

MENTAL WELFARE COMMISSION FOR SCOTLAND MINUTES OF THE MEETING OF THE BOARD HELD ON TUESDAY 27 AUGUST 2019

Present:

Sandy Riddell
Safaa Baxter
Mary Twaddle
Gordon Johnston
Cindy Mackie
Nichola Brown

In attendance:

Colin McKay, Chief Executive
Alison McRae, Head of Corporate Services
Alison Thomson, Executive Director, Nursing
Kate Fearnley, Executive Director, Engagement and Participation
Moira Connolly, Executive Director, Medical (Interim)

Secretary:

Katrina Thomson, Office Manager

1. Welcome and Apologies

Apologies were received from David Hall and Mike Diamond.

2. Declaration of Interest

There were no declaration of interests.

3. Announcements

There were no announcements.

4. Minutes of Board meeting held on 25 June 2019

The minutes were approved.

5. CEO Update

MHA review

The CEO said that John Scott, Chair of the Review, will be speaking at our Advisory Committee meeting on Thursday 5 September where he will be listening to views. We expect formal Terms of Reference soon. John Scott has asked if he and Jill Stavert can provide support for the review and that he was having a meeting the following day to discuss what will be involved. Kirsty McGrath has been appointed as Secretary to the Review and there is an ambitious timeline with the hope of having an interim report ready by May 2020.

LD and autism review of Mental Health Act

It was reported that the review is on schedule with the plan to issue proposals for reform at the end of August. Two staff have been seconded to support the review in its final months.

Forensic review

Paul Noyes represented the Commission at the inaugural meeting of this review. This will be a major project, with full details yet to emerge.

Publications

The Care Planning guidance has been published and has been well received. The good practice guidance on seclusion is due to be published in September, with the BPD and young people later in the autumn.

Visits

Referring to the themed visits it was reported that ASD report would be published in a few weeks. The Rehabilitation Themed Visit report will be presented to the October Board meeting. The visits for the current Older people themed visit are just about finished, and analysis will begin shortly. The eating disorder themed visit is in advanced planning stage.

Skill mix review

The CEO reported that Jo McLennan and Animate have been appointed to support the workforce review. An initial planning discussion has been held and Jo is meeting the Chair tomorrow. There will be 4 general workshops and two corporate services workshops with a staff project group meeting 3 times. Staff are engaging with the project which will conclude by December.

Website

The new website is live.

Commission in the news

The Medical Director was on Reporting Scotland last Friday re IPCUs and young people and Claire Lamza was on a feature in Borders about Borderline Personality Disorder.

Tayside

The CEO said that he was due to meet with David Strang soon about his investigation into Tayside Mental Health services and that Alison Thomson and Ian Cairns are liaising closely with HIS, NES and others about Mr Strang's interim report.

ZA (bogus psychiatrist)

The CEO reported that the Commission had one case where the patient had been before Ms ZA in a tribunal hearing and this may be referred back to the Tribunal. Boards have now been told to contact patients treated by ZA or before her in tribunal.

Interim Care Beds

The Equality and Human Rights Commission agree that the process of discharging people with dementia who are unable to consent to a care placement to 'interim care beds' funded by the NHS, without a legal process is not compatible with their human rights and have raised a judicial review. The Commission has had sight of the response from NHS Greater Glasgow and Clyde and we need to decide if we are going to join into the legal action.

Recruitment

There has been considerable interest in the Board member recruitment following the deadline on 23 August and the interviews are planned for 20 September 2019. There has also been interest in the Executive Director (Medical) vacancy with interviews planned for 18 September. We have recently appointed two new nursing practitioners on fixed term secondment – Philip Grieve (MH lead in Borders) and Lesley Patterson (Forensic team leader) with a potential start date of 16 September. Interviews for review of deaths in detention project lead finish on the afternoon of 27th with a total of 6 candidates being interviewed.

6. Chair – Initial Feedback from Consultations with Board members and key stakeholders

The Chair said that over the last few months he had been meeting with stakeholders and individual Board members. He said that generally the Commission was viewed very positively and seen in a unique role raising complex issues. However there was a sense that the Commission is not that well connected to the strategic or operational context within which Health and Social Care Partnerships operate and that the Commission should have greater influence into how the leadership, commissioning and practice of Partnerships impact on clinical and care pathways. He said there is an evolving landscape and that the Commission has a strategic, crucial role to play.

It was agreed that influence and how we are perceived are crucial and that there should be a communication strategy to promote a clear message on what we do and the impact we have.

Referring to the way forward the Chair said that the planned away day should look at our core activities and who we should be influencing. He also suggested that on the days of the Board meeting the Board members have a 30 minute private meeting starting at 10.00am and that the CEO could join the meeting for the last 10 minutes. This was agreed.

The Chair also said that he would discuss with Alison McRae the process for appraisals.

Action: Chair to discuss the Board appraisal process with Alison McRae.

7. Items for discussion and/or approval

7.1 Investigation Report (Ms ST)

The Board were informed that this case had been brought to the attention of the Commission due to a considerable delay in the patient being discharged from hospital and polarised views between family, social work and health professionals. In discussion, the Board agreed that this was an important report which highlighted a wider issue of services being overly prescriptive as to what support people can receive, despite the principles of Self-Directed Support.

The Board approved the report for publication.

7.2 Business Objectives 2019-20 Progress Report to end July 2019

Alison McRae reported that this was the first quarterly report but did however include July, and that most of the activities were on target. It was noted that it was a very positive report with a lot of work having been completed. Concern was raised about the Commission's credibility with the delay in the Rehabilitation Visit Themed Report. The Board were informed that it was hoped that this would be presented to the October Board meeting.

7.3 Finance Papers

7.3(i) Financial Review

Alison McRae reported that due to the delay in confirmation of the 2019/20 budget there is likely to be an underspend, mainly due to carrying several vacancies whilst the budget position was unknown. The Chair reflected that this was an inevitable outcome of the uncertainty over the budget.

7.3(ii) MWC Draft Establishment and Forecast Budgets for 2019/20

The contents of the paper were approved by the Board.

7.3(iii) MWC – Three Year Draft Establishment Budget

Alison McRae reported this was a three year establishment budget with assumptions that costs such as the pay budget remain the same, although there are indications that there could be higher increases. Accommodation charges which are set by SLAB are likely to increase.

The Board approved the Three Year Establishment Budget

7.4 Complaints Policy

The Chair raised a slight concern that a panel of Board members would investigate a complaint against the Chair as it could be perceived that there could be a lack of impartiality. It was suggested that there should be a degree of independence. It was suggested that other organisations should be contacted to see what their policy is regarding complaints about their Chair and that the Complaints Policy should be brought back to a future Board meeting for approval.

Action AM to take this forward with the Information Manager.

7.5 MHA Monitoring 2018/19

Following a verbal presentation by Moira Connolly on the monitoring report the Chair said that this had been useful information for the Board. He suggested that consideration should be given to what we most want to find out in relation to strategic issues which could be covered at the Board Away day.

8. Items for Information

8.1 Medical Appraisal and Revalidation Report

The contents of the paper was noted.

9. Any Other Business

10. Date of next meeting – Tuesday 24 October 2019