

**MENTAL WELFARE COMMISSION FOR SCOTLAND  
MINUTES OF THE MEETING OF THE BOARD  
ON TUESDAY 27 JUNE 2017  
IN CONFERENCE ROOM, THISTLE HOUSE, EDINBURGH  
AT 10.30AM**

**Present:**

The Very Rev'd Dr Graham Forbes CBE  
Mr Norman Dunning  
Mr Paul Dumbleton  
Dr Sivasankaran Sashidharan  
Mrs Safaa Baxter  
Ms Mary Twaddle  
Mr Gordon Johnston

**In Attendance:**

Mr Colin McKay, Chief Executive  
Ms Alison McRae, Head of Corporate Services  
Mrs Alison Thomson, Executive Director (Nursing)  
Ms Kate Fearnley, Executive Director (Engagement & Participation)  
Dr Gary Morrison, Executive Director (Medical)

**Observer:** Mrs Alison Aiton, Information and Governance Manager

**Secretary:** Mrs Alison Smith, Operations and Improvement Manager

**1. Welcome and Apologies**

Apologies were received from Mr Sandy Riddell

**2. Declaration of interest**

Ms Twaddle noted that she currently works in one of the units visited during the forensic themed visit report although was not a Board member when the visit took place. The Board noted the declaration and agreed that Ms Twaddle should take part in the discussions on the report.

**3. Announcements**

None.

**4. Minutes of Board meeting held on 25 April 2017**

Approved.

**5. CEO Update**

**Mental Health Act 2015**

Most of the Act goes live on 30 June 2017. Commission staff have been heavily involved in:

- Updating the forms and briefing medical records staff.
- Commenting on regulations and revised Codes of Practice
- Getting ready to commence our new Advance Statement Register and ensuring Boards are aware of their responsibilities.
- Planning to deliver on our new role of monitoring how Boards and local authorities are implementing their duties to ensure independent advocacy is available.

Arising from the debate on MHA there were a number of other commitments that the Commission is involved with, particularly:

- **Review of learning disability and autism in 2003 Act** – Scottish Government still to appoint a chair. We have agreed in principle to host the review secretariat and will advertise for secretary and project manager once the Chair is identified.
- **System to investigate care and treatment of people in touch with mental health services who commit homicide:** - Scottish Government will consult formally on proposal we presented to them in November 2015.

**Law Reform:** - a joint [report](#) from the Commission and Napier University on the need for mental health and incapacity law reform was published 31 May. The immediate focus for the Scottish Government is reform of the Adults with Incapacity legislation including the proposal from the Commission for a system of graded guardianship.

**Rights in Mind:-** we held a successful launch of the [pathway](#), films and good practice guide on 24 May.

**Scottish Government mental health strategy:** - the first six monthly meeting for stakeholders on implementation of the strategy was held in June. We still await detail on how it will evolve and be monitored.

## Visits/Monitoring/Investigations

**[Place of safety report:](#)** - published 20 June.

We continue to follow up recommendations from our themed visit and investigation reports. Our report on perinatal mental health services continues to be positively received, and a managed clinical network has been set up. We have met with Scottish Government officials about delayed discharges for people with learning disabilities identified in our report No Through Road. We have had positive responses from most NHS Boards on the recommendations for them in the Ms OP investigation.

**Finance:** - Budget for this year confirmed. We met with our sponsor department to discuss the pressures on our budget created by uncertainty over the number of second opinion fees under part 16 of the Mental Health Act. It was a constructive meeting and further detail is being provided. We are reviewing our accommodation with a view to developing a business case for funding to reduce office space.

**Cyber security:** - we were not greatly affected by the recent cyber-attack, thanks to good systems and quick response from staff. Cyber-security is nonetheless an increasing concern and may require more resource in the future.

## **6. Items for discussion and/or approval**

### **6.1 Themed visit report to individuals in forensic settings**

The Board approved the report with minor amendments noted.

### **6.2 Investigation Report – Mr QR**

The Board approved the report subject to some amendments. The Board noted that this case had already been considered by the GMC. The Board felt that there were clear failings in this case and that the covering letter to the health board should be robust. The Board agreed that this was a shocking and distressing case and there were clearly failings in how the discharge was managed. It was agreed that the report will be copied to the Chair of the NHS board. The Board also questioned whether the process of publishing reports without naming the organisations concerned should continue. It was agreed that this report would be published without naming as this was what the health board had been told but the issue will be considered as part of our planned review of how we undertake investigations, and brought back to the Board for consideration.

### **6.3 Overview report on investigations work**

The Board noted the report. AM advised that the investigation process was due to be reviewed later in the year and consideration given to publishing lessons learnt from these smaller scale investigations. The idea being to show common issues that arise.

## **6.4 Annual Accounts**

### **6.4.1 Audit Committee Assurance**

Mr Dunning presented the report which was noted by the Board.

### **6.4.2 Annual Accounts Commentary**

Ms McRae presented the commentary which was noted by the Board.

### **6.4.3 Annual Accounts for the Year**

The Annual Report and Accounts were formally approved. The Board thanked all those involved in their preparation.

### **6.4.4 KPMG Annual Internal Audit**

The Board noted the positive contents of the report.

### **6.4.4 Scott-Moncrieff Annual Report**

The Board noted the positive contents of the report and thanked Ms McRae and her team.

### **6.4.5 PSRA Report**

The Board approved the report for publication on the website.

## **6.5 Business Plan End Year Report**

The Board were content with the report.

## **6.6 Best Value Framework – noted**

## **6.7 Board Code of Conduct**

The Board approved the Code of Conduct which is the same as the model code issued by the Standards Commission for Scotland

## **6.8 Policy Delegation List**

The Board approved the delegation of approval for each policy

## **6.9 Board meeting schedule – noted**

## **6.10 Complaints**

**6.10 (i) Complaints Annual Report - noted**

**6.10 (ii) Complaints Policy – the Board approved the policy**

## **7. Appointments and Remuneration**

### **7.1 CEO objectives for 2017/18**

Mr McKay presented his objectives for 2017/18 which were approved by the Board

### **7.2 Discretionary Pay Awards**

A proposal for developing a system for discretionary pay awards for medical consultants was agreed in principle

**8. Items for discussion**

**8.1 Law reform Report** – noted

**8.2 Information Governance and IT Strategy** – Approved.

AM advised that cyber security has become a major piece of work that may require additional resources. We will need to inform our sponsor department about this as we may need additional financial resource.

**8.3 Risk Management Plan** – noted

**8.4 Health and Sport Committee call for views –MH(Scotland) Act 2015** – noted

**8.5 SG Legal Aid Review** – noted

**8.6 Audit Committee Minutes 20 February 2017** - Approved

**9. Any Other Business** – none

**10. Date of next meeting** – 29 August 2017