

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MINUTES OF THE BOARD MEETING
HELD ON TUESDAY 26 FEBRUARY 2019
4TH FLOOR BOARD ROOM, THISTLE HOUSE
AT 11.00 AM**

PRESENT:

Present:

**The Very Rev'd Dr Graham Forbes CBE
Mrs Safaa Baxter
Mr Paul Dumbleton
Ms Mary Twaddle
Mr Gordon Johnston
Ms Cindy Mackie
Dr David Hall**

In attendance:

**Colin McKay, Chief Executive
Alison McRae, Head of Corporate Services
Alison Thomson, Executive Director, Nursing
Mike Diamond, Executive Director, Social Work**

Secretary: Mrs Katrina Thomson, Office Manager

1. Welcome and Apologies

Apologies were received from Sandy Riddell and Kate Fearnley

2. Declaration of Interest

None.

3. Announcements

Colin McKay referred to the passing of Dr Jim Dyer, who had been a previous Medical Director and then Director (Chief Executive) of the Mental Welfare Commission, and who had made a major contribution to the development of the Commission and to mental health services in Scotland.

4. Minutes of Board meeting held on 11 December 2018

The minutes were approved.

5. CEO Update

Influencing and policy

Referring to the Section 37 report and action, CM explained that following the recommendation from the review chaired by Professor White, the Commission has been asked to develop in consultation with patients, families and staff a reformed system for investigating the deaths of patients who are detained under the MHA, or subject to community based CTOs. The Commission will work closely with other reviews, including the work of the Suicide Prevention Leadership Group, which includes David Hall.

Referring to the recent case of Ms ZA, the bogus psychiatrist, CM said that the Commission does have records of her involvement in detentions and has asked Health Boards to review cases involving her. It was noted that Ms ZA had also been a member of the Mental Health Tribunal and the Commission will liaise with the MH Tribunal Service to consider what action may be needed in respect of these. In relation to the wider issue of people treated by ZA, Scottish Government are producing guidance for Boards, and Dr Connolly, our interim Medical Director, is assisting with this.

Referring to Interim Care Beds, CM said that the Commission is still looking at the practice of one Health and Social Care Partnership of moving patients who don't have guardianship or capacity to consent into such beds, pending resolution of their legal status.

On delayed discharge CM reported that the Keys to Life Framework will be published mid-March, and we hope will include a commitment to take forward the work of Dr Anne MacDonald, which builds on the Commission's No Through Road report.

Publications

ARBD good practice guidance was published on 30 January 2019.

Guidance on the use of seclusion and care planning is in the process of being prepared.

The monitoring reports on young people and MHA stats have been published on the website.

Visits

The visits for the ASD and rehab themed visits are now complete and analysis started.

It is planned to undertake themed visits next year to older people functional wards and people with eating disorder.

Corporate

The new accommodation for the Commission is almost complete. Work on the new office for Children Hearing Scotland is still ongoing.

The website is being updated. A presentation was given to the Advisory Committee last week which was very useful and CM asked the Board if they have any views or opinions on what should be included to please let us know.

We have not yet received confirmation of next year's budget from the Scottish Government but will require an increase due to the 6% rise in NHS employer's pension contributions. We currently do not have a balanced establishment budget with these increases.

Sarah McLuckie, Operations Manager is leaving the Commission and we have two new practitioner staff who recently joined, Arun Chopra, consultant psychiatrist and Tracey Ferguson, social work officer. Emily Cheesman has also been appointed as a new casework admin officer.

6. Items for discussion and/or approval

6.1 The Right to Advocacy Follow Up Report

CM explained that the original report had found a mixed picture in relation to advocacy, with a degree of confusion between Boards, local authorities and HSCPs over strategic responsibility. One of the main recommendations was to improve the focus on children and young people. CM said the follow up was broadly positive that commissioners had heeded our report, although we were aware of ongoing funding pressures

The report was generally welcomed, although concern was raised that some organisations think that having good policy in place is sufficient. Advocacy is struggling financially and it was not clear if needs assessment was being comprehensive carried out. CM agreed to pass detailed comments to Kate Fearnley, Executive lead.

The Board noted the contents of the report.

6.2 Engagement Strategy Impact Report

CM spoke to the report which highlighted the extensive contact the Commission has with service users and other stakeholders, and the influence this has on its work, particularly via the Advisory Group. Some of the formal meetings with other stakeholder organisations had fallen off, partly being replaced by participation in networks such as the Mental Health Partnership.

The Board noted the contents of the report.

6.3 Engagement and Participation Strategy 2019-2022

This strategy brings together the previous stakeholder strategies for individuals and carers 2016-2018 and Stakeholder Organisations Engagement Strategy 2016-19. Members were asked if they had any thought on the draft strategy as it was.

It was noted that the appointment of the Engagement Officers had a key part in the success of the previous strategy and that their work will continue.

The Board endorsed the draft strategy.

6.4 MWC Brand Refresh

The Board noted the contents of the paper and approved the new corporate brand.

6.5 Business Plan 2018/19 progress report

The Board noted the contents of the paper and noted the Business Plan for 2019/20 will be completed by the end of March and presented to the April Board meeting.

6.6 Financial Commentary

Alison McRae said a significant part of underspend will be utilised in the accommodation refurbishment, which is on track. She said that we are still waiting on written confirmation for the funding to cover the shortfall for second opinions.

6.7 3 Year Budget Projection

This item was removed from the agenda, as we still await clarification from Scottish Government on future funding.

6.8 Policies

6.8.1 Standing Orders

The Board approved the Standing Orders.

6.8.2 Standing Financial Instructions

The Board approved the Standing Financial Instructions.

6.8.3 Fraud Prevention and Investigation

The Board approved the Fraud Prevention and Investigation Policy subject to the following amendments to Paragraph 5.3 lines 6 and 7 – ‘Junior’ to be changed to ‘All’ and ‘senior staff/ Board members’ to be changed to ‘from those with seniority’.

6.9 Audit, Risk and Information Governance Committee Members

The Chairman informed the Board that due to Sandy Riddell being appointed as the new Chair of the Commission there would be a vacancy on the AR & IG Committee if anyone was interested.

7. Items for Information

7.1 Consultation Response - Clinical Pathways and Guidance for Healthcare Professionals Working to Support Adults who Present Having Experienced Rape or Sexual Assault in Scotland

CM gave apologies to the Board that this response had been provided and was only now coming to the Board for information. He explained that there was a huge amount of work going on around sexual violence and that the Commission's concerns related to people with learning disability and mental illness.

The Board noted the contents of the paper.

7.2 Homeless Themed Visit Closure Report

CM reported that this work had been undertaken by one of the Social Work Officers, Tony Jevon, who had since retired from the Commission. Although it had been a difficult project to do it was felt that it had been useful. He said that although the impact of the report had not been enormous it had highlighted the particular concerns around mental ill-health with this group, which have been picked up in work by other agencies in the field.

The Board noted the contents of the closure report.

7.3 Perinatal Themed Visit Closure Report

AT explained this report had been completed by Juliet Brock, Medical Officer. One of the outcomes from this themed visit and the Commission's investigation into the care and treatment of Ms OP was the setting up of a managed clinical network. The Ministerial launch of the network will take place next week and we anticipated further positive announcements at this. Also, the Commission is setting up a new monitoring system in relation to admission of women to non-specialist units with babies up to one year old.

The Board noted the contents of the report.

7.4 Full Investigation Closure Report – Ms MN

CM explained that this report concerned a lady with Asperger Syndrome Disorder who took her own life after discharge from hospital to a care service. We criticised the risk assessment, discharge planning and handover arrangements. The report highlighted a number of recommendations which have been generally accepted. The report also contributed to our interest in people with autistic spectrum disorder and complex needs, which has led to the current themed visit.

The Board noted the contents of the report.

**7.5 Audit, Risk and Information Governance Committee (AR&IG) minutes
12 November 2019**

The contents of the paper were noted.

8. Any Other Business

The Chairman thanked Paul Dumbleton for the major contribution he had made during his time with the Commission and for passionately promoting the rights of carers.

Colin McKay thanked both Graham Forbes, Chair and Paul Dumbleton for their work with the Commission over the past 8 years. They had both taken the Commission through changes for the better which included the new Board format instituted in 2011.

9. Date of next meeting – Tuesday 30 April 2019