

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
ON TUESDAY 2 SEPTEMBER 2014
IN CONFERENCE ROOM, THISTLE HOUSE, EDINBURGH
AT 10.30AM**

Present

The Very Revd Dr Graham Forbes CBE
Mr Norman Dunning
Mr Nigel Henderson
Ms Elaine Noad OBE
Ms Jan Killeen
Mr Paul Dumbleton
Mrs Safaa Baxter

In attendance

Mr Colin McKay, Chief Executive
Mr George Kappler, Deputy Chief Executive and Executive Director - Social Work
Dr Gary Morrison, Executive Director - Medical
Mrs Alison Thomson, Executive Director - Nursing
Ms Alison McRae, Head of Corporate Services
Ms Anne Birch, Researcher (item 5.2 only)

Secretary

Mr Charlie Burns, Administration Manager.

1. Welcome and Apologies

Apologies had been given by Dr Sivasankaran Sashidharan and Ms Lesley Smith, who had tendered comments for consideration.

2. Announcements

The Chair introduced Mrs Safaa Baxter, who had been appointed to the Board to take a particular interest in the National Confidential Forum, but who will also be a full Board member. He explained that Mrs Baxter had worked at a senior level in social work over a number of years and that her most recent appointment had been as Chief Social Work Officer of East Renfrewshire Council.

3. Minutes of Board meeting held on 25 June 2014

Referring to item 7, any other business, Mr Dunning pointed out that there was new draft guidance in relation to the appointed named person under the Children and Young People (Scotland) Act 2014, rather than a lack of guidance as had been recorded. Mr Burns undertook to amend the minutes accordingly.

4. CEO update

Mr McKay confirmed that the fit-out of the NCF's accommodation in Glasgow had now been completed and highlighted the huge contribution of the Commission's corporate services staff in setting up the NCF.

The Commission's specified persons' report had identified a lack of understanding of policy/the law and the Commission had now received a response from Mr Michael Matheson MSP, Minister for Public Health, advising of his intention to write to all NHS Boards to ask them to remind staff of their responsibilities. Mr McKay added that the State Hospital intends to audit practice there and Mr Seath will contact the State Hospital to discuss whether the MWC can assist with this.

Mr McKay said that publication of the Mr JL report had attracted reasonable press coverage but perhaps less than it might have because neither the individual nor the NHS Board were identified. The case had recommended a training needs assessment for all relevant primary care staff in relation to assessment of incapacity and the requirements of incapacity. The GP involved had not been identified, even to the GMC who had made enquiries. Mr McKay said that MWC staff had spoken to Mr JL's family. More generally, he had met with Mr Malcolm Wright, NES, to discuss how best the Commission could communicate with parties, such as GPs, with whom we're not in regular contact. Increasing the MWC input to medical training and continuing professional development will be a priority for Gary Morrison in future.

The Scottish Government had accepted all of the recommendations in the Commission's Dignity and Respect report (our visits to dementia continuing care wards) and these will be taken forward as part of the work on commitment 11 of the second dementia strategy. Mrs Thomson is to attend an event involving all dementia leads where their responsibilities for delivering a dementia action plan produced by the SG will be outlined for them.

The Commission has written to all NHS Boards to seek information on policies relating to patients who have absconded and will work with HIS on producing updated observation guidance.

The Commission's response to consultation on the Mental Health Bill will be submitted later that week and the Commission is due to give evidence in the Parliament in late September.

Mr McKay announced that Mr Lukins had been appointed as Project Manager for the NCF and is due to take up post from 8 September. Mrs McBean left on maternity leave on 22 August and Ms Mary Mowat, who has a wealth of experience in communication roles, has been appointed to the post of Communication Manager, with effect from 1 September. Mrs Thomson returned to full time duties wef 1 September; Mr McKay expressed his thanks to Mrs Fyfe for her contribution in her acting up role.

Other matters raised by the CEO were the forthcoming end of year meetings with NHS Boards and local authorities; the plan to arrange commitment 5 events; his, and Mrs Fyfe's, forthcoming attendance at the IALMH conference in Vienna in April 2015; the Alzheimer Europe conference in Glasgow in October; and the need to replace,

as Team Leaders, Mr Kappler, who is due to retire at end March 2015, and Dr Morrison, who it is proposed will concentrate on his role as executive director – medical. The last of these issues will form part of the discussion at the extra Board meeting on 16 September.

5. Items for discussion and/or approval

5.1 Visit report – young people in secure care

Mr McKay highlighted the main issues from the report for the Board. Mr Kappler said that the MWC had worked closely with the Care Inspectorate, who would be producing their own report, and both organisations would agree a joint statement to issue when both reports were ready for publication. There had also been valuable learning about the implications from this exercise for joint working in the future.

The Board agreed that understanding of the report would be improved by inclusion of information about the length of stay and the age range of the young people. The Board suggested that any future report about young people should also include views expressed by families and carers, to obtain a full picture of the circumstances of the young person. It was acknowledged that the crucial period for the young person is the entry into services, when it is vital that they are given relevant information.

The Board approved the report for issue, subject to greater emphasis on the outcomes from the visit and the inclusion of information on age and range of stay.

The Board expressed its thanks to the authors of the report.

5.2 Experience of named person report

Ms Birch explained for the Board that the interviews she had conducted had been by telephone but, were a similar exercise to be undertaken in the future, she would carry them out face to face. Mr Dunning pointed out that the term ‘named person’ is included in the Children and Young People (Scotland) Act 2014 and the Board agreed that the prospect of the confusion this may cause with its use under the Mental Health (Care and Treatment) (Scotland) Act 2003 should be highlighted with Scottish Government.

The Board approved the report for publication and thanked Ms Birch for her involvement in its production.

5.3 Survey of recorded matters report

The Board pointed out that of the 30 service users about whom a recorded matter had been made and who had been written to, only seven had responded; the Board felt that this was a low number to use as the basis for meaningful comment and suggested that this is highlighted in the report. The Board also asked that a reference to advocacy is included within recommendation 1 and that the number of tribunals held in each year is added.

The report was approved for issue, subject to the above comments being taken on board.

5.4 Overview of investigations

The Board indicated that it found the information on investigations helpful as it let it see the range of issues that they involved. Ms McRae confirmed that this report would be prepared annually for the Board, in line with the reporting timescales for other aspects of our work. The decision making matrix for investigations which is due to be reviewed shortly by OMG will be presented to the Board at the next available meeting.

The Board noted the contents of the investigations report and expressed its thanks to Mrs (Alison) Smith and Mr Burns for their work on its preparation.

5.5 Business Plan quarterly report

Noting the decision to suspend webinars, the Board suggested that e-learning packages might be an alternative vehicle through which to make information available to external parties.

The Board noted progress with delivery of the business objectives.

5.6 Annual Report

The Board had some concerns about the readability of the layout of the Annual Report; Mr Burns agreed that he and Mary Mowat, the new Communication Manager, would address this with APS. The Board were invited to submit any suggestions they had for changes.

The Board approved the content of the Annual Report and the easy read version.

5.7 Financial review

The Board noted that there was a small underspend as at end July 2014. Ms McRae confirmed for the Board that capital expenditure associated with changes to IMP as a result of changes to the Mental Health Act would not be incurred until 2015-16.

The Board noted the contents of the financial statement.

5.8 Complaints handling procedures

5.8.1 Complaints handling procedures for staff – MWC

5.8.2 Complaints handling procedures for staff – NCF

Ms McRae explained for the Board that current commitments, mainly the setting up of the NCF, had led to a decision to delay adoption of the new MWC complaints handling procedure until January 2015; the Commission will continue to use its current complaints procedures in the interim. Because the NCF does not currently have a complaints handling procedure, it will adopt its CHP with immediate effect.

Training for NCF staff will need to be arranged as soon as possible; training for Commission staff will be arranged before the end of 2014.

The Board noted the contents of the respective CHPs. The Board expressed its thanks to Mrs Aiton for her work on the CHPs.

6. Items for information

6.1 Memorandum of Understanding between MWC and the Keeper of the Records

The Board noted that the Commission's records management plan (RMP) had been approved, with the improvement plan we had submitted. The MOU is a mandatory element of the RMP.

The Board noted the contents of the MOU between the MWC and the Keeper of the Records.

6.2 PDP report 1 April 2013 – 31 March 2014

The Board noted the contents of the PDP report.

6.3 Sustainability report 2013-14

The Board noted the lack of use of the Commission's video conferencing equipment during the year and asked that consideration is given to its use in the current year and beyond.

The Board noted the contents of the sustainability report and thanked Mrs Finn and Mr Bowes for their work on this.

6.4 Audit Committee minutes 17 June 2014

The Board noted the contents of the above Audit Committee minutes.