**MENTAL WELFARE COMMISSION FOR SCOTLAND**

**MEETING OF THE BOARD**

**HELD on TUESDAY 25 APRIL 2023**

**Present:**

Sandy Riddell (Chair)

Mary Twaddle

Nichola Brown

Kathy Henwood

David Hall (Via Teams)

Gordon Johnston (Via Teams)

Cindy Mackie (Via Teams)

Alison White (Via Teams)

**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

Mary Mowat (Communications Manager (Items 1 to 6.2 only)

**Secretary:**

Katrina Thomson (Via Teams)

**1. Welcome and Apologies**

No apologies were received.

**2. Board Declarations and Register of Interests**

No declarations or register of interests were given.

**3. Chair Update and Announcements**

The Chair welcomed KH to her first Board meeting. He offered maximum support to KH in her new role and said that if anything is not clear he asked KH to raise it as the Board very much welcomes feedback.

The Chair invited KH to introduce herself. KH said she currently works for Fife Council, as head of education and children’s services, and justice services, and as chief social work officer and has predominantly worked with children and families. She will be taking up a new director post with Edinburgh City in the coming weeks. The Chair said there had been 41 applications received for the post of Board member and that it had been a very strong field.

The Chair carried on to say that he was pleased to announce the re-appointment of AW for a second 4 year term.

The Chair said that he and JP are trying to arrange a meeting with the new Minister [for social care, mental wellbeing and sport] and are awaiting a date.

As appraisals will be taking place next week, the Chair asked Board members to let him have their comments by the end of the week.

**4. CEO Update**

JP said that the IMS replacement project is significant as Board members are aware and that it is now progressing through to the procurement stage with 16 bids received. SM is continuing to lead this project.

Referring to the Health and Safety Audit, JP said that agreement has been given for the NES health and safety officer to work with the Commission, including on site attendance once a month, to assist in taking this forward.

On AWI/NES training JP said that over 2000 people had signed up for the first masterclass, reinforcing the demand for adults with incapacity training across the sectors.

JP advised that the date of 23 August (am) has now been set for the event requested by the Chair to reflect on our annual report and look forward to the future. It is hoped that the Scottish Government’s initial response to the SMHLR will have been published by then.

The Chair asked JP about the Commission’s response to the SMHLR. JP said that an internal working group has been summarising each chapter, pulling out key themes and where there is reference to the Commission. This will lead to a draft action plan following consultation with staff at the Commission and then will be shared with Colin McKay and Jill Stavert. JP offered to share with Board members before the next Board meeting [subsequently sent 26 May 2023].

The Chair said we do not want to lose momentum as a lot of people have commented on this and there is a fundamental need to deliver. This was agreed by all.

**5. (a) Minutes of Board meeting held on 21 February 2023(Paper)**

The minutes were approved subject to a minor amendment.

**(b) Action Points (Paper)**

Noted.

**6. Item*s* for discussion and/or approval**

**6.1 Business Plan 2023/26 (Paper) (Julie Paterson)**

The Chair said that the Business Plan had been shared at the recent Advisory Committee meeting and he sensed there was support for the plan. JP said this is a draft for 2023/24 and comments and feedback are also welcome from Board members. She also asked the Board to note there are no new themed visits planned for 2023-24 as there is a need to create capacity for activity and response to the SMHLR.

MT said that the Advisory Committee broadly supported the Business Plan. Engagement and Participation was of particular interest as was the commitment to training to support learning from our investigation work. Having packs that highlight the Commission’s roles and responsibilities was welcomed and she added that stakeholders are on board with the plan.

Referring to the suggestion that Board members attend HSCP and IJB meetings, it was noted that there will be a need to think about conflicts of interests. It was also said that there will be benefits in attending these meetings as collectively some areas slip under the radar. Referring to the Digital Transformation section of the plan, it was suggested that we need to be mindful of the people we support, in particular children.

AW asked about the End of Year meetings. JP said that for the End of Year meetings Health Boards and IJBs are asked if they wish to have separate meetings or joint meetings. Board members can attend any of these meetings as an MWC Board member if they wish, however JP clarified that the proposal in the business plan related to Board members attending IJB and Health Board meetings independent of other processes, to raise the profile of the Commission in the same way that HIS members apparently do.

CM asked about information sharing and recalled in a previous investigation report there were issues regarding information sharing with the police. JP confirmed that AC is taking this forward with police colleagues and memoranda of understanding/information sharing agreements are continuing to be updated. It was agreed that it would be helpful to add monitoring of MOUs to the performance framework to ensure all were reviewed timeously and up to date.

The Chair said we need to be mindful that the Business Plan may be subject to change given the world we are currently working in; some priorities may be overtaken by others over the summer.

JP thanked JON for pulling this report together.

The Board approved the Business Plan.

**6.2 Communications Planner (Paper) (Mary Mowat)**

The Chair introduced this paper by saying it was approved in line with the Business Plan and aligns with the Strategic Plan.

MM said the Communications Plan is presented to the ELT meetings every two weeks. She said that the Communications Team work hard to keep our agenda on everyone’s radar. The Board said they are looking forward to seeing the Engagement and Participation Strategy. It was noted that communication is critical to the Commission.

The Chair said that the communications analysis is presented to the December Board annually. He acknowledged that there are different media platforms and asked what our priorities are, and how do we know if it has reached the right audiences.

MM said we have different ways of feeding our messages that do have a lot of reach, such as the mental health focus in the Holyrood magazine.

Referring to the Advisory Committee NB asked when looking at the website would it be possible for the Advisory Committee to have its own live link to the homepage. MM said this would not be too difficult.

It was noted that the Commission does use twitter and MM was asked if they are considering any other areas of social media. MM said it has been looked at but we do not have the resources to undertake this. It was also suggested that the Commission could link in with the Children’s Commissioner as children and young people use Instagram rather than twitter. MM said she will consider further what we can offer young people. SM said that the feedback from young people was that Tik Tok is an area of preference. SM advised that through engagement with relevant stakeholders the Commission will look at all communication forms.

JP said that engagement with children and young people is a priority for the Commission.

The Chair noted that the Commission has tended to present as adult centric previously and welcomed greater focus on children and young people in the coming years.

The Board approved the Communications Plan.

**6.3 Chief Executive’s Objectives (Paper) (Julie Paterson)**

JP said that part of the process is that the Chief Executive shares their objectives with the Board each financial year. The CEO then evidences delivery or otherwise to the Chair throughout the year. Objectives for 2022-23 have been appraised. JP highlighted her intention this year to focus more on strategic priorities than on operational priorities as has necessarily been the case in previous years.

The Chair welcomed the clear objectives and range. He said that JP may have to respond to national strategic priorities over the next year and this may impact on some of the other objectives noted.

The Board approved the CEO Objectives.

**6.4 Interventions and Lessons Learned Report (Paper) (Suzanne McGuinness)**

The Chair welcomed this report and the focus on work of the Commission that is not routinely referred to elsewhere.

SM said that the report had evolved to show broader work is being done and to showcase this. SM suggested that this report is best placed alongside the performance report as it gives some rich, qualitative impact information which complements the performance report.

Comments from the Board included that this was a good report, with case three and its thematic approach particularly useful. It was noted that it was important for the Advisory Committee and everyone else to see the breadth of work done by the Commission.

The Board approved the report for publication.

**6.5 Budget Update (Paper) (Julie Paterson)**

JP said, as expected, there is a projected underspend of £191k. Second opinion fees had continued to exceed the cap of £418k. JP told the Board that we have not received the funding letter confirming the 23/24 budget however verbal agreement has been given to support retaining the agreed cap on DMP fees. JP said it is a challenging time and asked the Board to note the contents of the paper at this time.

The Chair said that he and JP have had clear discussions with SG and will continue to be proactive.

**6.6 Pay Remit (Paper) (Julie Paterson)**

JP said the paper was for information at this stage. The pay remit is normally discussed in December with SG but this was not done at the end of 2022, instead the Scottish Government is proposing a pay strategy as noted in the paper. JP said it is likely that the recommendation to the Board would be to offer the average of 3.5% as 5% would require efficiencies to be made to deliver on this. The Scottish Government is said to be continuing to consult with unions so it is suggested that we await the outcome of these discussions and any subsequent change or otherwise to this strategy. This was agreed by the Board.

JP referred to the 35 hour working week and told the Board that she had asked SG for advice on how to implement this. This advice is awaited. JP said that she will link in with other organisations to see how they will be taking this forward. With reference to moving to a four day week, pilot sites have been sought to test this out but the Commission has not offered be a pilot site.

JP said she had met with staff last Friday to give an update on the pay strategy, the 35 hour week, and the Scottish Government’s ‘wellbeing hour’ as well as the ‘right to disconnect’.

Board members suggested the importance of keeping a watch on what the NHS are doing as there could be substantial uplifts. JP agreed and said this was important both in terms of retaining existing staff and recruiting new staff.

The Board noted the contents of the paper.

**6.7 Board Self-Assessment (Paper) (Sandy Riddell)**

The Chair explained that we complete this exercise every year and said the exercise was useful with positive comments, and a lot of reference made to the Advisory Committee and stakeholders. This provides good assurance on what is happening with comments also addressed from the Advisory Committee.

On the issue of reach and influence he said there was a need to do more. The Chair said influence and challenge was the responsibility of all Board members and he would discuss this at individual appraisal meetings.

Referring to future meetings, he said he had hoped for more in person meetings but acknowledged the feedback from the Advisory Committee on 20 April. He suggested that the June and August Board meetings are held hybrid and due to winter weather it was agreed the October, December and February meetings will be via Teams, and that all Q&A meetings are via Teams.

The Board noted the contents of the paper presented.

**6.8 Hybrid Policy (Paper) (Suzanne McGuinness)**

SM explained that the hybrid working policy will ensure that all staff know what is expected and will provide a work life balance. The Board said it would be interested to see how this will be implemented and will there be controls on Health and Safety issues, such as training and how soon will this training take place. SM said that the development of the hybrid policy had shown that some HR policies require updating and new policies require to be developed as well as the induction process. SM said it is very rare in this climate if new staff have no experience of home working.

CM highlighted the potential for vicarious liability in terms of health and safety arrangements in staff homes. SM advised that the checklist including HSE checklist is for staff to complete and agreed that the requirements are met under the hybrid policy. Ultimately, where employees sign to agree their hybrid place of work is in accordance with the policy, and this is not knowingly accurate, there is potential for disciplinary measures.

SM further advised that the policy will be part of the induction process and that the policy has been informed by legal services.

GJ highlighted that caution is advised [in implementing the policy] to ensure the Commission adopts a consistent approach and avoiding treating any member of staff less favourably in relation to eligibility for hybrid working.

AW advised that for new staff the Commission should ensure that there are strong links with the team- and staff are involved with each other, particularly when challenging situations arise. In addition, AW advised that there could be tax implications for people hybrid working abroad or in other parts of the UK given the different tax arrangements [in Scotland].

MT highlighted that the policy proposal of a minimum of one day per month as a percentage of contracted hours should be scoped and suggested looking at space required in [people’s homes] with reference to the NHS Lothian policy.

Board members advised that standards, values and expectations of working under hybrid arrangements should be more explicit in the policy.

SM said she will take the policy back to HR to confirm the points raised.

JP explained to the Board that as far as working in Thistle House, this is not possible for all staff at one time as there are only 36 desks available, hence the need to formalise the hybrid working arrangements for all staff. JP said it is a changing environment however we have learned that hybrid working can work and the Commission’s business still gets delivered.

The Chair said there has been some useful points raised and that it should be taken back to HR to resolve the issues.

The Board approved the trial for one year and approved the policy subject to the issues being raised with HR.

**Action: SM** to take the Hybrid Policy back to HR for further discussion on the points raised above.

**6.9 Annual Complaints Report (Paper) (Julie Paterson)**

JP presented the report. She said there is a plan to look at the past five years to see if any themes keep occurring.

The Board noted the contents of the paper and welcomed the thematic work.

**6.10 Register of Interests (Paper) (Julie Paterson)**

The Board approved the Register of Interests for both the Board and Executive Leadership Team. These will now be published on the website.

**6.11 AP&R minutes from February 2023 (Paper) (Gordon Johnston)**

GJ referred to substantial papers having been presented to the Board. He informed the Board that Grant Thornton is the new external auditors and that there will be tendering at the end of the year for new internal auditors.

The Chair explained that both the Advisory Committee and the Audit, Performance and Risk Committee seek assurance on behalf of the Board. The Chair said that if any of the Board members wish to attend either of these meetings they can ask to attend at any time.

The Board noted the contents of minutes provided.

**7. For Information**

**7.1 Adult secondary care standards response to consultation (Paper)(Arun Chopra)**

AC said this could have a high impact for the Commission. AC has sought clarity on a few points and has identified short comings. The Board supported all the points made.

The Board noted the contents of the paper.

**7.2 Covid response: Mental Welfare Commission (Paper) (Julie Paterson)**

The Chair said that this was an interesting read and noted only a written response had been requested at this stage.

The Board noted the contents of the paper.

***8.* Board Agenda Planning**

The Chair said that the planner may change over the course of the Board meetings. The Chair further suggested that the Board meetings and Q&A sessions for the full year will be a mix of hybrid and Team meetings. **[KT has subsequently issued an email outlining the changes and has amended calendar invites accordingly].**

**9. Any Other Business**

**10. Date for next Board meeting Tuesday 6 June 2023 at 2.00pm (Extra meeting via Teams) and the next Full Board meeting is Tuesday 27 June 2023 (Hybrid).**

The Chair then thanked Safaa Baxter for her significant contribution over her nine years of service to the Commission, on behalf of the Board.