

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
ON TUESDAY 26 OCTOBER 2021
(via teams) AT 2.00pm**

Present:

Sandy Riddell (Chair)
Safaa Baxter
Mary Twaddle
David Hall
Cindy Mackie
Gordon Johnston

In attendance:

Julie Paterson, Chief Executive
Alison Thomson, Executive Director (Nursing)
Arun Chopra, Executive Director (Medical)
Suzanne McGuinness, Executive Director (Social Work)
Alison McRae, Head of Corporate Services (Head of Corporate S)

Secretary:

Katrina Thomson

1. Welcome and Apologies

Apologies were received from Alison White and Nichola Brown.

2. Declaration of Interest

No declaration of interests.

3. Chair Update and Announcements

The Chair said that he and Julie Paterson had an introductory meeting with the Minister, Kevin Stewart at the beginning of September.

The reappointments of David Hall and Cindy Mackie have been confirmed.

The Chair referred to the Scotsman article published on 12 October on World Mental Health day and highlighted the importance of keeping a high profile.

The next Q&A session for staff should be extended to 1.5 hours with no other business for the Board.

The Chair stated that we are aiming to organise a Parliamentary reception for the 60th Anniversary in June 2022. He said consideration should be given to producing something that reflects the challenges, continuity and change in mental health and learning disability care and treatment over the last 60 years.

It was acknowledged that the Minister would not host this event but will be invited to attend.

4. CE Update

JP referred to the recently published joint statement with Scottish Government in relation to the Adults with Incapacity Act and section 47 certificate advice note issued in response to questions of scope.

She updated the Board that we are making bids for increased funding for Investigations, Engagement and Participation, and deaths in detention review work and a high level outline has been forwarded to the sponsor department. We will also wish to make bids for increased funding depending on outcomes from the Scottish Mental Health Act Review. She said that an initial informal meeting had been held with the SMHLR team as part of the governance and accountability work stream to discuss. Written questions have now been posed to the Commission and a response will be submitted in advance of the formal meeting arranged with the review team and our executive team on 3 November.

JP said work continues on performance management and Q2 of the Performance Framework is being reviewed. It is proposed to have a scorecard available with a first performance report in January 2022.

5. (a) Minutes of Board meeting held on 30 August 2021(Paper)

The minutes were approved.

(b) Action Points (Paper)

Action Points are in hand or completed. The action log will be updated for the next meeting.

6. Items for discussion and/or approval

6.1 Young People Monitoring Report (Paper) (Alison Thomson)

AT informed the Board that this was the annual report monitoring young people admitted to adult wards. She highlighted that there has been a reduction in numbers admitted which may or may not be a result of the pandemic. The main recommendation is that Scottish Government give sufficient priority to exploring the accessibility and provision of intensive psychiatric care facilities (IPCU) for the under 18s in Scotland. This scoping work should be completed within one year.

The Chair said this was an excellent report with many positives and agreed with the deadline for the IPCU review.

Referring to Recommendation 2, it was agreed to change it to 'to ensure the availability of dedicated advocacy support....'.

Discussion followed on gender identification and it was noted that there was an issue with the Mental Health Act forms only making reference to male or female.

JP said these points have been noted and that there is work being done in relation to MHA forms. Internally we also have work to do.

The Board approved the report for publication.

6.2 AWI Monitoring Report (Paper) (Suzanne McGuiness)

The Chair acknowledged the report subject to verification of the figures on pages 23 and 24.

SM stated that this was the annual report on the use of the AWI Act and invited any comments.

CM said it was good information and suggested reporting on ethnicity to keep the momentum from the publication of our ethnicity report.

GJ referred to the decrease of 30% in new orders and asked what it means now and what will change going forward. SM said that the figures are related to the pandemic and 'stop the clock' provisions and we will wait to see if the trend changes in the next few months.

The Chair said he liked the report and acknowledged there were different practices in different health board areas and said it would be useful to make comparisons across the country.

He suggested that once the figures have been verified that the report is circulated to the Board for information before publication.

Action: SM to verify figures then circulate the AWI Monitoring report to the Board before publication.

6.3 Advisory Committee Minutes (Paper) (Suzanne McGuiness)

Referring to the Advisory Committee meeting held on 22 September, MT said that it was an excellent meeting where the Committee members were asked to tell us what they felt would work better. SM said that she was meeting with MT and NB at the end of November to discuss in further detail. One change that



was well accepted was the updates from the members. SM also said that there had been good feedback on themes etc and that a full update will be provided for the December Board meeting.

Action: SM to provide an update on the Advisory Committee review to the December Board meeting.

6.4 Excessive Security Good Practice Guidance (Paper) (Julie Paterson)

JP explained that Colin McKay had drafted this guidance for the Commission as we were struck by the number of appeals from people waiting to move, given that the law states that the health board must find a suitable placement within six months of the Tribunal decisions for a place of lower security.

She said that this has resulted in overspend on our legal budget due to the number of judicial reviews the Commission were involved with. The Board agreed the paper was well written although it was felt that an additional accessible summary version for individuals with a flow chart would be helpful.

Action: JP to discuss with MT about inserting a simplified version.

The Board approved the paper and the production of a simplified version highlighting key points.

6.5 Business plan mid year update (Paper) (Alison McRae)

AM reported that we are below the mid-year target for visits. She highlighted that many local visits had been cancelled due to the ongoing pandemic and that the numbers seen were good given the circumstances. We have recruited new practitioner staff starting in November and December which will assist with the visiting target although recognising future visits could be affected by the pandemic, flu and weather conditions.

She said that areas highlighted green are on target and that the IMP project, highlighted red, stumbled due to the delay in appointing the Business Analyst. She added that we have put out another request for information to the external market and it is hoped that information from this exercise will reduce the length of the procurement stage later in the process to make up some lost time. We do have a good relationship with the current suppliers of our database who have agreed to support us through to the implementation of any new system and help with the migration to the new system. This will bring us closer to reducing the risk to amber.

Referring to the telephone advice audit JP said that a meeting will be taking place this week to finalise the KPI for mid-year.

In response to GJ, AM said that they had not heard anything on the Barron review.

On the advance statement overrides, AC explained that the previous procedure caused delays in dealing with cases so the new process will be done in real time monitoring.

Referring to the workforce strategy SB asked what was next and when. JP said that they were taking stock at this time and reviewing. This will be reflected in the Business Plan for 2022/23.

SR referred to the Board self-assessment from last year and suggested that a meeting should take place to take stock of what has happened. [Subsequently a meeting was arranged for Wednesday 10 November with SR, JP, AM, AW, MT and NB].

The Chair said it was good to take stock and that there are lots of positives happening, especially with the Good Practice Guides which are core business to the Commission.

The Board approved the mid-year Business Plan review.

6.6 Financial Budget Update (Paper) (Alison McRae)

AM explained this was the mid-year review looking to the end year forecast. She said staff vacancies and pension contributions have had an impact on the establishment budget. The Executive team are currently looking at a number of other projects to utilise the underspend. She added that second opinion costs are slightly over budget due to the number of additional requests over the past 6 months.

The Chair said that management of the budget was being done really well and that the Executive Team should go ahead with any potential projects.

The Chair asked about the contingency fund for the NCF. AM said although not in the budget report £15k of the £50k has been used. We still need to finalise getting the records to National Records Scotland and there are still problems in

finalising the end of the lease, although our solicitors are now involved. She added that we do not want to return any money as yet until all the details are finalised.

The Board approved the contents of the Budget Review.

6.7 SBAR and Data Protection Policy (Paper) (Alison McRae)

AM said that there will be a paper in December that will look at the policies requiring Board approval.

The Data Protection policy was approved.

6.8 Board meeting dates 2022/23 (Paper) (Alison McRae)

The Chair said although ambitious he wished to try for an in person meeting in April 2022 but suggested the Board make a decision on this at the February Board meeting.

Referring to the August date he asked the Board to consider either Monday 22 or Wednesday 24 August as he was not able to make Tuesday 23 August. **[Subsequently arranged for Monday 22 August at 2.00pm]**

7. For Information:

7.1 SBAR and Consultation Response: Covid-19 Public Inquiry Invitation (Paper) (Julie Paterson)

The Board noted the contents of the paper.

7.2 SBAR and response SIGN ED consultation (Paper) (Alison Thomson)

The Board noted the contents of the paper.

7.3 SBAR and response Body Worn Video Consultation (Paper) (Alison Thomson)

The Board noted the contents of the paper.

7.4 SBAR and response Consultation paper - MHTS transfer - Routes of Appeal (Paper) (Suzanne McGuinness)



The Board noted the contents of the paper.

7.5 SBAR and response Adult Support and Protection Guidance for GP and PCT (Paper) (Suzanne McGuinness)

The Board noted the contents of the paper.

7.6 SBAR and response Refreshed Adult Support and Protection Code of Practice and associated Guidance for Adult Protection Committees (Paper) (Suzanne McGuinness)

The Board noted the contents of the paper.

Referring to the above consultation responses the Chair said that it was helpful to see what was being responded to and to see the views of the Commission.

8. Board Agenda Planning – The Chair suggested that the Board Self Assessment should be a verbal update for the December Board and the full assessment moved to February 2022. It was agreed to hold a meeting on 10th November to discuss the self-assessment **[Meeting confirmed with SR, AW, MT, JP and AM in attendance]**

The Chair suggested a Board Q&A for end of January with 2 speakers allocated a maximum of 20 minutes each and 10 minutes for asking questions of the Chief Executive.

AT said she will provide a full update on the DIDR and Homicides projects for the December Board meeting.

MT said the Advisory Committee review paper will be presented to the December Board meeting

The Chair asked if the Communications plan and Analysis will be coming to the December Board. This was confirmed.

JP said the Performance Management Framework will be presented in February 2022 and there will need to be firm details set for the 60th Anniversary celebrations.

9. Any Other Business

10. Date of next meeting – Tuesday 14 December 2021 (2.00pm)