

**MENTAL WELFARE COMMISSION FOR SCOTLAND  
MINUTES OF THE MEETING OF THE BOARD  
HELD ON TUESDAY 26 JANUARY 2016  
IN CONFERENCE ROOM, THISTLE HOUSE, EDINBURGH  
AT 10.30AM**

**Present:**

The Very Rev'd Dr Graham Forbes CBE  
Mr Norman Dunning  
Mrs Elaine Noad  
Mr Nigel Henderson  
Ms Jan Killeen  
Mr Paul Dumbleton  
Dr Sivasankaran Sashidharan  
Ms Lesley Smith  
Mrs Safaa Baxter

**In Attendance:**

Mr Colin McKay, Chief Executive  
Ms Kate Fearnley – Executive Director – Engagement and Participation  
Ms Alison McRae, Head of Corporate Services

**Observing:** Rebecca Christensen

**Secretary:** Mrs Alice Wallace, Finance Manager

**1. Welcome and Apologies**

The Board welcomed Rebecca Christensen who is attending meetings for the next year as a result of the Commission participating in the Scottish Government's Board Development project to give people interested in becoming Board members some experience of a Board.

**Apologies:** Mrs Alison Thomson, Mr Mike Diamond

**2. Announcements**

None

**3. Minutes of Board meeting held on 3 November 2015**

Approved

**4. CEO Update**

**Publications:** The community based compulsory treatment order (CCTO) report was published at the end of 2015. Separate Power of Attorney (POA) Guidance has been published for General Practitioners and for staff in hospitals and care homes.

Ms MN: There is a full and a summary document on the website with a mix of recommendations.

**Visit publications to come shortly:** Severe & enduring mental illness and Perinatal

**Investigations:** An external review with an outside consultant is planned for February to look at how we do investigations.

**End of Year meetings** are done and have, by and large, been positive. There will be a follow up to see how we make them more tight and meaningful.

**MHA 2015 update:** Individuals who feel they have been subject to excessive security can now appeal to tribunal but medical opinion is needed to support application. The rest of the implementation is due April 2017 and work is ongoing on regulations and forms. The issue of whether people with learning disability and autism be covered by the act is contentious. A scoping exercise on how to take forward a review will be undertaken by the Commission in collaboration with SCLD in late spring 2016 and reported to Ministers after the election.

**Advance statements:** work has been ongoing and the Commission has made several films to promote advance statements. The launch date is 17<sup>th</sup> March

**HR Engagement cafes** have taken place and the resulting 3 work streams (Core Values and Core Competencies, Performance Management and, Internal Communications and involvement activities) are being launched shortly. Human Rights training has been organised for staff.

**The Website review** is ongoing and due to go live end of February. This is a design refresh and not a refresh of content.

Mr McKay **welcomed two new members of Staff**. Paula John is a Social Work Officer and Katherine Meikle joins us as HR Manager in February.

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

### *5.1 Visit Report – Individuals in Intensive Psychiatric Care Units (IPCU's)*

Mr Seath and Dr Morgan joined the meeting. All IPCUs were visited, once on an announced basis and once on an unannounced basis. There was lengthy debate around areas which continue to need improvement such as the use of seclusion despite the reduction in its use, a notable lack of advance statements and delays in discharging. The Board noted improvements in areas such as improved access to independent advocacy and carer involvement.

It was agreed that the report was ready to be published subject to changes noted. The Board also agreed that the use of seclusion should be the subject of further discussion internally and with the Scottish Patient safety group.

The Board registered its thanks to those who prepared this report.

## **5.2 Visit Report – People with Learning Disabilities in Hospital**

Ms Fearnley and Mrs Tait presented this themed visit report, the main findings of which were: the continued issue of delayed discharge and the hospital environment, two thirds of which the report found, were not fit for purpose

The Board expressed their concerns at the issues highlighted and the findings of the report.

The Board registered its thanks to those who prepared this report and agreed that the report should be published as soon as possible.

## **5.3 Learning Disability and the Mental Health Act**

The paper which investigates the current use of the Mental Health (Care and Treatment) (Scotland) Act 2003 for individuals with learning disabilities was presented by Dr Welsh. The intention is that the paper will be published by Dr Welsh in a specialist publication.

The Board considered the contents and thanked Dr Welsh.

## **5.4 Draft Business Plan 2016-17**

The Board approved the first draft of the 2016/17 Business Plan, which will be finalised for the March Board meeting.

## **5.5 Business Plan Progress Report 2015-16**

Ms McRae invited comment on the progress report. The Board was content apart from one small change regarding the month of the last Board meeting.

## **5.6 Pay Remit**

The Board approved the 2016/17 pay remit.

## **5.7 Financial Budget Review**

Mrs McRae invited comment on the above report. The Board were content with the report

## **5.8 Influencing the next Mental Health Strategy - Development of the New Strategy**

The Scottish Government is developing its new mental health strategy and Ms Fearnley advised that the Scottish Government wish to engage directly with the Commission.

The Board discussed the request and agreed to invite the SG to attend the next Board meeting on 15<sup>th</sup> March and to have a preparatory meeting prior to that.

## **5.9 Emergency Detention Certificates (EDC) Consents**

Following interest in the media about individuals subject to emergency detention certificates and without consent of a Mental Health Officer, the Commission has been asked to undertake an audit of forms relating to EDCs to determine why some areas are better than others. The Board were interested to understand if this is a failure of practice or a resource issue. Mr McKay felt it was both of these factors.

### **5.10 Consultation on the Scottish Law Commission Report on Adults with Incapacity**

This consultation was given to the Board for information and comment.

### **5.11 Investigation**

Mr McKay updated the Board on the investigation requested by Scottish Ministers. The Commission is still waiting for the Health Board review but has decided to go ahead anyway with its investigation. Legal advice is being sought around lack of anonymity and freedom of information implications and their impact on the family.

A report will come to the Board in the summer.

### **5.12 Policies**

#### **5.12.1 Grievance Policy**

Approved

#### **5.12.2 Recruitment Policy**

Approved with minor changes noted

#### **5.12.3 Disciplinary Policy**

Approved

#### **5.12.4 Conflict of Interest Policy**

Approved

## **6. Items for Information**

### **6.1 Publication of Local Visits Report**

The Board noted the update

### **6.2 Executive Director (Nursing) Annual Report**

The Board noted the report

### **6.3 Executive Director (Medical) Annual Report**

The Board noted the report

**6.4 Executive Director (Engagement & Participation) Annual Report**

The Board noted the report

**6.5 Investigation of Homicides by People Receiving Mental Health Services**

The Board noted the report

**6.6 Consultation - The Review of the Scottish National Care Standards**

The Board noted the report

**6.7 Consultation - Abusive Behaviour and Sexual Harm (Scotland) Bill**

The Board noted the report

**6.8 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) - Consultation on the Scottish Government's Draft Delivery Plan 2016-2020**

The Board noted the report

**7. Any Other Business**

None

**8. Date of next meeting – Tuesday 15 March 2016**