

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MINUTES OF THE MEETING OF THE BOARD (OPEN SESSION)
HELD ON TUESDAY 25 AUGUST 2020
AT 10.30 AM (Via Zoom)**

Board members meeting at 10.15am

Present:

Sandy Riddell (Chair)
Safaa Baxter
Mary Twaddle
Gordon Johnston
Nichola Brown
David Hall
Cindy Mackie
Alison White

In attendance:

Julie Paterson, Chief Executive
Alison Thomson, Interim Chief Executive
Alison McRae, Head of Corporate Services (HOCS)
Mike Diamond, Executive Director (Social Work)
Kate Fearnley, Executive Director (Engagement and Participation)
Arun Chopra, Executive Director (Medical)
Claire Lamza, Interim Executive Director

Secretary:

Katrina Thomson

1. Welcome and Apologies

The were no apologies

2. Declaration of Interest

No declaration of interests.

3. Announcements

The Chair welcomed Julie Paterson, Chief Executive to her first Board meeting. He paid respect and gratitude to Alison Thomson who had taken up the post of Interim Chief Executive following the retirement of Coin McKay. He said during this difficult time she had remained professional, thoughtful and supportive.

He referred to Mike Diamond leaving at the end of September and said he had enjoyed working with him and wished him well for the future.

4. Minutes of Board meeting held on 25 June

The minutes were approved with one minor amendment.

5. CEO Update

The Interim Chief Executive thanked the Chair for his comments and acknowledged that the Board had been challenging and supportive during the last few months.

On staffing, it was noted that Mike Diamond would be leaving at the end of September and that Moira Connolly was leaving at the end of August. She said that both had been great to work with. Claire Lamza, who has been Interim Executive Director will continue in that post for a further 6 months providing stability within the Executive Team. There has been a slight reshuffling of responsibilities within the Executive Team where she will take on Investigations and the Death in Detention work and the Interim Executive Director will take responsibility for the visits programme. A new social work officer has been appointed to replace the social work officer who took over the Investigations Lead Officer post. She also confirmed that she would continue to provide support to the NCF.

On remobilisation, it was reported that it was going well with the first visit having taken place at the State Hospital. A formal review of this visit will take place and it is planned to complete a further seven local visits by the end of December. It was noted that guardianship visits have still to be looked at and themed visits were also on hold at the present time.

The Commission continues to follow the Scottish Government guidelines on remote working with only limited access to Thistle House to clear mail. She said that a questionnaire would be going out to all staff to collect information on how remote working has affected them and what could be done better, as we are a long way from returning to normal working.

It was reported that the Commission has been called to give evidence to the Equalities and Human Rights Committee of the Scottish Parliament on the ongoing inquiry into the impact of COVID-19 on equalities and human rights. Discussion will be around the emergency legislation which we have never used and our view will be that it should remain in place as there could be an upsurge in the winter months. Both the Chief Executive and the Executive Director (Medical) are attending from the Commission. It was agreed that it was sensible and pragmatic to retain the emergency legislation with an impending spike over the winter months.

The Chair reported that he had recently joined the informal online session, kitchen conversations, with staff and said that a few staff had raised concerns about home working and that the system of hosting the sessions should be looked at. He said that there was no pressure from the Board on getting back to the office and he had a lot of respect for the Executive Team and appreciated the regular updates.

6. Items for discussion and/or approval

6.1 Coronavirus update

This was covered in the CEO update.

6.2 Annual Accounts 2019/20

6.2.1 Audit Committee Report to Board on 2019/20 Accounts

It was reported that the Audit Committee had recommended the Accounts to the Board for final approval. It was noted that both internal and external reports were clean and that thanks should be given to the Finance team for their hard work in providing the accounts.

The Board noted the contents of the report.

6.2.2 Annual Accounts Commentary

The Head of Corporate Services spoke to the report which outlined the main aspects of the annual accounts for 201/20.

The Chair asked what would be the effect on our budget towards the tail end of this current year and would we be sustainable if we are fully staffed in future years. In replying, the HOCS said that the three year planning budgets envisage we will break even next year but not the year after. This year we extended the contracts of two secondees and are looking at the impact of remote DMP visits resulting in shorter authorisations of second opinion certificates. This will result in some repeat second opinions at six and 12 months, so the main resource and financial impact is likely to be in next financial year. She also said that the pay policy could have an impact over the next couple of years. It was highlighted that HSCP can claim expenditure to cover Covid expenditure from the Scottish Government. HOCS said that the Commission was discussing this with the Scottish Government, mainly in relation to second opinions.

6.2.3 Annual Accounts for Board

Subject to minor typing errors the Board formally approved the Annual Accounts.

6.2.4 TIAA Annual Internal Audit Report-2019-20

The Board noted the contents of the report.

6.2.5 Scott Moncrieff Annual Report on the Audit 2019-20

The Board noted the contents of the report.

6.2.6 Public Services Reform (Scotland) Act 2019-20 disclosures

The Board approved the report for publication on the website.

6.3 Quarterly Business Plan Update

The Board were informed that this was a progress report to the end of July. The Executive Team has reviewed the plan and is trying to get the organisation back to some sort of normality. The Chair acknowledged a lot had been done and suggested that at the end of the calendar year thought should be given to what needs to be done whilst being realistic as things could change. The Chief Executive said that she would be looking at the priorities for the next year.

The Board noted the contents of the update.

6.4 Eating Disorder Themed Visit Report

The Board were informed that this was the first time a report had been presented with a communications plan, incorporating the media news release, and a summary version and findings. It was explained that this had been a complex and difficult report, however there had been good engagement from carers and a positive approach from services. The recommendations are fairly tight and will inform the Scottish Government's national review of eating disorders.

It was agreed that the report was a good impactful report and a suggestion was made that the GMC should be included as one of the embargoed copy recipients. It was noted that the findings appeared to be depressingly familiar with the question being asked why services concentrate on BMI rather than overall individual circumstances. The Chair expressed concern about what the impact will be and who will take notice of the report. It was explained that the Scottish Government links with broader CAMHS services and that there is a national review scheduled of eating disorder services that this report will inform.

There was general agreement that the recommendations were good and that it was good to see there is a managed clinical network. It was suggested, however, that there should be a broader managed network rather than just a clinical network which will encourage a wider collaborative approach.

The Chair referred to this report only being presented to the Board one week before the publication date and asked the Chief Executive to be mindful of this for the future.

The Board approved the report subject to comments above.

The Board said the summary report was excellent and approved it for publication.

The Chair expressed concerns about the communications plan specifically around the use of Twitter and podcasts which he felt did not reach the right people. He stated that the report should be sent to elected IJB members and for the organisation to reflect on how we get beyond the people that already know us. He suggested that either the Chair or the Chief Executive should front the media for these kind of reports and on this occasion it should be the Chief Executive. More broadly he expressed concerns about the organisation's communications strategy.

6.5 Young people and STDC report

The Board were informed that the Commission had made a commitment to do a report on the rise in young people detentions. The researcher has looked at events over the past 5 years including reasons for detention. The recommendations highlight areas where we could do better with clinical recording and the possible use of post code areas reporting deprivation. It was also noted that key findings around suicide and self-harm are also within our locus.

It was noted that the report highlighted the need to make the system more suitable for 17 year olds to be treated as children and not as young adults and that it contained a lot of data which raised a lot of questions in relation to suicide and self-harm.

Following approval at the Board discussions will take place with the communications team to look at the best forward to disseminate the report.

The Board approved the report and agreed it was a thought provoking and useful report.

The following items, 6.6 and 6.7, will be carried over to the October 2020 Board meeting

- 6.6 *Annual Communications plan*
- 6.7 *Board external engagement opportunities*

7. Items for Information

- 7.1 *AWI biennial report*
- 7.2 *Analysis of communication activity on published reports*
- 7.3 *Covid Intelligence Summary*

8. Discussion of organisational priorities

The Chair acknowledged that the Commission has its core legal responsibilities. However, following discussions with Board members and the recently published stakeholder report he asked the Board to consider what the Commission would look like in the future and asked if we should be doing more in terms of our strategic priorities. The following broad areas were discussed:

It was felt that the Commission does not have the same powers as the Care Inspectorate and that structural and strategic issues do get raised in Commission reports. However a counter to that is that Commission visits do feel very similar at the front line and that the Commission does hold power at that level.

Some consideration be given to who is invited to end of year meetings to ensure it is at the right level of senior management across health and social care partnerships. The Commission needs to refocus these meetings and consider the purpose of the meetings and what it wants to achieve.

How to ensure the correct level of follow up to our recommendations from published reports. We need to ensure the reports and recommendations get to the appropriate level of governance in external organisations. There needs to be a clear route to escalate our concerns when recommendations are not followed up. Could this be through the Quality and Safety Board; use of our escalation policy; sharing intelligence group; working with other partners such as Care Inspectorate of Healthcare Improvement Scotland.

There was a discussion on whether the Commission needs to have broader powers and enforcement powers. There was consensus that the Commission's role is about the individual and systems but is not an inspectorate. It could focus on human rights assessments and cultural assessments. Again it needs to be clearer what the Commission can do if services do not implement its recommendations.

The Chair asked that the Executive Team reflect on the discussions and to clarify the Commission's role, and to consider how we make sure our recommendations are followed through.

9. Any Other Business

No items for discussion.

10. Date of next meeting – Tuesday 27 October 2020