



**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
HED ON TUESDAY 24 OCTOBER 2023
AT 11.00AM (Teams)**

Present:

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

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:

Fiona Hamilton

1. Welcome and Apologies

The Chair welcomed all members to this meeting.

2. Board Declarations and Register of Interests

No declarations or register of interests were given.

3. Chair Update and Announcements

The Chair advised that the focus of his announcements was on strengthening our governance arrangements as well as further developing staff wellbeing across the organisation.

So in terms of governance, he first of all announced the appointment of GJ as the Board's vice-chair. SR added that as the Commission was entering an exciting and potentially very busy period, GJ's appointment will provide the Board with additional leadership capacity and support.

Furthermore, and in line with what is outlined in the Blueprint for Good Governance, the Chair has decided to designate a number of champions for the Board to clearly signify our commitment to being an organisation focussing on the promotion and implementation of best practice in particular areas. These champions will raise the profile of particular issues and ensure that relevant matters are brought to the attention of the Board. They will act as

our champion on particular areas but will not be involved in operational matters, as these are the domain of JP and her team. So in that respect, he advised that firstly he wants to designate MT and NB, in addition to having the role of Co-Chairs of the Advisory Committee, as the Board's Joint Stakeholder Engagement Champions which SR believes gives a clear message of our commitment to embrace partnership with the Commission's key stakeholders. Secondly, the Chair welcomed a number of items on today's agenda that support our commitment and focus on staff wellbeing, namely the updated and new staffing policies, the Learning Needs Analysis conducted by NES and the outcome of the Admin Review. However from the Board's point of view, he added that he wanted to designate CM as our Wellbeing Champion. With her background and experience, SR has already valued her advice and counsel on a range of issues in relation to staff wellbeing and HR policies.

The Chair added that these designations will feature on our website in relation to the roles and responsibilities we hold. Board members offered their support to these suggestions.

The Chair then referred to a number of matters being taken forward in relation to strengthening collegiate behaviour across the Board and Executive team. Firstly there is training arranged, in-person, at the end of next month. This will be run for the Board and Executive Team by ACAS and will focus on collegiate leadership and behaviours. We are also arranging to have training on the latest edition of the Blueprint for Good Governance; a framework used by many boards to sense-check their own governance arrangements as it very helpfully sets out good practice on a range of issues including roles, responsibilities, assessing risk, influencing culture and on systems of assurance. The Chair added that many boards use this framework as the basis for self-evaluation and on-going improvement.

In terms of strengthening how the Board operates, the Chair added that he was very conscious that we need to improve on the induction process the Commission has for new Board members. So work is underway to adapt the framework used by NES for our needs. This will be prepared for next year well in time for what will be three years' worth of change from 2025 onwards when we will have two new members appointed during each of these years.

Finally, the Chair stated that he will be taking steps to set up an annual Chairs Meeting, with the intention of holding the first one in January. SR intends to discuss this with JP shortly and send out a number of possible dates for those to be involved. This will include GJ, MT, NB, JP and the Exec Leads for the Committees. The role of this annual meeting will include being the forum for clarifying any issues around accountability and governance and the scheduling of committee and board business in line with our strategic and business plans. This is designed to ensure greater coordination and coherence across our governance structure.

4. CEO Update

JP updated members on the introductory meeting held with Joanne Farrow, the new deputy director of the Commission's sponsor department. A meeting is also scheduled to meet Stephen Gallagher who is the new director of the sponsor department on the 15th November 2023. JP stated that HM along with SF have been hugely supportive of the Commission and JP wished to record how grateful the Commission is to both.

JP carried on to say that the IMP replacement project continues to move forward at pace; she noted that the scale of this work for such a small organisation cannot be underestimated and took the opportunity to thank SM and the project team for their leadership and commitment.

JP updated members on the staff survey which is now closed and confirmed that 80 percent of staff had responded and that the next stage is analysis of the data received. JP was delighted that so many members of staff took the time to engage and fill out the survey. Once the analysis is complete the action plan will come to the Feb 2024 Board meeting.

SR thanked JP for her update. He commented that he was really pleased to hear that 80 percent of staff had completed the survey as he noted that it can be really difficult to get staff to engage in staff surveys particularly when they are so busy. He looks forward to seeing the action plan in February 2024.

Following the meeting with the sponsor department, SR reflected that along with the changes of leadership within the sponsor department there may be a real break in terms of continuity, knowledge and experience, which the Commission should be mindful of; it would be very easy to lose momentum on key areas of work. Likewise given the changes in the Commission's board membership, his intention would be to suggest a follow up event to our August 2023 event by March 2025.

5. (a) Minutes of Board meeting held on 22 August 2023 (Paper)

The minutes were approved for this meeting.

(b) Action Points (Paper)

Action points updated accordingly.

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

MT said that there had been interest from a couple of organisations looking to join the Advisory Committee and this raised the question of criteria for accepting members onto the Committee. MT confirmed that there is no information available confirming how previous members had been selected to join and sought guidance from the Board.

NB confirmed that the Committee would like guidance and clarity on how to add new members to the committee as raised by MT.

NB carried on to provide feedback on the last Advisory Committee meeting held via TEAMS on 5th October 2023. As Chair for this meeting NB reported that this was an excellent meeting and that 14 external members from a wide range of organisations helped with the discussions had. Much of the focus of this meeting was hearing from JP and others about the Commission's work to date this year, including the engagement and participation work and the strategic plan together with some input about the event which was held in August. The two breakout group discussions were focused around getting a sense from the members of where the Commission can have the most impact on the next round of planned themed visits. During these sessions there was a lot of discussion informed by people's expertise and insight which will provide a good steer going forward. NB felt that this was a really positive meeting.

The Chair thanked both MT and NB for the helpful updates and sought views from Board members on the question of membership of the Advisory Committee.

GJ reflected on previous discussion about increasing the diversity of the Committee possibly to include more service user and or professional organisations and also including carer organisations which all makes sense to add to the Committee. GJ thought if a simple criteria to outline the type of organisations we would want could be drawn up which could be signed off by SR as Chair rather than a bureaucratic process.

SR welcomed this suggestion and asked NB and MT to draft criteria which could be signed off in January 2024. SR also asked NB and MT if they could do some business planning for next year, clarifying what the next year will look like going forward with dates and the focus of Advisory Committee meeting. SR reminded that any Board member can attend these meetings and/or the Audit Performance and Risk Committee to get a better understanding of the Committees' business as these committees are doing detailed work on behalf of the Board.

MT let the members know that the next Advisory Committee is being held on 14th March 2024 at 09:30 for 10:00 start which will be an in person meeting at COSLA. The agenda has not been finalised as yet but will be forwarded to members once finalised.

Action: Advisory Committee joint chairs to draft up criteria for approving new committee members to be added to membership and submit to Chairs meeting being held January 8 2024.

Action: Advisory Committee joint chairs to draw up a business plan including future dates for year 24/25.

7. Items for discussion and/or approval

7.1 SBAR Updated Pay Remit (Paper) (Julie Paterson)

JP referred to the previous report tabled at the Board where a 3.5% pay award was being considered by the Scottish Government. JP confirmed that following subsequent union consultation, an enhanced pay award has now been agreed for Scottish Government staff together with the requirement to move to a 35 hour week.

JP referred Board members to the paper attached which highlights the details of the pay award 2023-24 and the additional costs of £92k for the Commission if implemented, as per usual practice, which is to match Scottish Government.

JP noted that there has been a suggestion from the Scottish Government that this £92k could be funded from the projected underspend this year although, this is yet to be confirmed. Whilst this may be affordable on this basis this year, JP advised no guarantee has been given to include this additional cost in our core budget next year or the following years.

JP suggested that it was important to consider the risks of not agreeing the pay award and subsequent challenges of retaining our staff and attracting new staff if the Commission is not competitive. However, in the absence of confirmation of the £92k being included in the core budget, the risk of efficiencies requiring to be made next year also need to be highlighted.

JP recommended that the pay award be agreed however stated the importance of transparency of what the Commission can and cannot deliver should future efficiencies be required.

The Chair agreed with JP and her points and also felt that the Commission was no different to most organisations across public sector although in a very positive position in terms of the budget that's been agreed. SR shared the concern in regards to retaining and recruiting the right people with competitive salaries.

The Chair noted that he was assured that everything is being done that can be done to manage what is a very difficult situation. SR recommended to members to approve the paper.

JP thanked Board members for their approval and gave assurance that the increase in second opinion fees will be scrutinised further by AC. The Chair thanked JP for letting the members know about this and looked forward to finding out the outcome of this from AC.

Pay Award approved by Board Members.

7.2 SBAR Themed Visit Report on CCTOs (Papers) (Julie Paterson)

JP advised that this draft report was brought for discussion rather than approval, because the plan is not to publish the report until January 2024; primarily because of the number of reports that are being published over the next couple of months.

JP confirmed Yvonne Bennett as the lead for this key work and advised that given the delay in publication, the report will be updated with the new mental health act monitoring figures from 2022-23.

The focus of this report is on the effectiveness of CCTOs, not in terms of hospital admissions/bed days but based on the experience of those subject to CCTOs. Whilst the report does not call for CCTOs to end, JP explained that this work finds that many of the orders and associated safeguards are not being implemented as intended. There are also a number of orders which have remained in place for many years and questions must be answered about once a person is placed on an order, how do they get off the order? We therefore support the recommendation of the Scottish Mental Health Law Review to undertake more research and scrutiny.

JP referred Board members to the assessment section of the SBAR report which details the additional work the Commission could undertake in light of the outcomes of this CCTO work; including stronger working partnerships with the mental health tribunal and a good practice guide for mental health nurses. Resource is being requested from the Scottish Government to take this forward

The Chair thanked JP for a really helpful introduction to this paper and opened up for members for comments and or questions.

KH welcomed the suggested 'deeper dive' into the CCTO issues raised. She said she was struck by the age profiles and also the length of time people are subject to CCTOs and wondered whether this related to accessing resources rather than managing presenting needs. KH suggested this report raises the question of the need for a stronger mechanism for time scales for CCTOs. KH was also interested in the SIM data and will take back some thinking around how the lens can widen around tackling poverty work and health outcomes in general.

GJ commented that this report shines a light on a number of issues. GJ suggested that the Commission might need to think about how the review process works, especially the finding that the same information is sometimes presented to the tribunal at each review. GJ also

noted the number of MHO visits being low, the fact that a third of people on CCTOs were female and two thirds were male. GJ wondered if there was any thought about why that might be and what that might be suggesting.

MT felt that this is the first time we are really getting insight into what is happening in the community where most people are now being treated. She raised concern about how far removed some people's experiences now are from the Milan principles. The other thing that struck MT was that it seems to be ingrained that for some people they need to be on this order and can't challenge this because there is a perception that they will not get care and support, but actually that reliance on a CCTO is not necessarily allowing them to rediscover who they are as a person.

CM said she found the report extremely informative and also that the recommendations are very strong.

DH noted the key question of how someone can get off a CCTO and the criteria for being discharged from an order. He said this report is very timely and importantly raises more questions about what could be put in place to ensure that orders are reviewed more consistently and robustly.

AW echoed other members' comments on this well written report which she said gave a sense of clarity in terms of what the expectations are as a result of the report and what was found. AW responded to GJ's point regarding MHOs and suggested further exploration of where some of those gaps and challenges are.

SR thanked members for their comments and stated that he thought this was an excellent report and the discussion around this report had been really helpful. He noted members' very positive comments with lots of very helpful insights from a good quality report.

JP thanked members for their comments and confirmed that additional funding had been approved to look at the findings of this report more and it is hoped that the Commission will be able to deliver on some of the additional work highlighted. The final report will be submitted to the Board for approval on 12 December 2023.

7.3 SBAR and Annual Report (Papers) (Julie Paterson)

JP presented the annual report and stated that it contains a summary of work undertaken during 2022-23 and refers to reports already approved at Board throughout the year. Mary Mowat pulled this report together and will arrange for the report to be laid before parliament prior to publication on 31 October 2023.

JP noted that the report evidences lots of work to be proud of and lots to inspire us to do more. JP asked for members' approval to publish.

Board Members feedback that the report was really good, with good tone and layout.

NB and AW asked that the biography sections be updated in relation to themselves. NB also suggested that the Chair's opening remarks could perhaps include something to recognise the achievements and good work done and also an addition in relation to the extent of the consultation regarding the strategic plan should be considered.

CM asked that under the Hybrid working section, the following line be added - **the organisation have successfully adapted to remote and hybrid working and review on an ongoing basis.**

Action: JP to take account of comments before finalising the annual report.

Subject to points raised, the Board confirmed to approval of the annual report.

7.4 SBAR and Ending the Exclusion Closure Report (Papers) Arun Chopra

AC confirmed that the Ending the Exclusion: Care, treatment and support for people with mental ill health and problem substance misuse in Scotland report was published in September 2022. The Commission made six recommendations: four to services, one to NHS Education for Scotland and one to Scottish Government.

AC stressed that although this is a closure report the Commission will remain engaged in this area, particularly through our collaboration with Healthcare Improvement Scotland (HIS). HIS have been asked by Scottish Government to develop a gold standard protocol, which is the first recommendation that the Commission made. The Commission will support HIS sharing the responses that the Commission have to aid the development of this gold standard protocol. AC said that Audit Scotland also have have a keen interest in this work.

SR thanked AC for this level of engagement and stated that he was assured by the ongoing work with HIS and Audit Scotland which is really positive.

MT said that this was a detailed report but wondered if there were any plans to look at this in the future as the same issues keep arising. AC said that this would be added to future business plans.

The Board approved the closure report

7.5 SBAR and Carers Report (Papers) (Suzanne McGuinness)

SM confirmed that the Carer Report was being presented today as per our Business Plan 2023/2024 and is aligned with our Strategic Plan 2023 - 26. The Carer report consolidates key family and carer recommendations made between 2017 and 2022 across multiple themed visit reports.

SM explained the purpose of this activity was to review Commission recommendations across themed visit reports, to review carer specific recommendations and determine whether there is a shift, or otherwise, in the experiences for families and carers whilst they support individuals affected by mental ill health, learning disabilities, dementia, autism and related conditions.

This report was produced by the engagement and participation officer (carers) applying expertise and knowledge in this particular area.

The internal recommendations are suggested as follows:

1. Given the review has looked at recommendations between 2017 – 2022, with the same or similar themes emerging throughout this period, it is suggested that the impact of

the Commission in this area could be improved through a full carer specific themed visit to report on the following areas, across Scotland's mental health services:

2. A review and reissue of the Commission's Carers and Confidentiality good practice guidance to be issued in April 2024.

SM let the members know that the Commission was looking at carer lay-visitors as part of a themed visit if approved by the board.

SR recorded his support of a themed visit around carers and was also supportive of the lay-carer visitors' involvement.

MT thought this was an excellent report and acknowledged the wealth of knowledge within the Commission. MT would fully support carers' themed visits and also support the Commission doing further work around this. MT also cautioned the importance of language use as some people may not class themselves as carers but indeed are.

DH said that this was a very important report. He also thought that the very last paragraph could be re worded a bit. DH also mentioned that he thought KT presentation at the event in August was very powerful and thanked KT for all her work.

CM echoed previous comments and would fully support lay person involvement.

NB agreed with the Chair that this is such an important report and would fully agree for the Commission to look into this further. NB suggested maybe the communications team could do a Blog around this.

JP mentioned that lay carer visitors is in keeping with Dame Sue Bruce's recommendation 5. JP also said that this report shows that the Commission needs to do more in relation to carers and what is important to them.

The Chair thanked all members for their comments and feedback and confirmed that the board was happy to approve the report and its two recommendations.

7.6 SBAR Draft Data and Information Strategy 2023 - 2026 (Papers) (Julie O'Neill)

JON presented that strategy paper to the Board.

JON explained that an implementation plan will be developed to support the strategy, the setting up of a Data and Information Quality Group will facilitate delivery of the strategy implementation plan, the Executive Leadership Team will monitor progress, and reports will be submitted to the Audit, Performance & Risk Committee and the Board annually.

The Chair thanked JON for this report and was reassured by the work being progressed. SR confirmed that the Board did not need to approve setting up of the Data and Information Quality Group however were happy to approve the Data and Information Strategy 2023 – 2026.

7.7 SBAR HR Policies (Papers) (Julie O'Neill)

The chair welcomed having these policies on the agenda for comments and approval. It was noted that a significant amount of work is progressing to ensure that policies are up to date.

7.7.1 HR-POL-01 Alcohol and drug misuse policy

- In this policy should there be a bit included around things that happen out with the work or should this be included in the code of conduct policy.
- Section 5.3.2 - this section could be more comprehensive around conditions that can mirror alcohol and substance misuse. Also add more around on prescription medications and, the side effects of some of these.
- How does this relate to hybrid working policy as symptoms can be hidden if the person is working from home most of the time.
- In relation to 4.1, paragraphs eight and nine, talk about instigating disciplinary measures and nine talks about if a manager is aware they should seek advice. Could look at this and make sure they are in the correct order
- Section 5. 3. 2, mentions making a full investigation; a line manager who's faced with this for the first time who looks at the policy may well be helped by detail around what this means i.e. timelines and who is to report this and what they have to do. A bit more specific detail should be included as the policy is a direction to somebody as to what they need to do.
- Section 5.4.4 lines 4 and 5 - looking for a bit of clarity on - it mentions dismissal maybe in post without reference to the alcohol and substance misuse policy. Can this be checked as surely the Commission is following this policy in the beginning?
- In appendix 3 should there be a time line of steps to be taken to help managers

7.7.2 HR-POL-02 Stress mental health policy

- Section 4.1 can there be a bit added in regards to pre-existing health conditions to be taken into account. Staff training section - expand on this sentence to reflect on prescribed medications or pre-existing medication
- Section 3.1 it talks about the role of ELT and suitable training will be provided to managers - looking for clarity if this would be a single ELT lead or HR lead on this. JP feedback that this could be changed to Head of Culture & Corporate services responsibility.
- Para 3 - in the last line we have a line that says factors like skills and experience, age or disability. Can this be reworded as reads as potentially discriminatory.
- Section 4.3 - monitoring and review - who will be monitoring the time line and who will be responsible for this?
- Add something in around bereavement
- Also add something in in regards to appraisal and who will be responsible for this.

7.7.3 HR-POL-03 Staff code of conduct policy

- This policy should cover staff behaviour out with the work environment along with out with working hours and this should be incorporated within this policy
- Section 5.2 - this talks about commission employees requiring permission to use official commission information for private work - would this be an issue as staff shouldn't need to use work related information for private work as there would be data protection issues around this. The Commission should be clear that Commission information is solely used for Commission business.
- Section 5.7- declaring personal relationships at work. The 1st sentence states all personal relationships should be declared but in sentence 2 has some sort of qualifier on that relationship should be declared when there is a potential interest. Should the Commission be saying all relationships or potential interest be declared?
- Should this policy mention Board members and staff within the Commission not just staff within the Commission
- Section 5.6 - talks about relationships with colleagues and others would be worthwhile to reference the bullying and harassment policy as a support.
- Section 5.8 it's about relationships with service users, where someone is subject to inappropriate comments it says they must inform the Commission. Could we say put this in writing for audit purposes. It also talks about if an employee becomes concerned and has a responsibility to inform their line manager, could this also be in writing for audit trail.
- Para 4 - it talks about roles and responsibilities and it divides up directors, line managers, employees, and that employees, it says to act in line with the code at all times. Everybody has to act in line with the code at all time. So that should be for everybody.

7.7.4 HR-POL-04 Equality Diversity Human Rights Policy

It was noted that the Commission need to take steps to ensure everyone knows their rights and responsibilities in this policy and we need to be able to evidence that we have provided that opportunity and people are aware of it.

- Around recruitment it would be desirable to seek and recruit from diverse workgroups and this should be added.

7.7.5 HR-POL-06 Health & Safety Policy

The chair let members know that this is an updated policy and historically this policy was for the workplace rather than hybrid working which adds a complication. The Commission has a responsibility in terms of looking after its staffs health and safety.

- May be worth adding a bit around Board Members and lay persons

JP confirmed that health and safety expertise was sought to inform this policy. She also confirmed that 1:1 meetings are held with staff and discussions take place here regarding

staff health and well-being. A right to disconnect paper is also currently in progress to support the hybrid working policy and will come to the board in December.

DH asked whether policies are held in a shared area that all staff can access. JP said that staff have access to the folders and JON has compiled a register of all policies. JON informed members that a process had been put in place whereby key policies are marked with a mandatory read where staff have to tick the box to say the policy has been read.

Action: JP will go back to HR and take account of comments made.

Policies approved subject to checks and changes as required

7.8 Board and Audit, Performance and Risk meeting Dates 2024-25 (Paper) (Julie Paterson)

The chair said there will be a chairs meeting in January 2024 and it will be a good time to look at the Board Q&A dates and possible subject topics for Q&A sessions.

Board members were happy to approve the meeting dates 2024/25

8. For Information

8.1 SBAR Learning Needs Analysis Report (Papers) (Julie Paterson)

The Chair mentioned that he was delighted to see this on the agenda. He noted that there has been good staff engagement in this and this needs followed up and to be built on to adapt to the Commission's changing needs. SR said that what is critical in this is making sure that that information on our ambitions and intentions are translated into training strategies which are delivered and we can provide evidence that this has been done.

CM thought this was excellent and this was a great foundations for going forward.

JP agreed with CM on great foundations and make sure the strategy is in place and to also have an audit trail in place to evidence training going forward.

8.2 SBAR evaluation of event held on 23 August 2023 (Paper) (Julie O'Neill)

SR reflected on what he described as a powerful event calling people to account and looked forward to the next event. SR also said that the Commission should be mindful of the acoustics at COSLA as people mentioned that they couldn't hear some of the speakers.

MT mentioned that a similar event focused on people with experience and carers could be considered as an interim between the follow up of the last event (planned for March 2025). The Chair thought going forward that this could be a possibility and asked if MT, NB, AC and perhaps SM could look at this and plan how the Commission can take this forward.

The Board members noted this paper

8.3 SBAR Admin review closure report (Paper)(Julie O'Neill)

The Chair started by thanking JON for her work on this and gave appreciation for all the work undertaken.

JP also mentioned that she had received positive feedback directly from staff to say this is the first time they have felt listened to, thanks to the approach JON and managers took.

JON advised that the next review will relate to medical staff as previously reported to the Board.

8.4 SBAR MHA Monitoring Report (Paper) (Arun Chopra)

AC highlighted the Scottish Government's response which was covered in the media in the and the response given was in the context of legislative reform.

In reference to the point that AW mentioned earlier in relation to MHOs and CCTO work, AC agreed the issues relate not just to MHOs but the mental health workforce more generally.

8.5 AWI/Guardianship Visits Monitoring Report (Verbal update) (Arun Chopra/Claire Lamza)

AC confirmed that the AWI report contains the statistical data referred to verbally at a previous board meeting and the report will be enhanced by more qualitative feedback from visits undertaken. The report will be published in November.

8.6 SBAR Children and Young Persons Monitoring Report (Papers) (Arun Chopra)

AC presented the report and noted key content for members.

8.7 SG HR Bill Consultation MWCS Response October 2023 (Paper) (Suzanne McGuinness)

The Chair noted the content of the response to the consultation and the fact that this was presented to the Board for information.

9. Board Agenda Planning

Noted. No additions identified at this stage.

10. Any Other Business

No other business matters were raised.

11. Date for next Board meeting Tuesday 12 December 2023 (Via Teams).