visits can take a whole day and that we try to collect quantitative data but could put in case studies showing outcomes and overall numbers.

The CEO reported that the KPI on a full investigation every year had been removed. The Chair suggested that the KPIs required a fuller discussion and that it should be put on the agenda for the future Board Away Day. It was also noted that it would be useful to see what comes back from the stakeholders survey.

The Board approved the Business Plan.

6.5 Strategic Risk Register

HOCS said that the focus will be on legislation which will be fed into the next update.

The Board noted the contents of the paper.

6.6 Governance Statement

The CE reported that this governance statement is prepared as part of the handover to the Interim Chief Executive and confirmed there are no issues to report.

6.7 Financial Commentary

HOCS said that this was an outline of expenditure to the end of January 2020. She noted that the legal expenses had significantly risen due to the judicial reviews the Commission have been involved in.

The Board discussed the importance of being able to be involved in relevant cases but also recognising the impact on the Commission budget. It was only possible to finance it this year due to vacancies in staffing.

The Board agreed that contact should be made with the sponsor department to discuss funding for judicial reviews.

6.8 Board Self-Assessment 2020

The Chair noted that there had been a few suggestions made for improvements to the operation of the Board. It was agreed that there should be a small sub group to review the assessment and to develop an action plan for presentation to the April Board meeting. It was agreed that David Hall and Nicola Brown would be on the sub group.

The Chair referred to an Annual Planner of key events for the year ahead to enable Board members to engage with stakeholders. It was also suggested that Board meetings could go into the afternoon if required.

HOCS will arrange conference calls for the small sub group.

6.9 Policies

6.9.1 Standing Orders

The Board approved the change to the remit of the AR&IG committee to alter the term of office for the co-opted member.

6.9.2 Standing Financial Instructions

The Board approved the policy.

6.9.3 Fraud Prevention and Investigation

The Board approved the policy.

6.10 Treatment that Conflicts with Advance Statement Policy

The Board approved the policy.

7. Items for Information

7.1 Outcomes of Judicial Reviews

The CE reported that the Health Board had conceded to the excessive security on the day of the court hearing.

Referring to the case on Interim Care Beds, he said that the court hearing had been postponed for 8 weeks. NHS will not admit anyone to the two services and are seeking interim guardianship for the individuals involved.

7.2 Consultation Response: Public Services Reform (Scotland) Act 2010: Extension of Part 2 Order Making Powers

The Board noted the contents of the paper.

7.3 Independent Review into the Delivery of Forensic Mental Health Services – Call for evidence

The Board noted the contents of the paper.

7.4 Full Investigation Closure Report – Mr QR

The Board noted the contents of the paper provided and that the investigation was now closed.

7.5 Audit, Risk and Information Governance Committee (A,R&IG) minutes 11 November 2019

The Board noted the contents of the paper.

8. Any Other Business

None

9. Date of next meeting – Tuesday 28 April 2020