

<b>Policy Title:</b> Standing Orders	<b>Policy Number:</b> 001
<b>Issue Number:</b> 018	<b>Date of First Issue:</b> October 2001
<b>Date of last review:</b> February 2018	<b>Date of next review:</b> February 2020
<b>Approved by:</b> Board	<b>Lead Person:</b> A,R& IG Committee

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## STANDING ORDERS

For regulating the business and procedure of the Board of the Mental Welfare Commission for Scotland, and its Committees.

### A INTERPRETATION

“Chair” is the person appointed by Scottish Ministers to lead the Commission and to ensure that it successfully discharges its overall responsibility. The expression “the Chair of the Mental Welfare Commission for Scotland” shall be deemed to include the Vice-Chair of the Mental Welfare Commission for Scotland if the Chair is absent from the meeting or is otherwise unavailable.

“Accountable Officer” under the Public Finance and Accountability (Scotland) Act 2000 is the officer with a **personal** responsibility for the propriety and regularity of the public finances and ensuring that the resources of the Commission are used economically, efficiently and effectively. For the Mental Welfare Commission for Scotland it is the Chief Executive. In the absence of the Chief Executive for more than a three week period, the Head of Corporate Services shall be the Acting Accountable Officer.

The National Confidential Forum (NCF) was set up as a committee of the Commission under the Victims and Witnesses (Scotland) Act 2014. This was a pragmatic way for the Scottish Government to set up the NCF; in practical terms it does not operate as a committee of the Commission. The sections of these Standing Orders about standing committees do not apply to the NCF. The Commission is responsible for the functions of the NCF so any reference to business, functions or procedures of the Commission in these Standing Orders will also include NCF unless expressly stated otherwise. The remit of the NCF is outlined in appendix D.

### B COMPOSITION OF THE BOARD

The composition of the Board as set out in the Mental Health (Care & Treatment) (Scotland) Act 2003 as revised by the Public Sector Reform (Scotland) Act 2010 and the Victims and Witnesses (Scotland) Act 2014 shall consist of

- a member appointed to serve as Chair;
- 7 to 9 members, one of whom must be a user of mental health services, one a carer (or has been a carer) of someone using mental health or learning disability services and one person who has such skills, knowledge and experience as the Scottish Ministers consider to be relevant in relation to the carrying out of the National Confidential Forum functions.

## **C MEMBERS**

### **1 Appointment of Chair and Members**

The Chair and members of the Board shall be appointed by Scottish Ministers through the public appointments process.

### **2 Appointment of Vice-Chair and Members of Standing Committees**

The Chair shall seek nominations from Board members for the office of Vice Chair and Members of all Standing Committees. The Chair, following advice from the Chief Executive, shall select Members on the basis of experience, special skills and availability. Once a year the composition of each Standing Committee shall be reported to the Board for approval.

The Vice Chair shall hold office for the period of the current term of membership of the Board, or for two years, whichever is the lesser. The retiring Vice Chair shall be eligible for re-appointment, as long as s/he remains a Board member.

### **3 Declaration of Interests**

- 3.1 The Chair and Board members are required to declare any personal and business interests which may conflict with their responsibilities as Board members on appointment. These will be recorded in the register of interests. If any such interest arises subsequent to appointment, it shall be declared and recorded without delay.
- 3.2 The Commission shall draw up rules of conduct for Board members which ensure that such conflicts are identified at an early stage and that appropriate action is taken to resolve them.
- 3.3 If a Board member has any doubt about the relevance of an interest, this should be discussed with the Chair.
- 3.4 The Commission shall keep a register of all declared interests and an annual report compiled from such register shall be placed before the Board at an appropriate meeting and so recorded as an appendix to that meeting minute.
- 3.5 The Commission shall also keep a register of senior staff (those on the executive team) and NCF Head and members interests which may conflict with its overall role. Should staff be in any doubt as to the relevance of any of their outside interests they should seek the advice of the Chief Executive. An annual report of such interests shall be placed before the Commission at an appropriate meeting and so recorded as an appendix to that meeting minute.

#### **4 Register of Interests**

The Commission shall maintain a formal register of Board, executive team and NCF Head and members interests, accessible to the public through publication on the website.

#### **5 Training and Development of Board Members**

The Chair is responsible for ensuring that all Board members make a full contribution to the Commission's affairs and must, in consequence, determine the training and development needs of Board members and ensure that any gaps in knowledge or experience are resolved.

#### **6 Suspension of Board Members**

Any Board member disregarding the authority of the Chair or who obstructs the meeting or conducts him or herself offensively shall be suspended for the remainder of the meeting if a motion (which shall be determined without discussion) for his suspension is carried. Any person so suspended shall forthwith leave the meeting and shall not, without the consent of the meeting, return. If a person so suspended refuses, when required by the Chair to leave the meeting, he may immediately be removed from the meeting by any person authorised by the Chair so to do.

#### **7 Reservation of Powers and Scheme of Delegation**

7.1 The Board shall reserve certain decisions to itself and shall delegate other decisions to its Committees and to the Chief Executive. The full reservation of powers and scheme of delegation is set out in Appendix A.

##### **7.2 Regulation and Control**

The Board reserves to itself the matters detailed below:

- a) Strategic direction, business plans and budgets
- b) Standing orders, including a scheme of delegation
- c) Standing financial instructions
- d) The establishment, terms of reference and reporting arrangements for all committees and special groups acting on behalf of the Board
- e) Items of capital expenditure or disposal of assets with a value in excess of £50,000 or other such amount as may be agreed by the Board and Scottish Government
- f) Financial and performance management reporting arrangements
- g) Approval of annual accounts

- h) Approval of annual report
- i) The appointment of a person to chair or conduct an inquiry under section 12 of the Act
- j) Ratification of any urgent decisions taken by the Chair in accordance with Standing Orders
- k) There will be no delegation of investigatory powers under section 11 or 12 of the 2003 Act to the NCF

7.3 Delegation to Committees - The Board shall agree from time to time to the delegation of executive powers to be exercised by Committees or Sub-Committees, which it has formally constituted. The constitution and terms of reference of Committees and Sub-Committees, and their specific executive powers, shall be approved by the Board.

7.4 Delegation to the Chief Executive - Those functions of the Commission which have not been retained as reserved by the Board or delegated to an Executive Committee or Sub-Committee shall be exercised on behalf of the Commission by the Chief Executive. The Chief Executive shall determine which functions s/he will perform personally and shall nominate officers to undertake the remaining functions for which s/he will still retain an accountability to the Board. The Chief Executive shall prepare a Scheme of Delegation identifying proposals which shall be considered and approved by the Board. (Appendix A Section 4). The Chief Executive may periodically propose amendment to the Scheme of Delegation which shall be considered by the Board.

7.5 The operational functions of the NCF as outlined in the 2014 Act will be delegated to the Head of NCF

## **8 Annual Accounts and Annual Report**

The Commission shall produce audited Annual Accounts and report, with segmental reporting for NCF activities following guidelines produced by the Scottish Government Health Directorate, and an Annual Report of Commission activities which is laid before the Scottish Parliament.

8.1 The Head of NCF will produce an annual report and consult with the Commission before publication

## **D MEETINGS OF THE BOARD AND COMMITTEES**

### **9 General**

9.1 The Chief Executive shall cause notices of all meetings of the Board and Committees, together with a note of the agenda and of any Committee

minutes and reports which are to be submitted to such meetings, to be delivered or sent by post so as to reach each Board member at least three clear days before the day of the meeting. Failure of delivery of any notice shall not invalidate the proceedings of the meeting to which the notice refers. Late papers will be sent out or tabled only in exceptional circumstances.

- 9.2 At every meeting of the Board the Chair, if present, shall preside.
- 9.3 If the Chair is absent from any meeting of the Board the Vice Chair, if present, shall preside. If the Chair and the Vice-Chair are both absent from a Board meeting, or the Committee Chair is absent from a Committee meeting, the Board members present at the meeting shall elect from among them a person to act as Chair for that meeting.
- 9.4 The members of the Commission's Executive team will be present at all Board meetings but will leave the meeting when their pay or performance is discussed and for any such reason as the Board deem appropriate.
- 9.5 The Head of NCF will be present at all Board meetings to discuss NCF business and may be requested to attend other items.

## **10 Ordinary Meetings of the Board**

- 10.1 The Board shall meet no fewer than six times in each year. The period between meetings shall not exceed three months.
- 10.2 The date, time and place of meetings shall be fixed by the Board. The Board shall agree the meetings dates for the following financial year by, or at, its last meeting of the calendar year.
- 10.3 Ordinary Board meetings shall be held in public. The Board shall hold meetings in private session when deemed appropriate in view of the nature of business to be discussed.
- 10.4 No business shall be transacted at meetings of the Board other than that specified in the agenda unless it has been notified to the Chair prior to the meeting and has the consent of the majority of the Board members present.

## **11 Special Meetings of the Board**

The Chair shall cause a special meeting of the Board to be called as required, or on receiving a requisition in writing for that purpose signed by one third of the whole number of members of the Board. Such requisition shall specify the business to be transacted and no other business shall be competent. Such meetings shall be held within fourteen days of receipt of the requisition.

## **12 Quorum**

No business shall be transacted at a meeting of the Board unless at least four members are present.

### **13 Notice of Motion and Order of Debate**

- 13.1 A motion which is contradictory to a resolution of the Board shall not be competent within six months of the date of adoption of such resolution unless:
- a) the consent of two thirds of the Board members present and voting be obtained; or
  - b) notice of the motion, having been signed by at least one-third of the whole number of Board members, shall be given to the Chief Executive at least fourteen days in advance of the meeting, and shall be specified in the circular calling the meeting. All Board members shall be notified at least seven days in advance of the meeting of the inclusion of the motion in the circular; or
  - c) in the case of emergency (involving such matters as a substantial change of circumstances, an illegality, a miscarriage of justice, a breach of ethics or the like).
- 13.2 Any motion or amendment shall, if required by the Chair of the meeting, be reduced to writing, and after being seconded, shall not be withdrawn without the leave of the Board or the Committee. No motion or amendment shall be spoken upon except by the mover until it has been seconded.
- 13.3 No Board member shall have the right to speak more than once on any motion or amendment except on a point of order or in explanation of some material part of their speech which they believe to have been misunderstood.
- 13.4 A Board member seconding a motion or amendment will be deemed to have spoken in the debate.
- 13.5 The mover of any original motion shall have the right to reply. In replying s/he shall not introduce new matter and shall be confined strictly to answering observations made in debate. Immediately after, the Chair of the meeting shall put the question without further debate.
- 13.6 When an amendment upon an original motion has been moved and seconded, no further amendment may be moved until the previous one has been disposed of. If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the question upon which further amendments may be moved.
- 13.7 The duration of speeches may, unless otherwise determined by a simple majority of Board members present and voting, be limited by the Chair of the meeting to five minutes for the mover, three minutes for the seconder and three minutes each for other speakers.
- 13.8 The ruling of the Chair of the meeting on all points of order and on the order of debate, shall be final. The Chair shall call upon Board members to speak.

## **14 Closure of Debate or Adjournment**

A motion of adjournment of any meeting of the Board or Committee, or adjournment of any debate on any question, or the closure of the debate, shall be put to the meeting after being seconded, without discussion. Unless the time and place are specified in the motion for adjournment, the adjournment shall be until the next ordinary meeting of the Board or the Committee.

## **15 Voting**

- 15.1 Except for as provided in these Standing Orders, all acts of, and all questions coming or arising before, a meeting of the Board or a Committee shall be done and decided by a majority of the Board members present and voting at the meeting and, in the case of an equality of votes, the person presiding at the meeting shall, in addition to his deliberative vote, have a casting vote.
- 15.2 The number of votes cast for and against motions and amendments shall be recorded in the minutes.

## **16 Emergency Powers of Chair**

The Chair is empowered to act for the Board between meetings of the Board in emergency situations of a nature not covered by the scheme of delegation.

Such action will be reported to the Board at the next ordinary meeting.

## **17 Delegations and Deputations**

- 17.1 Any individual or organisation wishing to make representation to the Commission will be heard if:
- a) a written application setting forth the subject matter on which a hearing is requested has been lodged with the Chief Executive at least 21 days in advance of the Board meeting which the delegation wishes to address; and
  - b) the Chair and Vice-Chair have considered the request and have agreed to recommend that the delegation or deputation should attend the Board meeting.
- 17.2 When a delegation or deputation is received by the Board, Board members may put to the delegation or deputation pertinent questions, but no Board member shall express an opinion upon or discuss the subject matter until the delegation has withdrawn from the Board meeting.
- 17.3 The terms of Standing Orders apply to delegations and deputations, except that ten minutes will be allowed for the leader of the delegation and three minutes for up to two other supporting speakers.

## **E MINUTES**

### **18 Recording of Names of Board Members Present**

The names of Board members present at a meeting of the Board or of a Committee of the Board shall be recorded in the minutes. Where a Board member is not present for the whole of a meeting this shall also be recorded.

### **19 Preparation, Approval and Distribution of Board and Committee Minutes**

19.1 Minutes of the proceedings of a meeting of the Board shall be drawn up by, or on behalf of, the Head of Corporate Services. The minutes shall be submitted to the next ensuing meeting of the Board for approval as a record of the meeting.

19.2 Minutes of the proceedings of a meeting of a Standing Committee shall be drawn up by, or on behalf of, the Head of Corporate Services and circulated to members for approval within three weeks of the meeting and thereafter submitted to the next Board meeting.

## **F COMMITTEES**

### **20 Application of Standing Orders**

The Standing Orders of the Mental Welfare Commission for Scotland, as far as they are applicable, shall apply to meetings of any Committees or Sub-Committees established by the Board.

### **21 Confidentiality**

A member of a Committee shall not disclose a matter dealt with by, or brought before, the Committee without its permission until the Committee have reported to the Board or shall otherwise have concluded on that matter.

### **22 Appointment of Committees**

22.1 The Board may appoint Committees and Sub-Committees to carry out any of the functions of the Board, other than those noted in section 7.2 of these Standing Orders.

22.2 Standing Committees shall be appointed annually by the Board. Casual vacancies in the Committees may be filled by the Board at their next ordinary meeting following a vacancy occurring.

22.3 The Board shall appoint among any such Standing Committees an Audit, Risk and Information Governance Committee and an Advisory Committee.

22.4 Committees of the Board may appoint Sub-Committees as may be considered necessary.

- 22.5 No business shall be transacted at a meeting of a Committee or Sub-Committee of the Board unless at least one half of the whole number of Members of that Committee or Sub-Committee is present.

### **23 Composition and Remit of Committees**

- 23.1 The Board shall approve the composition, including Chair, and remit of each Committee.
- 23.2 The composition and remit of the Audit, Risk and Information Governance Committee is contained in Appendix B and that of the Advisory Committee in Appendix C.

### **24 Complaints against the Commission**

- 24.1 A complaint against the Commission will be dealt with under its complaints procedures.
- 24.2 A complaint against the NCF will be dealt with under its complaints procedures
- 24.2 The Scottish Public Sector Ombudsman Act 2002 allows the Public Services Ombudsman to investigate complaints about certain functions of our work. These complaints will be dealt with in accordance with the Memorandum of Agreement between the Commission and the Public Services Ombudsman.

## **H SUSPENSION AND ALTERATION OF STANDING ORDERS**

### **25 Suspension of Standing Orders**

- 25.1 Except where this would contravene any statutory provision or direction made by Scottish Ministers, any particular Standing Order may be suspended provided that at least two thirds of the Board members present vote in favour of suspension.
- 25.2 The Audit, Risk and Information Governance Committee shall review every decision to suspend Standing Orders.

### **26 Rescinding or Alteration of Standing Orders**

It shall only be competent to rescind or alter any of the Standing Orders by resolutions of the Board to that effect.

### **27 Review of Standing Orders**

The Board shall review Standing Orders annually and shall make any new Standing Order or alteration to any existing Standing Order which may seem to be required for the better conduct of the business of the Board, or as Scottish Ministers may direct.

**I BREACH OF STANDING ORDERS**

- 28** The Chief Executive shall draw to the attention of the Chair of a meeting any apparent breach of the terms of these Standing Orders.

**J STANDING FINANCIAL INSTRUCTIONS**

- 29** The Commission's approved Standing Financial Instructions shall form part of these Standing Orders.

## RESERVATION OF POWERS AND SCHEME OF DELEGATION

1. **Matters on which decision on, and/or approval of, are retained by the Board**
  - a) Strategic direction, business plans and budgets
  - b) Standing orders, including a scheme of delegation
  - c) Standing financial instructions
  - d) The establishment, terms of reference and reporting arrangements for all committees and special groups acting on behalf of the Board
  - e) Items of capital expenditure or disposal of assets with a value in excess of £50,000 or other such amount as may be agreed by the Board.
  - f) Financial and performance management reporting arrangements
  - g) Write off losses and approval of special payments
  - h) Approval of annual accounts
  - i) Approval of Commission annual report. The NCF Head has responsibility for NCF annual report but must consult the Board before publication
  - j) Approval of themed visit reports, monitoring reports, I&I reports and good practice guides
  - k) Appointment of Chief Executive and Head of Corporate Services
  - l) The determination of the terms and conditions of employment of staff in accordance with public sector pay policy
  - m) Performance management system for staff
  - n) Objectives for the Chief Executive and Head of NCF and review performance against these objectives as part of the performance management system
  - o) The appointment of a person to chair or conduct an inquiry under section 12 of the Act
  - q) Ratification of any urgent decisions taken by the Chair in accordance with Standing Orders

**2. Matters on which decisions are made by the Audit, Risk and Information Governance Committee:**

- consideration and approval of internal audit programme
- measures to ensure adequate and appropriate standards of internal control and management
- appointment of internal auditors
- approval and monitoring of the risk management programme including the NCF risk management programme
- approval and monitoring of the information governance strategy including the NCF's information governance arrangements

**3. All other decisions:**

- all decisions, other than those included in paragraphs 1 and 2 above, are delegated by the Board to officers of the Commission through the Chief Executive or Head of NCF (for NCF functions only) as detailed in Appendix A Section 4.
- financial authorisation limits related to the scheme of delegation and, where indicated, details of the officers who have been delegated responsibility, are included within Standing Financial Instructions.

**4 Delegated Issues:**

Delegated Issue and Scope of Delegation	Responsible Officer	
Chair all Board meetings and associated responsibilities	Chair	
Implementing the risk management programme	Head of Corporate Services	Head of NCF
Demonstrate best value for money for all services	Chief Executive, Executive team and Chairs of Standing Committees	Head of NCF
Make suitable arrangements for the provision of an internal audit service and recommend accordingly to the Audit Committee	Chief Executive	
Standards of business conduct for staff	Chief Executive	
Maintain an inventory of assets	Head of Corporate Services	
Approve and sign all documents which will be necessary in legal proceedings	Chief Executive,	Head of NCF

Delegated Issue and Scope of Delegation	Responsible Officer	
Operation of all detailed financial matters including bank accounts and banking procedures	Head of Corporate Services	
Implementing the Commission's financial policies and co-ordinating corrective action	Head of Corporate Services	Head of NCF
Ensuring detailed financial procedures are prepared and documented	Head of Corporate Services	
Delegation of budgets and approval to spend funds within delegated limits	Chief Executive	Head of NCF
Management and control of information governance - data protection, confidentiality and security (including cyber security), Caldicott, transparency (eg FIOSA) and public records.	Head of Corporate Services	Head of NCF
Recording and monitoring of payments under the losses and compensation regulations	Head of Corporate Services	
Authorise proposals to seek write-off authority for losses and ensure presented to Audit Committee before submitted to the Department for approval	Chief Executive	
Authorise the acquisition of any assets up to £50,000	Chief Executive,	Head of NCF
Procedures for the employment, payment and termination of employment of staff	Head of Corporate Services	
Procedures for the payment of travel, subsistence, study course and other expenses	Head of Corporate Services	
Procedures for the ordering and receipt of supplies and services and the payment of accounts	Head of Corporate Services	
Issuing, receiving and opening of tenders	Head of Corporate Services	Head of NCF
Devise and maintain systems of budgetary control	Head of Corporate Services	
Preparation of Annual Accounts and Report	Head of Corporate Services	
Ensure that arrangements are made for the statutory audit to be undertaken	Head of Corporate Services	
Investigate any suspected cases of fraud or	Head of Corporate	

Delegated Issue and Scope of Delegation	Responsible Officer	
other irregularity and report any such cases to the Audit, Risk and Information Governance Committee	Services (in liaison with Chief Internal Auditor)	
Review, appraise and report in accordance with Public Sector Internal Audit Standards and best practice	Chief Internal Auditor	
Human Resources Management	Head of Corporate Services	
Arrangements for annual, compassionate, special leave and leave without pay	Head of Corporate Services	
Grievance and disciplinary procedures for staff	Head of Corporate Services	
Health and safety arrangements	Head of Corporate Services	Head of NCF
Security of the Commission's property, avoiding loss, exercising economy and efficiency in using resources and conforming to Standing Orders, Financial Instructions and Procedures	All Board members and staff.	NCF Head, members and staff
Approval of local visit reports	Executive Director (Nursing)	
Approval of statistical reports	Chief Executive	
Response to government and regulatory and other bodies consultation documents	Chief Executive	Head of NCF
Functions relating to the Commission's authority to make references, give directions or revoke certificates for safeguarded treatments under the relevant Acts	Chief Executive	
Development of the key strategy areas of Visits, Investigations and Inquiries, Information and advice and Monitoring of the Acts	Executive Directors	
Functions related to discharge of patients or recall of powers under 2000 Act and 2003 Act	Chief Executive	
Functions related to the operation of NCF		Head of NCF

**MENTAL WELFARE COMMISSION FOR SCOTLAND**

**AUDIT, RISK AND INFORMATION GOVERNANCE COMMITTEE**

**REMIT AND MEMBERSHIP**

**1. THE COMMITTEE**

- 1.1 The Audit, Risk and Information Governance (A,R & IG) Committee is a Standing Committee of the Board.
- 1.2 The Standing Orders of the Board will apply to the proceedings of this Committee.

**2. REMIT**

- 2.1 To review the operational effectiveness of the internal control structure and provide an annual statement to the Board, including providing appropriate assurance to the Board that the necessary controls are in place to allow the signing of the Governance Statement.
- 2.2 To develop an assurance framework that identifies any gaps in assurance the committee receives
- 2.3 To approve and review the Strategic and Annual Internal Audit Plan.
- 2.4 To receive reports from the Chief Executive and Head of Corporate Services on formal audit reports or other investigations carried out and to discuss these reports with the Chief Internal Auditor.
- 2.5 To receive the annual Internal Audit Report from the Chief Internal Auditor.
- 2.6 To review and recommend adoption of the Annual Accounts to the Board.
- 2.7 To consider all statutory audit material, in particular the Audit Report relating to the certification of the Annual Accounts.
- 2.8 To meet with the External Auditors to discuss their examination of the Annual Accounts.
- 2.9 To assess the effectiveness of the action taken by the Chief Executive and Head of NCF to remedy weaknesses identified by any of the auditors.
- 2.10 To review changes to standing orders, standing financial instructions and the circumstances where standing orders have been suspended.
- 2.11 To review changes in accounting policy and changes in the Commission's legal and regulatory environment.

- 2.12 To consider any action required in any suspected cases of fraud and other irregularities as reported by the Head of Corporate Services.
- 2.13 To appoint the Internal Auditors for the Commission.
- 2.14 To approve and monitor the risk management programme and include an assessment of the effectiveness of risk management in its annual report to the Commission.
- 2.15 To monitor the information governance programme which includes data protection, confidentiality and security (including cyber security), Caldicott, transparency (eg FIOSA) and public records and provide assurance to the Board on the effectiveness of information governance.
- 2.16 To ensure that all decisions taken by the Committee consider the implications for best value for the Commission.
- 2.17 To undertake an annual self assessment of the Audit Committee's performance and report this to the Board.

### **3. MEMBERSHIP**

- 3.1 The (A,R & IG) Committee will consist of two Board members plus a co-opted member with a financial background. The co-opted member has the same rights and responsibilities as the Board members.
- 3.2 All Board members, including the Chair, shall have the right to attend all meetings of the Committee.
- 3.3 The Chief Executive, Head of NCF, Head of Corporate Services, Finance Manager and Chief Internal Auditor will normally be expected to be in attendance.
- 3.4 In order to avoid any conflict of interest the Chair of the (A,R & IG) Committee shall not be the Chair of any other Standing Committee.

### **4. CHAIR**

The Board will appoint the Chair

### **5. TERM OF OFFICE**

Members will be approved annually by the Board. Each member will serve a three year term with a maximum of one further three year term.

### **6. MEETINGS**

The (A,R & IG) Committee will meet as necessary to fulfil its remit, not less than three times per year and shall report to the Board at least twice each financial year.

**7. QUORUM**

No business shall be transacted at a meeting of the (A,R & IG) Committee unless at least two members are present.

**8. VALIDITY OF PROCEEDINGS**

The proceedings of the (A,R & IG) Committee shall not be invalidated by any vacancy in membership or by any defect in the appointment of any member.

**9. CO-OPTION**

The (A,R & IG) Committee can seek independent professional advice where appropriate.

**10. MINUTES**

Minutes will be kept of the proceedings of each meeting, agreed by Members of the (A,R & IG) Committee and submitted to the Board for approval. An annual report will be made to the Board.

**MENTAL WELFARE COMMISSION FOR SCOTLAND  
ADVISORY COMMITTEE  
REMIT AND MEMBERSHIP**

**1. THE COMMITTEE**

- 1.1 The Advisory Committee is a Standing Committee of the Board.
- 1.2 The Standing Orders of the Board will apply to the proceedings of this Committee.

**2. REMIT**

- 2.1 To give advice about matters connected to the Commission's functions
- 2.2 To give advice about how the Commission exercises its functions
- 2.3 To give information on current issues that might affect the Commission's functions
- 2.4 To discuss and give advice on the strategic plan and annual business plan.
- 2.5 To give advice on how the Commission can (a) secure continuous improvement in user focus in the exercise of its functions and (b) demonstrate that improvement
- 2.6 To give advice on how the Commission can get useful stakeholder feedback on its work

**3. MEMBERSHIP**

- 3.1 The Advisory Committee will comprise two Board members, Chief Executive, Executive Director (Engagement and Participation), and representatives from the attached list of stakeholders.
- 3.2 All Board members shall have the right to attend all meetings of the Committee.

**4. CHAIR**

Meetings will be chaired by a member of the Board.

**5. MEETINGS**

The Advisory Committee will meet as necessary to fulfil its remit, not less than twice per year and shall report to the Board at least once each financial year.

## **6. RECORD OF MEETINGS**

A record will be kept of the advice provided by the Committee at each meeting and will be presented to the next available Board meeting for information.

### **Advisory Committee Members**

1. VoX
2. Scottish Recovery Network
3. Scottish Association for Mental Health
4. Bipolar Scotland
5. Support in Mind
6. Mental Health Foundation
7. Alzheimer Scotland
8. Carers' Trust
9. Scottish Commission for Learning Disabilities
10. Learning Disability Alliance Scotland
11. PAMIS
12. Forensic Carers Network
13. Scottish Independent Advocacy Alliance
14. CCPS
15. Mental Health Nurses Forum
16. Learning Disability Nurses Forum
17. RCPsych
18. RCGP
19. Social Work Scotland
20. Scottish Association of Social Workers (MHO Forum)
21. British Psychological Society
22. Allied Health Professionals (AHP) Strategic Mental Health Leads
23. AHP Dementia Expert Group
24. NHS Health Scotland
25. Law Society Mental Health Subgroup
26. LGBT Health
27. MECOPP
28. National Autistic Society
29. SHRC
30. HSCP Chief Officers Group
1. Enable

**NATIONAL CONFIDENTIAL FORUM  
REMIT AND MEMBERSHIP**

**1. THE COMMITTEE**

- 1.1 The National Confidential Forum (NCF) is a committee of the Mental Welfare Commission (MWC).
- 1.2 The NCF was established through legislative provisions, in part 2 of and schedule 1A to the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the 2003 Act”) as amended by the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”)
- 1.3 The framework for the operation of the NCF is set out in a Memorandum of Understanding between the Scottish Government and MWC. The MOU defines key roles and responsibilities which will underpin the relationship between the NCF, the Commission and the Scottish Ministers.

**2 MEMBERSHIP**

- 2.1 The NCF consists of
- The NCF Head; and
  - at least 2 other members (paragraph 1 of schedule 1A to the 2003 Act)
- 2.2 The NCF and members shall be appointed by Scottish Ministers through the public appointments process
- 2.3 There may be occasions when the MWC Chair and Board member (NCF) attend meetings of the Forum.
- 2.4 Members of the Scottish Government and persons authorised by the Scottish Government may not attend or take part in meetings of NCF

**3. REMIT**

- 3.1 To plan, establish and review a means for people who were placed in institutional care as children to describe in confidence (give testimony)-experiences of that care and any abuse experienced during the period spent in that care. This testimony can be given in person or in writing
- 3.2 To establish and keep under review signposting of information about advice and guidance available to people who wish to give or propose to give testimony to the Forum

- 3.3 To ensure that the data collected through the Forum is kept confidential, in line with the requirements of the legislation establishing the Forum and data protection requirements
- 3.4 To establish a mechanism for disclosing information to the police of allegations of abuse and possible future offending against children
- 3.5 To identify any patterns and trends in the experiences of persons placed in institutional care as children and to make recommendations about policy and practice which the Forum considers will improve institutional care
- 3.6 To prepare, where appropriate, reports of the Forum based on testimony received with recommendations while ensuring anonymity of participants and consulting with the Commission before publication
- 3.7 To prepare an annual report to the Scottish Ministers on the discharge of the NCF functions and to consult the Commission before publication
- 3.8 To ensure that the Forum is as widely known and as accessible as possible to all who may be eligible to give testimony to the Forum. This includes developing and implementing a communication strategy to reach individuals, organisations supporting individuals, and the media
- 3.9 To design and implement a feedback strategy to ensure the Forum improves its processes and to assess where possible the impact upon and potential therapeutic effect for those who participate in the Forum
- 3.10 To develop and implement a risk management plan
- 3.11 To ensure that the Forum adheres to good practice in corporate governance and the relevant Commission policies and practices
- 3.12 To ensure that all decisions taken by the Forum consider the implications for best value for the Commission
- 3.13 To undertake an annual self assessment of the Forum's performance and report this to the Board.

#### **4. CHAIR**

The Head of the Forum will be the Chair. In the absence of the Head, the other members will elect a Chair

#### **5. TERM OF OFFICE**

Members will be part of the Forum meetings as long as they remain members of the Forum

**6. MEETINGS**

The Forum will meet as necessary to fulfil its remit, not less than five times per year and shall report to every meeting of the Board.

**7. QUORUM**

No business shall be transacted at a meeting of the Forum unless at least three members are present.

**8. VALIDITY OF PROCEEDINGS**

The proceedings of the Forum shall not be invalidated by any vacancy in membership or by any defect in the appointment of any member.

**9. CO-OPTION**

The Forum can seek independent professional advice where appropriate.

**10. MINUTES**

Any member can propose an agenda item for the meetings. Agenda and supporting papers will be sent five working days prior to the meeting. Minutes will be kept of the proceedings of each meeting, agreed by Forum Members and submitted to the Board for approval. Approved minutes will be published on the Forum's website. An annual report will be made to the Board.