

MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
TUESDAY 13 DECEMBER 2022
(via teams) at 11.00am

Present:

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

In attendance:

Julie Paterson, Chief Executive
Arun Chopra, Executive Director (Medical)
Suzanne McGuinness, Executive Director (Social Work)
Claire Lamza, Executive Director (Nursing)
Julie O'Neill, Business Change and Improvement Manager

Secretary: Katrina Thomson

1. Welcome and Apologies

Apologies were received from Cindy Mackie and Nichola Brown.

2. Board Declarations and Register of Interests

No declarations or register of interests were given.

3. Chair Update and Announcements

The Chair said that it was disappointing not being able to meet in person and that the all staff meeting had to be postponed.

Although the Commission is continuing to carry out its core duties the Chair referenced the importance of being sighted on what is happening in relation to NCS and also ensuring that the SMHLR does not lose momentum in the context of other significant areas of development. He said JP will provide an update from colleagues taking forward the recommendations of the SMHLR.

He informed the Board that Nichola Brown has been appointed to the Board of Accounts Commission and sends her the Board's best wishes in this new role.

The recruitment for a new Board member is ongoing. 41 applications were received and this has provided a strong field from which 7 candidates have been chosen for interview between 17 and 18 January 2023.

The Chair said there is a need to firm up another Q&A for staff. He referred to the Development session for staff back in August where staff and JP met for the first time in person and how invaluable this was.

4. CE Update

JP said the August staff event had gone very well and that another one has been arranged for Friday 13 January 2023.

Referring to the SMHLR, JP said there is an internal short life working group working their way through each chapter for completion end February 2023.

JP confirmed that NES will be undertaking a training needs analysis for the Commission starting April 2023.

On Scrutiny, JP referred to SM having attended the Health, Social Care and Sports Committee along with the Care Inspectorate and SPSO. Lots of questions were asked about NCS and subsequent questions have been received relating to the inclusion of mental health services in particular. SM has also been invited to attend the Justice Committee meeting with focus on our Prisons report.

JP said she is meeting with Sue Bruce, Chair of the Independent Review of Inspection, Scrutiny and Regulation of Social Care as part of the NCS work ongoing.

In connection with Strang recommendation 12 there will also be interviews for the Mental Health Scrutiny and Assurance Evidence Review that will involve JP, AC and CL.

JP said the End of Year meetings have gone well with more local focus and all should be complete by January 2023. She said attendance has been excellent with really good feedback in the majority of areas regarding improvement work ongoing in response to our recommendations and monitoring reports.

The Chair advised that he had been involved in discussion regarding the future development of appropriate adult services not only in terms of the on-going national review of justice services but also with the reference to appropriate adults within the SMHLR. He said there are a number of significant strands being prioritised by the Scottish Government and looks forward to the summer when it is reported that a number of these will come together; this will hopefully tie into a response by the Scottish Government to the SMHLR also.

JP confirmed that there are recommendations within the SMHLR that can be progressed without legislation and she is looking forward to meeting with the Scottish Government on 19 December to discuss how the Commission might contribute to this.

5. (a) Minutes of Board meeting held on 25 October 2022 (Paper)

The minutes were approved.

(b) Action Points (Paper)

6. *Items for discussion and/or approval*

**6.1 Update on Report on monitoring advocacy provision (Paper)
(Julie O'Neill)**

JO informed the Board that this paper is an update on the Commission's advocacy monitoring work as per the Mental Health (Scotland) Act 2015. JO asked the Board to note the helpful partnership working being undertaken with SIAA to complete this. The last report was completed in 2018 and there has been a delay in repeating this due to the pandemic. Going forward this will be a bi-ennial report.

Information has been received from all areas bar one, Perth and Kinross, however this is being followed up to ensure full information is received.

The Chair said the response rate was encouraging and welcomed the fact that advocacy provision would now be added to end of year meeting agendas.

The Board asked if shortage of staff would come out in the report. JP said SIAA have advised of recruitment and retention issues that will be included in the report.

The Board noted the progress on this objective within the Business Plan.

6.2 Budget update (Paper) ((Elizabeth Halliday/Julie Paterson)

JP reported that they had received confirmation of this years' budget in a letter dated 29 September; there remains no decision on future funding for the DIDR/MHH project however. There is a large underspend on staffing although we are recruiting staff currently. JP said that there will be budget discussion and underspend reporting at the SG meeting planned for 19 December.

The Chair said that he has not known of a time when budget confirmation was so late in being provided, and accepted that recruiting staff reduces the overspend slightly but we must accept that money will be going back to the Scottish Government given the significant delay in receipt.

GJ referred to the 2nd opinion fees and noted the cap on this comes to an end this year. He asked that the Commission holds firm on additional funding to cover these costs.

JP will keep the Chair updated on developments following the meeting on 19 December.

Action: JP to update the Chair following the meeting with the Sponsor Department on 19 December 2022.

6.3 Strategic risk register up to 30/9/22 (Paper) (Julie Paterson)

The Chair said he found this paper very helpful and agreed that there was a need for a refresh of the risks to relate to our current business. JP said that JO has taken over the responsibility for the Risk Register and that the AP&R committee have approved that the report is refreshed from the start.

Members agreed that the register did require a fundamental review going forward. It was also noted that staffing will remain as a risk given the current climate.

The Board agreed that the Risk Register should be fully updated and that it should be presented to the Board twice yearly.

6.4 Communications Analysis Report (Paper) (Julie Paterson)

JP introduced this paper by saying this was the second report showing our communications analysis detailing the significant and impactful work of our very small team of Terry and Mary. The Chair said the nature and reach of the communications shows the impact and reach that we have and raises our concerns on major issues. It was noted that this showed an impressive clear direction of work being undertaken by the Commission, although it was noted that some of the links do not work.

General consensus was it was a good report highlighting key points and growth through social media and really feel the Commission has an authority in its voice. It was also noted the critical challenges we have been through and that getting views into the press was not done five/six years ago.

The Chair said that the draft for the Hollyrood magazine in December will be hard hitting and keeping the pressure on.

It was noted the Communications Plan will be presented to the April 2023 Board meeting along with the Business Plan.

The Board noted the contents of the report.

6.5 Data Protection Policy (Paper) (Julie Paterson)

JP said the SBAR outlines the changes since the last review in 2021 and asked the Board to approve the revised review date.

The Board approved the policy with the revised review date.

6.6 Progress report and presentation on Advisory Committee action plan (Paper) (Suzanne McGuinness)

SM provided the Board with a presentation on progress to date with the review of the Advisory Committee. Following the review there have been key changes with less focus on information sharing and more focus on activities/discussion and an increased frequency of meetings. There is now an Action Plan in place with continued work being done on a forward planner. There is also dedicated Admin support and pre-meetings held with the Chairs to discuss agendas etc.

Future plans include links with Engagement and Participation new contacts to raise awareness of the Commission. SM said they had hoped to have a Roadshow in 2022 but will now plan this for 2023 in conjunction with the Communications Manager. She said that key pieces of work have been undertaken by the E&P Officers and that Graham Morgan is preparing a report for the Board.

SM also informed the Board that she was stepping down as Executive Director for the Advisory Committee due to her commitments with the IMS project, and said that Arun Chopra will be assuming responsibility going forward.

The Chair acknowledged the huge amount of work done and the difficulties faced with new governance. He said there was not previous focus on key issues and that going forward the Advisory Committee should be influencing the Board. He thanked SM for the presentation and also MT and NB for their involvement as Chairs. He asked that the slides be circulated.

MT said she echoed the work done by SM and FH and said the Committee looks more engaged with members willing to raise issues, which is evidence we are heading in the right directions. She said the next two full meetings dates are 20 April and 5 October and if any of the Board members wish to attend can they let her know in advance.

The Board congratulated all involved and said the meetings were very different to the previous meetings with firmer contributions. However

there was concern not to over extend our selves and that there should be flexibility as there may be a need to focus on other things in these rapidly changing times. MT said that the Committee does complete an annual questionnaire.

The Board noted the contents of the paper and presentation on progress to date.

Action: SM to circulate copies of presentation to the Board.

7. For information

7.1 Young person monitoring report (KPI) (Paper) (Suzanne McGuinness)

The Board noted the contents of the report.

7.2 Report on Advance Statement Overrides (Paper) (Arun Chopra)

The Board noted that the report demonstrated scrutiny and the need for legislative reform. In response to the question as to whether we are notified about all overrides, AC confirmed that we should be notified of all overrides although in practice our work demonstrates that in some cases we do not get timely notifications of these. .

The Board noted the contents of the report.

7.3 Physical Interventions in schools consultation response (Paper) (Suzanne McGuinness)

The Board noted the contents of the consultation response.

7.4 Mental Welfare Commission for Scotland Response: NCS and MH Services (Suzanne McGuinness)

It was noted this was a very interesting response that flagged up areas not thought of.

The Board noted the contents of the response.

7.5 Consultation Response – Patient Safety Commissioner for Scotland Bill (Paper) (Arun Chopra)

The Board noted the contents of the consultation response.

8. Board Agenda Planning – The Chair said that plans are in ongoing for two speakers to attend the Q&A session on 27 January 2023. It is hoped to have a Development Session for staff in the spring.

JP said it is hoped to have an event in July, similar to the 60th anniversary event, where the Commission can share its work.

SM said she will confirm for the Chair if there is a scheduled date for the SWS annual conference.

9. Any Other Business

The Chair acknowledged this was the last meeting of the year. He said it has been an extraordinary year adapting to challenges where we have provided a lot of advice and support. He said he was grateful to all the Commission staff and Board and asked JP if she would issue a message to all staff thanking them for their hard work over the past year.

10. Date for next Board meeting Tuesday 21 February 2023