MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
HELD ON 21/10/2025 @ 11:00
In Person, Thistle House

Present:

Sandy Riddell (Chair of the Mental Welfare Commission)
David Hall
Kathy Henwood
Alison White (AW)
Nichola Brown
Alan Wright (AWr)

Attended Remotely:

Beth-Anne McDowall
Cindy Mackie

In attendance:

Julie Paterson, Chief Executive
Ashley Dee, Head of Culture and Corporate Services
John Critchon, Executive Director (Medical)
Julie O'Neill, Business Change and Improvement Manager
Suzanne McGuinness, Executive Director (Social Work)

Secretary:

1. Welcome and Apologies

Apologies were received from Claire Lamza, Executive Director (Nursing)

2. Board Declarations and Register of Interests

No declarations were made

3. Chair Update and Announcements

The Chair firstly advised that JP has been pursuing an introductory meeting with our new Minister, Tom Arthur, and finally managed to get a short slot first thing on Wednesday 17th December. The Chair expressed disappointment that the Minister was not able to meet with us sooner but recognises the pressure he is under with taking on a new portfolio.

Secondly, he advised the Board that he will be attending a meeting of the IJB Chairs & Vice Chairs Network on Friday 5th December. This provides us with an opportunity to talk about the role of the Commission and build some shared understanding of priorities. Feedback will be provided to the Board on both these meetings.

The Chair then went on to mention a number of areas that, as Chair, he has responsibility for when supporting the continuous development and effectiveness of the Board.

So in that respect, he reminded the Board that they have been asked to complete the skills matrix, as required by the Scottish Government, and he hoped these have now all been submitted. The exercise helps us to identify gaps in our skills and knowledge that can be addressed though training and development and/or through the tailored recruitment of future Board members. The need for the recent session on risk management for Board members was identified through completion of the skills matrix.

He added that another area to help to support our governance is the annual Board self-assessment and the outcome of this forms a report to the Board which then enables us to consider what steps should be taken to strengthen our Board arrangements further. He intends to send out the report presented to the Board in February shortly and wants us to set aside a little time at the scheduled Q&A on Friday 28th to have something of a mid-year reflection or stock take on how we are doing.

One of the areas identified in last year's self-assessment was the need for us to have some time with the leadership team to look at strategic priorities. Therefore he hoped that the session scheduled after today's business meeting will provide us with some protected space to meet with executive colleagues to allow the opportunity to build alignment and trust on the priorities for moving forward.

The Chair added that the feedback from the self-assessment also helps to inform discussion at our Annual Chairs' Meeting. The meeting mainly involves Chair and Vice Chair, the Chairs of both Committees along with JP and AD and Executive Leads. This meeting is aimed at supporting performance and strategy further by providing an opportunity to reflect not only on the effectiveness of current governance arrangements, but also anticipating and planning for Committee and Board business for the year ahead. The outcome of this meeting and progress in relation to any actions agreed is reported to the Board.

And finally, today's item on Board members' learning and development is an action that AD and the Chair were tasked to follow up on. The Government expects there to be a clear and consistent framework in place to support Board members' learning and development. When the Chair submits his own appraisal report each year to the sponsor department, he includes some commentary on whether appraisals have been done, whether continuous professional development is offered and taken up etc. When for example he comes to recommending a second term for a Board colleague, he has found that he is asked for a copy of appraisals as evidence of appraisals being completed with performance viewed positively. That also should include mention of training and development undertaken along with any further training needs identified.

So there needs to be a framework, members need to undertake any training expected of them and that needs to be captured on appraisal forms.

The Chair then invited AD to introduce the report at 3.1 on learning and development.

3.1i) SBAR Board member learning & development

AD outlined that the training available to Board members is delivered through TURAS and the SG Governance Hub and is structured into three categories: Mandatory/Core, Recommended, and Optional. This framework is designed to assist Board members in identifying learning opportunities most relevant to their roles and responsibilities. While this specialised training is available, it is not intended to replace the broader development sessions planned for all Board members.

It was noted that the Board will appoint a Whistleblowing Champion, for which additional role-specific training will be required. As this training pertains to a single role rather than the full Board, it will be classified as Optional.

A suggestion was made to utilise the TURAS training register (or a list of completed training) to help avoid duplication across organisations, particularly for Board members who hold multiple appointments.

DH queried whether there are, or will be, tailored learning opportunities relating to Commission-specific matters, such as mental health legislation. In response, AD confirmed that the Board Induction Pack includes relevant background information on such topics.

NB proposed that the Board receive annual updates on legislative developments, clarifying that these would be informative sessions rather than formal training. It was suggested that these updates could be delivered in a single, dedicated session. JP highlighted the Adults with Incapacity (AWI) Act as an example of legislation that would benefit from such periodic updates.

KH proposed including a section within the Board Self-Assessment Form to encourage reflection on demonstrated behaviours. This suggestion was supported by AWr, who seconded the paper and noted that the Board continues to demonstrate its skills effectively.

Finally, the Chair reminded all Board members to check their access to TURAS to ensure they can engage with the available training resources, and to contact AD should they experience issues.

4. CEO Update

The CEO advised the Board of the Commission's role as intervener in the Attorney General for Northern Ireland devolution matter relating to Cheshire West. The hearing is in progress; the outcome is not likely for a few months.

JP also reflected on the good response to our engagement on the Commission's 2026-2029 strategic plan and noted that analysis is progressing and consultation on the

draft will take place in November (prior to final submission to the Board in February 2026).

The first of the Children and Young People visits completed jointly with Healthcare Improvement Scotland will be published on Thursday however JP noted that communications plans will not be done jointly with HIS. HIS took this decision on Thursday of last week. The Commission however will now include a statement from the Children and Young People's Commissioner and welcomes the support of the Commissioner. JP carried on to explain that a bid has been put to Scottish Government for the Commission to monitor coercive practice as recommended by the Scottish Mental Health Law Review; recent visit work has emphasised this gap and the need for the Commission to undertake this work.

JP ended by confirming that the Commission's staff survey has been completed this year and the outcome is awaited. She was delighted to hear that the response rate was 80%.

5. (a) Minutes of Board meeting held on 26 August 2025 (Paper)

The Board approved the minutes as correct record

(b) Action Register (Paper)

The board approved the action register as a correct record

6. Advisory Committee Minutes of meeting 29 August 2025

SR presented noting that he had chaired the last in person advisory committee meeting in NB's absence.

NB noted that it may be too early to reflect on media take up of the Carers Themed Report but asked if there was any feedback available. JP confirmed that media analysis has not been completed at this stage. It was however noted that Carers Week would provide a further opportunity to promote the report.

SR asked about the next steps and plans for the advisory committee. NB confirmed that the next meeting would be held in March (via Teams). In the interim, JON and NB will meet between October and December, with a report scheduled for presentation at the December Board meeting (as per the action register).

JP noted the work being progressed by JON to learn about current attendees at the advisory committee so that analysis can be done to identify any gaps.

7. Items for discussion and/or approval
7.1 Budget Update

JP presented the budget update on summary spend to end August 2025 for the Board's information.

It was noted that DMP fees are currently at 71% despite the paper being to end of August only. JP confirmed this is a demand-led service and agreed financial cap is in place at £468k.

AWr queried whether further details were available, given that DMP payments represent a significant outlier. JP explained that the DMP work is based in law and Scottish Government (SG) will meet any costs incurred beyond the cap (although underspends have funded this in recent years). It was further noted that SG had been asked to consider raising the cap; however, their preference is to maintain the existing cap and meet any additional costs separately (although it was raised by £50k last year linked to fee uplift).

JP also confirmed that JC is currently reviewing the DMP activity to identify potential areas for improvement and efficiencies. JC outlined current practice and high level plans to consider greater use of virtual assessments for example. JC explained that the Care Quality Commission second opinion work completes assessments virtually in around 55% of cases compared to the Mental Welfare Commission's practice of around 2%. JC is considering further and suggested there will be appropriate circumstances for virtual assessments to be completed and this may have a positive impact on overall budget management and delivery times. DH expressed support for this approach, noting that timely online consultations were preferable to delayed in-person visits.

The Board noted the update for information

7.2 Pay Remit

JP presented the paper for approval by the board.

JP referred to the original three-year proposal of a 9% pay increase over three years and the fact that the Commission had budgeted for 3% in 2025-26. However, recent communication from the Scottish Government (SG), following consultation with trade unions, indicated that SG had potentially agreed to a 4% uplift in the current year, followed by a further 3.5% increase next year; a two-year proposal therefore. JP noted that this proposal had not yet received final approval by Unions. JP also highlighted additional links to the pay award relating primarily to leave (annual leave, paternity leave etc) and explained that this will be considered further by the executive leadership team before bringing back to the Board. JP explained that whilst the Commission follows SG pay awards, annual leave entitlement and so on does not necessarily match up across organisations.

AW queried whether the proposed increase was financially sustainable. JP confirmed that the 2025/26 pay award could be accommodated within the existing budget underspend (i.e. the additional 1% not budgeted for at the outset), though a further review of affordability would be required in subsequent years. JP confirmed that given the annual budget allocation, each year the Commission requires to bid to ensure affordability.

Linked to this, JP advised the Board that pay scales within the Commission have not been reviewed since 2009. SG has been alerted to this and suggested that a desk top

exercise be done to ensure we retain our staff and are competitive when recruiting. This will be progressed and a paper brought back to the Board on the outcome and affordability.

SR noted the information provided to the Board in relation to the pay scales review planned.

He also asked whether the Board approved the proposed pay remit increase in principle, subject to the caveats and outstanding approvals noted above.

The Board approved the paper (in principle) subject to final approval being given by SG and Unions.

7.3 Business Plan Progress Report

JON presented the paper for approval.

SR sought clarification on whether the business plan and related performance/actions should continue to be presented to the Board as often as currently or be referred to the Audit, Performance and Risk (AP&R) Committee, noting that significant progress had been made in this area and that the AP&R Committee may be better placed to conduct the necessary oversight and checks going forward.

AWr requested a clearer distinction between the terms “On Track” and “Ongoing” used in progress reporting. JON explained that “On Track” is applied to activities with defined timelines and deliverable dates against which progress can be measured, while “Ongoing” refers to items that are not time-bound. It was suggested that items currently classified as “Ongoing” could be reviewed and broken down into measurable components to enable more effective monitoring and to reduce reliance on the broader and less precise “Ongoing” classification. JON agreed to review as suggested whilst SR acknowledged there will be some actions where this is not possible.

Discussion continued regarding when the Business Plan Progress Report should be delivered to the Board, it was agreed twice a year at the February Board and the August Board.

KH queried item 4.2. JP confirmed that there may be up to 6 investigations one year and then there may be none; the executive team need to prioritise investigations where these are required and manage resources accordingly. JP carried on to explain that the expectation would always be to allow local areas to undertake their own learning reviews however where this does not happen or the review is not sufficient, the Commission may undertake its own investigation.

CM referred to item 9.5, suggesting that the analysis could be structured to focus on children and young people (CYP) visits. JP confirmed that the analysis report provides a breakdown on each of our key reports and the feedback received and will be presented to December’s board; CYP will be a key focus given the work being undertaken and final CYP report due in December 2025.

Action: Review of 'ongoing' and 'on track' actions to be undertaken by JON
The Board approved the paper

7.4 Consumer Duty

JON presented the paper for approval.

KH sought reassurance that the Commission is confident of the current integrated impact assessment (IAA). JON confirmed that the IIA template will be reviewed as part of the Commission's new equalities plan and will also include the information from the UNCRC in relation to Children's rights and wellbeing impact assessment (CRWIA) and our consumer duty requirements.

The Board approved the paper

7.5 Equalities Plan Progress Report

JON presented the paper for approval.

CM suggested that in outcome 1, action point 3, the language be updated to make it more accessible with less technical jargon given it will be placed on the Commission's website. JON agreed to this review.

CM sought clarification on outcome 1, action point 9 not being progressed as this didn't seem to be correct as the action had been reviewed and due to data protection challenges wasn't progressed need to update status. This was agreed.

KH suggested that we add a definition of protected characteristics into our new equalities plan.

AWr queried the review and progress on the identified areas of work. JP confirmed that the outcomes and actions were developed in 2020-21 and some had not progressed. JP confirmed that there will be a new equalities plan which will consider the outstanding actions and also outline our outcomes/actions going forward.

Action: JON to review and update language of Equalities Plan

The Board approved the paper.

7.6 AWI Monitoring Report

SM presented the AWI monitoring report to the Board for information; publication is expected end Oct/early November.

KH was keen to discuss further and agreed to pick up with SM.
The Board noted the paper.

7.7 MHA Monitoring Report Headlines (verbal)

JP confirmed that governance confirms that monitoring reports are approved by the executive leadership team and they are provided to the Board for information. She provided the following information in relation to monitoring of mental health legislation in 2024-25 confirming publication of the full report will be in November 2025:

- A total of 7,499 detention episodes began in 2024-25, 3.3% more than last year.
- The rate of EDCs continues to rise above the rate of STDCs; not the rate we would expect given the additional rights related to STDCs.
- A higher proportion of detentions in 2024-25 related to those in the most deprived areas with 30.3% in SIMD category 1.
- There has been a slight increase in MHO consent to EDCs but this is still low at 38.6%.

AW queried the narrative that the shortage of MHOs is the sole reason for low EDC/MHO consent. JP assured that this narrative has never been given by the Commission; it is well recognised that the reasons are multifactorial. JP explained that the project work being progressed by the Commission in this area this year will provide an opportunity to provide more indepth analysis of the various factors.

7.8 Mr D Closure Report

SM presented the paper and confirmed that this closure report is the final in the series of deaths in detention/mental health homicides pilot investigations. SM noted that the KPI target of 15 months has not been met and linked this to the work not being funded and having to be completed within core resources.

CM thanked SM for the insightful investigation and commitment to family involvement.

7.9 IMS Project Update

SM presented the paper.

SM explained that a 'reset' has been undertaken in partnership with CDS. This has led to a revised timeline to delivery. A meeting is scheduled for Thursday 23 October in order to gain a new date for delivery of MVP. SM noted the project is regarded as red status pending this date being agreed.

SR sought confirmation that all key stakeholders have been constantly involved and communicated with throughout. SM confirmed that all relevant stakeholders had been continuously involved and updated including the Scottish Government.

AWr asked what contingencies were in place should further delays arise. SM confirmed that a strong working relationship had been established with the suppliers and expressed confidence that no further delays were anticipated. She did highlight the risk of the current information system no longer being in contract.

The Board noted the updated

7.10 Professional Registration Policy

JC presented the paper for approval.

AW asked if there are separate policies for nurses and social workers. JP confirmed that the Commission originally only had one policy in relation to nurses. There is now a professional registration policy for each. AW queried if it were possible to consolidate all professional registration policies, i.e. doctors, social workers and nurses into a single larger policy. AD confirmed that can be explored.

CM suggested that the wording in Section 2 be amended to specify that registration with the General Medical Council (GMC) must not only be held but also actively maintained.

It was further proposed that Section 5.5, paragraph 3, be revised to clarify responsibility for investigating the cause of any lapse in a doctor's registration. CM also recommended that the section addressing management of such issues be reviewed and expanded and continue to include emphasis on well-being but additionally should also reference the need to address performance issues which may arise in the appropriate manner/process.

AD confirmed that a separate policy exists specifically for managing performance matters which can be referred to in the policy.

Action: AD will consider amalgamation of all 3 policies into a single working policy in future.

The Board approved the paper.

7.11 6 Monthly Organisational Development Plan Update

AD presented the paper for approval.

AD confirmed that the organisational development plan consolidated reporting to avoid duplication with other reporting against other people/workforce action plans.

AD confirmed that the intention in future is to develop dashboard reporting for the board, but further information would be available upon the Board's request.

The board approved the paper

7.12 Sexual Harassment Policy

AD presented the paper to the board for approval.

KH asked whether developments in recent cases, such as the situation in Fife, had influenced the development of the policy. AD confirmed the Fife situation had not impacted, as the policy did not relate to the definition of male or female, and the

landlord has confirmed from a buildings perspective that the Commission is compliant with the Supreme court judgment in terms of toilets/washroom facilities.

SR observed that the relevant timescales were not prescribed by legislation but recommended that all parties involved work to a clear timeframe for investigation and response. AD confirmed it had been challenging to identify an appropriate timeframe when benchmarking against other policies (e.g. NHS) but would add something in to that effect.

CM, in their capacity as Wellbeing Champion, proposed that the wording regarding support from the Commission be strengthened by changing “may be offered” to “will be offered.” AD agreed to include the amendment.

AW suggested that the term “unwelcome invitation” be more clearly defined, as it was currently too vague to link to specific behaviours. DH proposed that the forthcoming bullying policy could be used to capture and address such scenarios. CM further noted that considerations of intent and threat would form part of the investigative process.

Action: AD to further review policy
The Board approved the paper, subject to further review.

7.13 Sustainability Progress Report

AD presented the paper for approval

AW commented that the next steps outlined in the document could be made clearer, as it was not immediately evident what specific actions the Commission intended to take. AW also offered to arrange for an external review of the policy by a specialist in the field known to her.

DH observed that the Commission’s ongoing work in other areas, such as the review of Designated Medical Practitioner (DMP) practices, could have a consequential impact on this policy.

AWr suggested the policy be amended to reflect that all decisions made by the Commission would be considered through a sustainability lens.

Action: AD to further review the paper
The Board approved the paper, subject to further review.

7.14 Board and AP&R meeting dates 2026/2027

Board Q and As

- Friday 28th November 2025 at 2pm
- Friday 30th January 2026 at 2pm
- Monday 30th March 2026 at 2pm

Board meetings
Tuesday 28 April 2026 (In Person)

Tuesday 30 June 2026
Tuesday 25 August 2026
Tuesday 20 October 2026 (In Person)
Tuesday 8 December 2026
Tuesday 23 February 2027

SUGGESTED AP&R MEETING DATES
Monday 9 February 2026
Monday 22 June 2026
Monday 23 November 2026

The Board agreed the above dates

8. For Information
8.1 Consultation Response: Commissioner for Older People

JP presented the paper for information. JP confirmed the response was submitted and the Equalities, Human Rights and Civil Justice Committee subsequently advised that the Committee considered its next steps on the Bill at its meeting on 9 September and agreed not to commence any further scrutiny of the Bill.

10. Date for next Board meeting Tuesday 9th December 2025 (virtual)