

Mental Welfare Commission for Scotland
Minutes of the meeting of the Board
On Tuesday 23 February 2021
at 10.30 am

Board members meeting at 10.00am

Present:

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

In attendance:

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

Secretary:

Katrina Thomson

1. Welcome and Apologies

Apologies were received from Nicola Brown.

2. Declaration of Interest

No declaration of interests.

3. Chair Update and Announcements

The Chair reported that he is progressing with the actions from the Board self-assessment and the 1:1 meetings with Board members. He said that he and Julie Paterson were also in discussions with the Communications Manager to raise our profile and our position on mental health in the media. There will be an article in the Herald soon and in the Holyrood magazine in May.

He explained that representatives from our stakeholders will be in attendance at both the March and July Q & A Sessions as part of development agreed.

The Chair will issue blank appraisal forms for final appraisals and will liaise with KT to arrange appraisal meetings with Board members.

The Chair acknowledged that this was Kate Fearnley's last meeting and said that he has known Kate for some time and has been hugely impressed by her knowledge and passion. He said he appreciated all that she has done and wished her well for the future.

Kate Fearnley thanked the Chair for his comments and said she would miss being at the Commission.

Action: Chair to issue appraisal forms to Board members and to liaise with KT to arrange appraisal meetings

4. CE Update

JP also thanked Kate Fearnley for all the support she had provided her since coming to the Commission and wished her well in her retirement.

JP informed the Board that despite the health board conceding in the previous judicial review around excessive security there were further cases of concern. There is therefore likely to be MWC involvement in cases going to judicial review which will involve costs to the MWC budget.

JP also said that we require guidance on excessive security and have asked Colin McKay to write something up for the Commission.

On the staff Q&A meeting scheduled for 28 May, all MWC staff have been invited to the virtual meeting as there was interest from staff that they wished to meet with the Board. They have been asked to provide any questions that they wish to put to the Board one week in advance of the meeting, and these will be shared with Board members.

Action: JP to share questions from staff with the Board one week before staff meeting on 28 May 2021

5. (a) Minutes of Board meeting held on 15 December 2020

The minutes were approved.

(b) Action Points (Open Session)

6. Items for discussion and/or approval

6.1 Children's Rights Report (Claire Lamza)

CL presented the report and thanked Dr Dawson for the work done in compiling it. She explained that the format used was set by the Scottish Government and that by doing an executive summary it made the report more readable. CL also confirmed that views had been sought from young people. She explained that

there were key sections of different clusters with clear recommendations at the end of the report.

Comments on the report were provided by the Board :

- An Integrated Impact Assessment needs to be completed and this may need to go into the report;
- The report talks about do not directly support – this is challengeable as you do directly support
- Consider making a link to the Advisory Group
- Wording issue – using the word ‘may’ raised in paragraphs 6.3(19) and 6.5
- Commission starting date needs to be changed to 1962;
- Page 5 – Corporate Parenting 2021 needs to be amended.

The Board agreed this was a comprehensive report and recommended that the foreword on the report should be in the Chief Executive’s name.

The Board approved the report subject to action on the points raised.

Action: CL to make amendments to report before publication

6.2. Investigation Ms ST closure report (Kate Fearnley)

KF said that we had not received a complete set of responses from the health boards although were satisfied with the responses that had been received. JP said that they would be following up those that were not received with the Chief Officers. It was noted that there had been a positive outcome for Ms ST and family.

The Board acknowledged the positive outcome for the family and said it raised the question of how many more cases like this could there be that we don’t know about; and how are these people’s rights being upheld.

There was discussion around delayed discharges and JP said she and CL were taking this up with HSCP leads.

Chair noted this was an excellent report and illustrates how our recommendations are followed up.

The Board approved the report.

6.3. Equality Report (Kate Fearnley)

6.3(i) Equality outcomes and mainstreaming progress report

In response to the question on how performance is managed and captured, KF said that the Equalities Group monitor the actions. Referring to training for all staff on race relations it was acknowledged that Learn pro was fairly limited however AC said that Lothian have offered a full training package and it is being

looked it. It was agreed to include this in the table on Equality Outcome 2 at paragraph 3.2 in the report.

6.3(ii) Equality Outcomes and how we plan to achieve them

Referring to the Board diversity in the action plan it was noted that there could be a risk of identifiable information of Board members from the equalities monitoring questionnaire. The Board agreed that it should be completed. It was also suggested that the form should include Irish as well as Northern Irish so that it is matched to the Census categories.

It was acknowledged that the Commission's visit monitoring form does have ethnicity monitoring but there is a low response rate to this. The Board also acknowledged the reference to making the Commission more accessible to children and young people.

The Board approved the equality outcomes and mainstreaming progress report for publication and noted the contents of the action plan.

Action: **KF** to make amendments to the progress report and to the ethnicity monitoring form

6.4. Taking Stock (Julie Paterson)

JP explained that her initial objective during her first 6 months in post was to develop an understanding of the business of the Commission and how it is managed. She said she had met with staff who have been engaged, positive and honest in their responses with key themes such as skill mix arising.

Referring to the action plan JP said that Hanya consultants were now engaging with all staff to deliver a performance framework. She explained that it is proposed that two new temporary posts are created, Heads of Operations (title to be confirmed), to allow Executive Directors capacity to focus on strategy and organisational performance. This was discussed in the context of a reduction in Executive Director capacity given KFs departure and no plans to fill this post at this stage. It was confirmed that these two posts will be for a period of 12 months. The Chair noted that there needs to be clarity on governance and accountability and welcomed the focus on building capacity within the Exec group to deliver on this.

The Chair also noted that it needs to be made clear where the Advisory Committee sits in relation to the other groups within the Commission and suggested that the Board may also want to consider the creation of a performance committee given the current work progressing.

The Chair acknowledged the all staff meeting arranged for May was a very good idea. He also said that it will be important for staff to be able to meet with other staff when it is safe to do so.

The Board supported the paper presented and approved the recommendation to create two Heads of Operations posts (titles to be confirmed) for up to 12 months.

6.5 AR&IG minutes (from November) (Gordon Johnston)

GJ reported that the budget underspend and the IG & IT paper had been discussed at the AR&IG meeting. He said that the AR&IG self-assessment had received a good outcome and that all three policies presented to the Board today had received approval from the AR&IG Committee.

The Board noted the contents of the minutes.

6.6 Budget Update (Alison McRae)

The Board were informed that the forecast underspend is £200k approx. which is mainly due to vacancies, reduced second opinion costs, reduced travel costs due to pandemic and a refund of expenses incurred on the judicial review.

AM said that there has been verbal agreement from the Scottish Government sponsor department to £256k over the next year for the DIDR/MHHR project but we have not received written confirmation.

6.7 Business Plan 2021/22 (Julie Paterson)

JP explained this was a draft Business Plan and said there was work still to do. The Board noted that in terms of direction it was looking good and requested that the items not completed in 2020/21 business plan are reviewed and decisions made as to whether these were being carried forward into next year.

JP said that there was work being done on a performance framework and this will be included in the final business plan.

The Chair said there needed to be a restructuring of end of year meetings and that it was necessary to ensure that the right people were attending. JP confirmed that this is an area of work that is progressing.

The Board approved the draft Business Plan.

6.8 Business Plan 2020/21 Progress Report (Alison McRae)

AM said that the Business Plan had been reviewed since the last meeting and that a number of items have been carried forward into the next year. She noted that substantial work to update good practice guides and advice notes has been undertaken this year identifying that outdated guides are a reputational risk. She thanked Kate Fearnley and practitioner staff for the significant work that has been done to mitigate the risk.

The Board approved the progress report.

6.9 Strategic Risk Register (Paper – Alison McRae)

It was reported that the Strategic Risk Register had been approved by the AR&IG Committee and is now presented to the Board for final approval.

The Board approved the Strategic Risk Register.

6.10 Annual Review of Governance and Financial Policies (Alison McRae)

6.10(i) Standing orders (Alison McRae)

The Board approved the contents of the Standing Orders.

6.10(ii) Standing Financial instructions (Alison McRae)

The Board approved the Standing Financial Instructions Policy.

6.10(iii) Fraud Policy (Alison McRae)

The Board approved the Fraud and Investigations Policy.

APPOINTMENTS AND REMUNERATION

6.11 Pay Remit (Alison McRae)

AM explained that the Commission is subject to the Scottish Government pay guidance, and that subject to confirmation of the MWC budget for the year, it is proposed to offer 3% or £750 (whichever is greater) to those earning below £25k and 1% to those earning over £25k. The Board was asked to approve this in principle.

The Board approved the pay remit in principle, subject to confirmation of the MWC budget for 21/22.

7. Items for Information

No items for discussion.

8. Board Agenda Planning

The Board discussed and agreed the agenda planning document

9. Any Other Business

10. Date of next meeting – Tuesday 27 April 2021 (2.00pm)