

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
HELD ON TUESDAY 22 AUGUST 2023
AT 11.00AM (Thistle House and Teams)**

Present:

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

In attendance:

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

Secretary:

Katrina Thomson

1. Welcome and Apologies

The Chair welcomed all members to this meeting. Apologies were received from Alison White and Cindy Mackie

2. Board Declarations and Register of Interests

No declarations or register of interests were given.

3. Chair Update and Announcements

The Chair informed the Board that he and JP met with the Minister last week and that she had been very positive about the Commission and was looking forward to the event on Wednesday. He mentioned to the Minister that there had been a lot of interest in this event and she had suggested we should do more of these events, following which he said that we should think about another one in 2 years' time, a year before the parliamentary elections.

The Chair said he had followed up with the Chief Executive of NES on training in relation to roles, responsibilities and boundaries for Board members and the executive leadership team. A meeting to consider further will be held in due course.

4. CEO Update

Referring to the event on Wednesday, JP said it had been suggested to the Minister that she may wish to take some questions tomorrow, so if anyone has any questions could they send them to JON today.

JP said the new Head of Culture and Corporate Services, Ashley Dee will start with the Commission on 31 October.

She has a meeting with an Australian visitor on 19 September to discuss CCTO work. This is a follow up to her meeting with the Australian Human Rights and Coercion Reduction Committee (via Teams) in May.

JP advised that, as part of ongoing engagement, she is meeting with front line staff over the next week or two for catch up discussions.

5. (a) Minutes of Board meeting held on 28 July 2023 (Paper)

The minutes were approved.

(b) Action Points (Paper)

Ongoing Action point to rearrange February 2024 Board meeting. **[Subsequently changed to 27 February 2024].**

6. Advisory Committee (Verbal Update) (Mary Twaddle/Nichola Brown)

NB explained that there has been difficulty in arranging a planning meeting date and acknowledged the next full meeting is on 5 October. She wondered if the E&P Strategy could be the main focus for the meeting. SM confirmed it would be available, just a few comments/additions being made currently. NB, MT and AC agreed to meet during the morning coffee break to agree a date to meet.

MT asked how many of the Advisory Committee are attending the event on Wednesday. Confirmation was given that all were invited and there is good representation.

7. Items for discussion and/or approval

7.1 Investigation Report Mr E (Paper) (Julie Paterson)

JP presented the report advising of the referral to the Commission by the Mental Health Tribunal because of concerns about the apparent large gaps in care and support afforded to Mr E despite his known physical and mental health conditions.

JP explained that the outcomes for Mr E are extremely poor and the report aims to highlight systemic deficiencies in care and learning to avoid repetition.

The investigation team met with the service last week to share the overarching themes and focussed particularly on the need to review Mr E's current circumstances to ensure his care, treatment, support and protection are now being addressed.

The board was asked to approve the report subject to references and timescales for recommendations being added. Legal services will also advise on further anonymity post accuracy check by the service.

Board members described the report as a 'harrowing read' but welcomed the compassion shown in writing the report and the focus on Mr E's voice. The Board approved the report for publication subject to completion as described.

7.2 Business Plan 2023-2024 Progress Report as at 30.06.2023 (Papers) (Julie Paterson/Julie O'Neill)

JP said this is the Business Plan as at end of June 2023 and noted one small typo at 4.9; Mr AM is now Mr E. She said there are gaps in the action plans which SM and AC will advise on.

The Chair said this was very helpful and important in showing the way forward. He referred to content which seemed out of date as well as gaps referred to. He suggested it be updated and that the report should be proof read for any other changes required as it is very important to keep this up to date.

Business Plan 2023-2024 performance measures (Paper) (Julie Paterson/Julie O'Neill)

Referring to the Business Work plan SM said that there will be a link between 6.8 and 6.9.

Stakeholder Survey Action Plan as at 30.06.2023 (Paper) (Suzanne McGuinness)

On the Stakeholder Action Plan SM said there are 3 sections to complete that are linked to the visit plan and communications. She said there is a new member of staff joining the Communications team shortly that will assist with this work.

Equalities and Outcomes Action Plan as at 31.03.2023 (Paper) (Arun Chopra)

AC said there is a naming convention error and that it makes the Equalities Outcome action plan appear as if it's updated to end March, when it is updated to end May.

Corporate Parent Plan as at 30.06.2023 (Paper) (Suzanne McGuinness)

SM said the Corporate Parenting plan is not as strong as it should be and she has emailed Kathy Henwood to seek advice on progressing this work.

The Chair noted this has been a busy time and that it is the duty of ELT to have these Action Plans updated, and suggested this should be done the month before papers are submitted to the Board. It was acknowledged that there is a huge amount of time taken to keep these spreadsheets updated. It was also noted that this was a useful mechanism and it was suggested that the header for the Equality and Outcomes Action Plan be changed to 2022/23. It was also suggested sharpening up on our attention to social economic factors such as breadth of workforce, diversity etc.

JP replied that we report on gender balance and that it is all we report on currently within our workforce. We do monitor our Advice Line by way of who is using this such as stakeholders etc. but do not ask specific personal sensitive information.

SM added that the new system will capture this information in more detail going forward.

The Board approved the Business Plan Progress Report and associated Action Plans.

7.3 Budget Update (Verbal Update) (Julie Paterson)

JP informed the Board that we have not received our funding letter although we were told at the end of July we would receive it within two weeks. We have however received a confirmation letter that funding is approved for the additional admin posts (£50k).

JP then referred to another letter she had received on the Pay offer for staff and said that following earlier discussions on a 3.5% average increase, SG have increased the offer to 5% from 1 April 2023, with a further 2% from 1 January 2024 and it would be a 0.5 increase for Grade 7 and above. This would be a 2 year pay deal with a 2% increase in April 2024 and a £1500 uplift for grades 1 and 2. Unions are recommending to their members to accept the offer. JP explained that our Finance Manager is currently working on calculating the costs associated with this pay award and we will be approaching the sponsor department asking that these additional costs be met if the offer turns into an award post Union recommendations.

The Chair said it was September/October last year before we received confirmation of our budget causing a huge gap in being able to plan for the future. It is disappointing that we are in the same position again. He asked JP to keep the Board informed of progress.

7.4 Risk Management Framework and Policy (Papers) (Julie O'Neill)

JON explained this was an updated Risk Management Framework Policy that was due for update in June 2022. The review has been done in line with our functions. There is a meeting scheduled for 30 August to discuss the position on HR policies as requested by the AP&R Committee.

The Chair said he was pleased that the HR policies are being picked up. He reminded the Board that any member of the Board can attend the AP&R Committee and the Advisory Committee if they wish to do so, and added that the AP&R Committee do not have authority to approve, the Committee instead makes recommendations for approval to the Board

Referring to paragraph 8, MT suggested removing the reference to the old financial risk examples and refer to the current risk universe we use now.

The Chair said this is work in progress.

The Board approved the Risk Management Framework Policy, in the meantime.

7.5 Annual Visits Recommendations Report (Papers) (Claire Lamza)

CL said that this report is based on the framework that has been used for a number of years and that the intention is to change the format and add more meaningful information for next year. This report does not report on any of our themed visits. She highlighted the increase in visits to individuals and the increase in recommendations.

The Chair said he sensed work in progress with patterns and trends and touching on where things have changed, for the better or worse. CL said it is hoped this is the last of this style of report and that next year we find out more from the recommendations.

The Board agreed it was very powerful, valuable information.

The Board approved the Annual Visits Recommendations Report.

7.6 Recorded Matters Report (Paper) (Arun Chopra)

AC told the Board that previously the Commission had completed two such reports looking at the overall numbers of recorded matters that are made. He said this time some changes were made to ensure more robust data. He referred to the headline which is that the numbers of recorded matters have fallen.

The Chair asked how this report was going to be fed to the right places so as to have an impact. AC said he has had discussions with the President of the MHTS and like last year where she invited the Commission to talk about this, she is planning something similar this year to make sure that the tribunal members who are prime stakeholders with this are fully sighted to discuss the paper and its findings.

It was suggested that the report would be enhanced by including the definition of a recorded matter in the executive summary.

The Board noted the contents of the report and that it will be published on the Commission website.

7.7 MHA Monitoring Report (Verbal Update) (Arun Chopra)

AC said this is a verbal update of our forthcoming mental health acts statistical monitoring report that the Commission has a duty to produce.

AC explained that there hasn't been a huge change in the overall numbers of people who are detained. There's a 1.7% increase this year as compared to last year. He referred to the context of last year where there had been a minor reduction and to the 10% increase during the pandemic. AC explained that what we're seeing is really the longer term effects of the pandemic and things stabilising in terms of the actual raw numbers in terms of people who are detained.

AC carried on to say that the breakdown for the rates of the individual detentions, short term detentions and CTOs is remarkably similar to last year. Concerns are raised again about emergency detentions and MHO consent with numbers dropping year on year. This year the average is now 36.6%. So that means the vast majority of people do not have MHO consent when they are detained.

As per the previous two years, we are again presenting Scottish index of multiple deprivation SIMD data to understand our data better. AC drew attention to advance statements in particular. Things have improved and in the last year the Commission had 155 new engagements with the Advance Statement Register. He carried on to say that whereas detentions follow the course that if you are in a more socioeconomically deprived area on the basis of the postcode of residence, you are much more likely to be detained when it comes to advance statements, you don't find that and you find that advance statements are pretty much across the board. So it would almost look like the safeguards work better for people who are living in more affluent areas.

Following the comment that MHO provision is really worrying, JP said that previously the Commission had raised this at end of year meetings in 2022. She said that HCPS should be looking at their own data and that in advance of end of year meetings this year we will be following up on actions which were said to be progressing last year.

The Board noted the verbal update.

7.8 AWI Monitoring Report (verbal Update) (Arun Chopra)

AC reported a similarly slight increase in the number of new guardianship orders by 2.9%; overall numbers last year was about 17,101 this year at 17,849. Again, the ratio of private guardianships and local authority guardianships remains similar to previous years. With regards people who are on a guardianship orders, 46% are recorded as having a learning disability and 36.7% dementia again, no change from previous years and there's no specific trend to report on.

The Board noted the verbal update.

8. For Information**8.1 Consultation in to The Children (Care and Justice) Scotland Bill and Changes to Hospital Directions (Paper) (Suzanne McGuinness)**

The Board noted the contents of the consultation response.

8.2 Place of Safety Report (Paper) (Arun Chopra)

AC confirmed that he will be following up on the recommendation for the Health Boards and said he has a meeting this week with Police Scotland.

9. Board Agenda Planning

The Chair referred to the All Staff Q&A session at the end of September and suggested that JP may wish to send an email out asking staff for any questions they may have in advance of the meeting. Although it was agreed we do need to arrange to have external speakers, this should not take place on these days. It was suggested identifying potential speakers following the event on Wednesday. The Chair said we may also need to identify additional Q&A meetings as we are not now meeting in person for the Board meetings until next year.

Action: JP to email all staff for questions in advance of the All staff Q&A meeting.

10. Any Other Business**11. Date for next Board meeting Tuesday 24 October 2023 (Via Teams).**