



mental welfare
commission for scotland

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
HELD on FRIDAY 28 JULY 2023 at 14:00
(Thistle House and Teams)**

Present:

Sandy Riddell (Chair)
Mary Twaddle
Nichola Brown (Via Teams)
Kathy Henwood (Via Teams)
David Hall (Via Teams)
Gordon Johnston
Cindy Mackie (Via Teams)

In attendance:

Julie Paterson, Chief Executive
Arun Chopra, Executive Director (Medical)
Claire Lamza, Executive Director (Nursing)(Via Teams) (Via Teams)
Julie O'Neill, Business Change and Improvement Manager (Via Teams)
Elizabeth Halliday, Finance Manager (Via Teams) Item 6

Secretary:

Fiona Hamilton

1. Welcome and Apologies

The Chair welcomed all members to this meeting. Apologies were received from Suzanne McGuinness, Executive Director (Social Work).

2. Board Declarations and Register of Interests

No declarations or register of interests were given.

3. Chair Update and Announcements

The Chair informed members that robust interviews had taken place for the vacancy of Head of Culture and Corporate Services and concluded that the post has been offered to the successful candidate. He acknowledged the importance of this post and its specific remit and thanked the interview panel for all their work.

The Chair advised that he will be meeting the Minister for Social Care, Mental Wellbeing and Sport together with JP, the week prior to our event on 23 August; the Minister has also agreed to open the event on 23 August. The Chair said he was pleased to see the commitment from leaders across the sector to attending the Commission's event.

The Chair took the opportunity to ask members if the 20 February 2024 Board meeting could be delayed by one week due to another commitment. All Board members approved this request.

Action: New date to be found for February Board meeting.

4. **CEO Update**

JP let the members know that the preferred candidate for the Head of Culture and Corporate Services post has accepted the post subject to checks being completed.

JP advised that following agreement by SR, the CCTO report will now come to the Board in October. Publication date is not likely until November given the number of other publications so it was agreed that the CCTO report should be signed off by the Board as near to publication as possible given the changing landscape and context we are working in.

JP advised that the previous investigation report (Ms AY) approved by the Board has since been renamed to AB following legal advice to make the report gender neutral. Publication of this report is still going ahead on 3rd August 2023.

JP explained that the Commission has yet to receive budget confirmation from the Scottish Government. This is expected soon. JP said that we have however had confirmation that we have been allocated an additional £50K for additional admin support as per business case presented to the Scottish Government.

5. **(a) Minutes of Board meeting held on 27 June 2023 (Paper)**

The Board approved the accuracy of the minutes.

SR spoke to the action *that SR and JP to take forward the facilitated meeting for ELT staff and the Board, and to discuss future arrangements for an annual Chairs meeting.* SR now felt that this training would be best left with NES who will be looking at all the Commission's training needs and felt it would confuse things if two providers were looking at this.

Agreed.

(b) Minutes of (CS) Board meeting held on 27 June 2023 (Paper)

The Board approved the accuracy of the minutes.

(c) Action Points (Paper)

Contents noted.

6. **Annual Accounts (including Public Sector Sustainability Report for 2022/23 (Papers))**

- (i) Audit, Performance and Risk Committee Report to Board on 2023 Accounts (Paper)
- (ii) 2023 Annual Accounts Commentary (Paper)
- (iii) 2023 Annual Accounts for Board (Paper)
- (iv) Mental Welfare Commission Scotland-Annual Report (TIAA) (Paper)
- (v) Grant Thornton 2022-23 Annual Report on the Audit (Paper)
- (vi) Public Services Reform (Scotland) Act 2022-23 disclosures (Paper)

GJ informed the members that AP&R committee met last week with the external auditors to finalise the Annual Accounts submission to this meeting. GJ acknowledged that pulling these together had been particularly challenging this year given the issues internally within the finance team and the fact of a new external

auditor learning about a new organisation. GJ however confirmed that that the accounts were clean and a small underspend noted.

EH agreed with GJ on all the points. EH also said that the submission had been pushed back one month due to the various issues referred to.

SR thanked AP&R committee, GJ and EH for all their work. SR clarified that the remit of the AP&R committee was not to approve the accounts but to recommend approval to the board; only the Board can approve.

The Board approved the Annual accounts for this financial year.

7. **Items for Discussion and/or approval**

(i) Investigation into the Care and Treatment of Mr D, SBAR, final report, IIA (Papers)

In SM's absence JP presented the report and noted there are 10 recommendations. JP advised that Dr Moira Connelly is the author of this report which is one of the four pilot investigations as part of DIDR/MHH. JP also mentioned that there were quite a number of common themes arising from investigation reports; the plan is to pull those recurring themes together at the end of the year.

The Board members welcomed this report and commented as follows:

- A really in-depth report and the integrated impact assessment was excellent
- Glad to see duty of candour was included
- Really great piece of work and a well-chosen case to follow up on
- Transition points and common themes were well captured
- A well-constructed report with very clear recommendations
- A very well constructive report around tragic circumstances

CM wondered if the professional duty of candour, which applies to all health professionals could be included and possibly mention that joint guidance does exist from the NMC and the GMC. CM also asked if this report could be passed to Care Inspectorate. CM suggested to add on page 10 something regarding regulatory standards and the aspects around performance and regulatory codes of practise for the NMC, GMC, SSSC as this is important and should stand out.

DH felt that this was a very tragic case, which highlights some common issues relating to transition points.

AW asked if all acronyms could be added in the glossary as some acronyms could be confused with others e.g. SWS.

NB thought the points about transition and services were well captured and also that the family had been listened to.

NB said it was good to hear that the Commission will be looking at common themes found in these reports. NB felt the current scope of the national care service, and commitment to more co-production and listening to families and carers, and, also to people who are receiving services is required so this piece of work is welcomed.

SR let the members know that common themes found in these reports will be mentioned at the event the Commission is holding on 23 August 2023. SR also mentioned that it will be a key piece of work pulling together recurring themes as changes do not need to wait for changes in law.

KH wondered if something could be added to the report in regards clinical and non-clinical settings to be more pronounced in the recommendations.

MT also wondered if Mr D could have been dealing with a lot of stigma around an early diagnosis as a teenager. Did Mr D have any support from people with lived experience or third party organisations? Young people need a broad range of support when transitioning and welcomed the recommendation around medical notes being promptly shared.

SR feedback that there had been lot of really useful points and said that this was an excellent report and an excellent piece of work. SR asked the board members if they were happy to approve this report.

The Board members approved this report.

Action JP to feedback comments received to SMcG (exec lead for investigations)

(ii) Investigation into the Care and Treatment of Ms A (Papers) SBAR, final report, IIA

JP presented this report on behalf of SMcG and noted the 17 recommendations made in this report.

SR said he thought this was an excellent report and had no issues with the recommendations. They all flowed sensibly from the concerns that were raised to the body of the report.

CM suggested that a timescale be added in regards to the first recommendation which mentions learning from the incident shared with clinical staff. CM also asked if the historical risk information should be shared with the risk management training team.

MT wondered if something could be added to the recommendations or learning points to say that the consultants who are dealing with Ms A as a general adult patient could have sought advice from forensic services much earlier, which might have given a different view because charges were pending when Ms A went into

hospital in June. Seeking advice from colleagues, who are much more able to handle these complex risks and may have seen things in a different way.

The Board members welcomed this report with general comments as follows:

- another excellent report
- Like that this report has been scrutinized by ELT three times
- Really corporate feel to report in the way it has been presented

SR feedback that there had been lot of really useful points which JP will feedback to SMcG and the team. SR asked the board members if they were happy to approve this report.

The Board members approved this report going forward

Action JP to feedback to SMcG comments received

8. **Date for next Board meeting Tuesday 22 August.**