

**MENTAL WELFARE COMMISSION FOR SCOTLAND  
MEETING OF THE BOARD  
ON TUESDAY 5 MAY 2015  
IN CONFERENCE ROOM, THISTLE HOUSE, EDINBURGH  
AT 10.30AM**

**Present**

The Very Rev'd 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  
Dr Gary Morrison, Executive Director - Medical  
Mrs Alison Thomson, Executive Director – Nursing  
Mr Mike Diamond – Executive Director – Social Work  
Ms Kate Fearnley – Executive Director – Engagement and Participation  
Ms Alison McRae, Head of Corporate Services

**Secretary**

Mrs Katrina Thomson, Office manager.

**1. WELCOME AND APOLOGIES**

There were no apologies.

**2. ANNOUNCEMENTS**

There were no announcements.

**3. MINUTES OF BOARD MEETING HELD ON 17 MARCH 2015**

The above minutes were approved.

**4. CEO UPDATE**

**Mental Health Bill**

The Bill will commence its stage 2 hearing in two weeks time. It is likely that the Commission will be notified about advance statements but will not have a register of completed advance statements nor be required to share them with third

parties. There was a strong lobby from service user groups that there should not be central register as it caused concern that people would not complete advance statements. Given that advance statements are an important safeguard for individuals in their care and treatment we would wish to support a system that encourages individuals to complete an advance statement. We will continue to promote the use of advance statements.

Amendments are being proposed giving the Commission additional duties in regard to monitoring whether Health Boards are implementing their duties under the Act with regard to providing advocacy services. If this goes ahead, we need to consider how we might do this and whether we will need additional resources.

There was a discussion about the growing concerns amongst some stakeholders that learning disability and autistic spectrum disorder should not be covered under the Mental Health Act, unless the individuals also have a mental illness. The Board requested the executive team to complete a discussion paper for the Board to consider and develop the Commission's view on this topic.

### **Homicides and Suicides**

Dr Richard Simpson, MSP is promoting that there be appropriate more formal investigatory system where an individual in contact with mental health services takes their own life or commits a homicide. We are working with Healthcare Improvement Scotland to develop a proposal for this. Dr Morrison is giving evidence to the Scottish Government Justice Committee on 12 May.

### **Critical Incident Review**

South Lanarkshire Adult Support and Protection Committee has published their critical case review on Stephen Armstrong. This is a case that we and many other agencies have also had involvement in and has led to a review by these agencies in how we might liaise better over investigations.

### **Children and Young People**

There have been some internal discussions with staff and two Board members about how the Commission takes forward its work with children and young people over the next five years. It is hoped that there will be further information presented to the June Board meeting.

### **Commission Guidance**

We have recently published guidance on nutrition by artificial means, election and voting frequently asked questions and a survey on welfare guardians.

### **Principles into Practice**

The short films from the shortlisted services in the service user participation category are now on our website. Short films from the winners in all the categories will be posted on the website over the next two months.

## **5. ITEMS FOR DISCUSSION AND/OR APPROVAL**

### **5.1 MWC Monitoring Report – Suspension of Detentions**

The Board discussed and approved the report for publications with amendments noted by Mr Noyes. The Board noted concern that suspension of detention tended to be used as a period of maintenance and provision of medication by community psychiatric nurses rather than focussing on interventions to promote recovery. There was discussion as to whether longer periods of suspension of detention were still necessary given the provision for compulsory treatment orders in the community (CCTOs). It may be that the provisions for suspensions of detention need to be reviewed given that CCTOs are now an established mechanism for care and treatment in the community. We are currently writing up a report on visits to individuals on CCTOs and we will review the findings of this report with the CCTO report.

Mr Mckay will send the draft report to the team in the Scottish Government working on the mental health bill as the current amendments to the Act propose an extension of suspension of detention.

### **5.2 Records Management Policy**

The Board approved the Records Management Policy.

### **5.3 Financial Review**

The Board noted the report including the provision not to recharge NCF for the corporate services received this year.

### **5.4 Register of Interests**

Jan Killeen had emailed corrections to Katrina Thomson who will make the necessary amendment.

### **5.5 Operational Management Group Remit and Self Assessment**

The Board approved the remit of the Operational Management Group and noted the self assessment and areas for improvement.

## **6. ITEMS FOR INFORMATION**

### **6.1 Audit Committee Minutes 24 February 2015**

The Board noted the contents of the minutes of the Audit Committee meeting held on 24 February 2015.

### **6.2 Advisory Group Notes 25 February 2015**

The Board noted the contents of the note of the Advisory Committee meeting held on 25 February 2015.

### **6.3 Complaints Report**

The Board noted the contents of the Complaints summary.

### **6.4 Freedom of Information Report**

The Board noted the contents of the FOISA Report.

### **6.5 Investors in People Report**

We have retained our Investors in People standard. The IIP report highlighted more areas for improvement than previous reports and an action plan has been developed to take forward the recommendations from IIP and issues from the staff survey.

### **6.6 Staff Survey**

The staff survey highlights that staff's engagement level has decreased, compared with previous surveys. Overall the satisfaction ratings remain high if compared to other organisations. A staff away-day is scheduled for 7 May and follow up action from the away day and survey will be taken forward.

## **7. ANY OTHER BUSINESS**

### **7.1 Tax for Previous Financial years in Respect of T&S**

The Board agreed with the external advice that the Commission settle the tax liability for previous years for travel and subsistence for Board members.

### **7.2 Involvement Co-ordinator**

There was a discussion about the new roles – one for someone with lived experience and one for a carer. The Board asked the executive team to reconsider the job descriptions, the job title and salary scale prior to advertising.

## **8 BOARD SELF ASSESSMENT**

The Board discussed the composite self assessment of its performance noting the improvements for the organisation and areas for development. An action plan for improvement will be developed by Ms McRae. The Board agreed the main risks for the organisation were continuing to manage resources within budget and uncertainty of budgets over the coming years and the accountability and reputational risks of the National Confidential Forum.

## **8. DATE OF NEXT MEETING**

The next Board meeting is scheduled for Tuesday 23 June 2015.