

**MENTAL WELFARE COMMISSION FOR SCOTLAND
MINUTES OF THE MEETING OF THE BOARD
ON TUESDAY 29 JUNE 2021
AT 10.30 AM**

Board members pre meeting at 10.00am

Present:

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

In attendance:

Julie Paterson, Chief Executive
Alison Thomson, Executive Director (Nursing)
Arun Chopra, Executive Director (Medical)
Alison McRae, Head of Corporate Services (HOCS)

Secretary:

Katrina Thomson

1. Welcome and Apologies

Apologies were received from Alison White and Suzanne McGuiness

2. Declaration of Interest

No declaration of interests.

3. Chair Update

The Chair referred to the recent media coverage for the Authority to discharge report stating that the Chief Executive came across with a clear message that showed compassion and that he had received positive comments about it.

He thanked Mary Mowat for her work on the Holyrood article.

He said he had recently had his annual appraisal with Donna Bell, Director or Mental Health, SG and that she had said the Commission had played a vital role during the pandemic.

Reflecting on the staff Q&A session he said he had also received positive comments. As it was unlikely we would be back in the office any time soon with a 3rd wave expected, he suggested that another Q&A session takes place allowing more time with no other matters on agenda for discussion.

4. CE Update

JP confirmed that staff welcomed the Q&A session. JP has already received questions from staff in anticipation of a further opportunity to meet with the Board.

JP will now be having 6 weekly regular meetings with Donna Bell.

Referring to Item 7.2 on the agenda JP said this was a response relating to short term placement certificates under AWI recognising that there is a gap for people at risk whilst the legislation is being reviewed.

JP confirmed that the Commission is now represented at a further two Scott review sub groups; the AWI sub group and the Practitioner reference group.

5. (a) Minutes of Board meeting held on 27 April 2021

The minutes of the meeting were approved.

(b) Action Points (Open Session)

Action Points are in hand or completed. The action log will be updated for the next meeting.

6. Items for discussion and/or approval

6.1 Presentation on Deaths in detention and homicide review (Alison Thomson)

Alison Thomson gave a presentation on the DIDR and Homicide Review. The Board were fully supportive of the action being taken in this area.

6.2 Use of Significant Impaired Decision Making Ability in CTOs (Paper) (Arun Chopra)

AC explained that the Commission has a statutory duty to monitor the Act and that this paper raises an important question for the Scott Review. The paper presented to the Board is a shorter version for stakeholders of the full paper which will be published in a research journal.

The Chair said this report was very interesting but depressing in relation to figures. It was felt that the brief report for stakeholders would provide wider accessibility but the question was asked if there was anything that could be done in the interim to assist with forms being completed correctly meantime. It was agreed that AC would look into including a brief sentence referring to the training manual.

Action: AC to look into including a sentence referring to the training manual when completing forms.

The Board approved publication of the stakeholder report subject to the above action point.

6.3 Advance Statements report (Paper) Arun Chopra)

AC said that we have a duty around monitoring Advance Statements and that this report was undertaken by a trainee doctor on placement. He explained that an Advance Statement is a powerful tool if a person lacks capacity and that a review on the prevalence of Advance Statements has never been undertaken in Scotland prior to this exercise.

The Board agreed it was an excellent report and said it has been a missed opportunity. It was noted that there was a slight issue on phrasing in that the Advance Statement was not in conflict with treatment and should it be the other way around. Referring to this AC said the wording had been taken from the law but he would check this out. It was also suggested that health boards could provide training for staff on how Advance Statements should look. It was also pointed out that reference was made to incomplete ethnicity reporting and it was suggested something be added to the form to say this should be completed. AC agreed with this comment.

Action: AC to check on phrasing of the conflict with treatment and to add a reference to the completion of ethnicity.

The Board approved publication of the report subject to the above Action Points.

6.4 Themed visit to individuals with Autistic Spectrum Disorder (ASD) closure report (Paper) (Arun Chopra)

AC thanked Yvonne Bennett, Mary Leroy and Colin McKay who began this project to explore the care of people with ASD in mental health settings. He explained that originally there had only been 16 out of 31 responses received but since chasing this has now risen to 27 out of 31 responses received. Referring to the recommendations, AC said health boards have now responded and the Scottish government response is that officials have been instructed to begin work on the implementation of our recommendations, and that they will be back in touch to update us.

The Board noted and accepted the closure report.

6.5 The use of the Mental Health (Care and Treatment) Act in Scotland during the Covid-19 pandemic (Paper) (Arun Chopra)

AC explained this was a follow on report after the 1st 6 months of the pandemic on how the Act was being used. He said there has been a 9% rise in detentions but also a reduction in safeguards such as using emergency instead of short term detentions and reduced MHO consent.

The Chair said this was an excellent report and that there will be a lot of interest when it is published in July. The Board acknowledged this was a good piece of work with sensitive language and raised concerns about the lack of Mental Health Officer (MHO) reports accompanying detentions. It was suggested that this be taken up with the new Minister, given that it is not purely a pandemic issue.

The Chair acknowledged this and said it has been an issue for many years with the succession planning for MHOs being weak across health and social care partnerships. JP echoed the Chair's comments and said it was not all about headcounts but how the resource is used. The Commission will continue to monitor this.

Referring to the inequalities aspect raised, AC said the ethnicity report due in August report would look at this in more detail.

The Board approved the report for publication.

6.6 Business Plan 2020/21 end of year report (Paper) (Julie Paterson/Alison McRae)

AM said the report outlines our achievements during 2020/21. Although not all the KPI's were met we utilised the time to ensure other areas of work were completed. She added that it has been a hard year for staff working from home, adapting to the new technology to process forms and with a significant increase in the number of forms being received.

The Chair acknowledged that there has been a reprioritising of workload and said that it is remarkable what has actually been achieved.

The Board approved the end year report for publication on the website.

6.7 Budget Update (paper) (Alison McRae)

AM told the Board that due to the delay with the Annual Accounts we have had time to provide a three year budget projection to this meeting. She explained that this report outlines this year's budget and the projection for the next three years. The forecasts assume that we will receive additional funding for any pay awards over the next three years and forecasts a breakeven position. If we do not receive funding for the pay awards then we project a deficit.

The Chair acknowledged that the Commission is keeping in contact with SG around budgets.

The Board approved the 2021/22 budget and three year forecasts.

6.8 a) Strategic risk register (Paper) (Alison McRae)

AM said that this register is updated 3 times a year by the executive leadership team (ELT) and then the AR&IG Committee for approval to the Board. GJ (Chair AR&IG) said that the committee had made some minor changes.

The Board approved the Strategic Risk Register.

b) Risk appetite (Paper) (Alison McRae)

AM reported that the Risk Management Policy does contain definitions of our Risk Appetite and these should in the future be integrated into the Risk Register. She said that it will be revised in November 2021 by ELT then submitted to the AR&IG Committee for onward presentation to the December Board.

The Board approved the proposed timescale.

6.9 Complaints Report (Paper) (Alison McRae)

AM said the report presented outlines the complaints received during the last year and that future reports will be done quarterly and sent to ELT meetings. She also said that training sessions for MWC practitioners and casework administration have been organised with SPSO for September. The Chair said it was reassuring to see such low numbers.

In reference to 2 questions AM confirmed that for number 3 the Commission is not making any further enquiries and she will check on whether there has been assurance that the conduct incident has been reviewed. In relation to complaint 7 AM said this complaint had been partially upheld.

The Board approved the report with the above caveat.

Action: **AM** to check on assurance that conduct incident has been reviewed.

6.10 IIAs for the Hospital to Care Home report (Paper) (Julie Paterson)

JP apologised for the IIA not being provided with the report in April. The Chair said it was useful to see for evidence to say why we do these reports.

JP said that ELT would be looking at IIA reporting in more detail and would welcome any advice that CM could provide. It was agreed to bring a revised IIA paper back to the Board for consideration at the earliest opportunity.

Action: **JP** to discuss revising the IIA form with CM and bring back to a later Board meeting.

6.11 IIA for the Corporate Parenting Report

6.12 IIA for the Young Persons Report

Action: **JP** As above. It was agreed that there is a need to develop further the IIA processes within the Commission and a paper should be brought to detail this development including guidance as to when an IIA/EQIA is required.

7. Items for Information

7.1 Draft Renewal Plan for Mental Health Services (Paper) (Julie Paterson)

JP said this was a consultation response from the Commission and is presented to the Board for information.

The Board noted the contents of the response.

7.2 Linking STP model to Interim Guardianship (Paper) (Julie Paterson)

The Board noted the contents of the paper provided.

8. Board Agenda Planning

The Chair suggested that it would be good to have another Q and A session with all staff and that a date should be sought for this.

It was also suggested that a meeting with HIS or the Care Inspectorate would be useful to find out what they require from us although it was acknowledged that there are now 4 – 6 weekly meetings taking place. JP said that she is working more closely with the CI and that they have agreed to support funding of a seconded social work post.

9. Any Other Business

It was agreed the next Board meeting would take place on Monday 30 August 2021 at 10.30am

10. Date of next meeting – Monday 30 August 2021 (10.30am)