



mental welfare
commission for scotland

Corporate reports



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Introduction

This publication scheme is designed to be read online as it contains website links to many publications, policies and other documents. If you have asked for and received a hard copy version of this publication scheme, you can ask us to send you copies of any of the documents listed in it, assuming you are unable to access the Commission's website. If you want to request copies, please write to us at the following address;

Mental Welfare Commission for Scotland
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE

Alternatively, you can call us on 0131 313 8777.

We have also produced a [Guide to Information](#) which we can send to you or you can view it online.

Class 1 - About the Commission

Information about the Commission, who we are, where to find us, how to contact us, how we are managed and our external relations.

The Freedom of Information Act says that you have the right to know how organisations, like ours, that are funded from the public purse, make decisions and manage their resources.

- [Mental Health \(Care & Treatment\) \(Scotland\) Act 2003](#)
- [Adults with Incapacity \(Scotland\) Act 2000](#)

A memorandum of agreement sets out the roles of the Commission and the Scottish Government and it outlines how the Commission is held to account for use of public funds. [Memorandum of Agreement; Scottish Government \(Health Directorate\) and The Commission](#), signed 2018.

The National Confidential Forum, (the NCF) was established as a Committee of the Commission in 2014 under [The Victims and Witnesses \(Scotland\) Act, 2014](#). and came to an end on the 28 June 2021 under the terms of the [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021](#). During its lifespan, the NCF was a committee of the MWC and did not exist as a separate legal entity from the Commission. The NCF's core function was to receive and listen to testimony from those who were in institutional care as children. The Commission remains the data controller of the records produced by the NCF.

There is a [Memorandum of Understanding](#) between the Commission and Scottish Government regarding the operation of the NCF.

- [Contact details MWC](#)
- [Our Board](#)
- [Our teams](#)

- [Who We Are and What We Do](#)

Below are some of our key documents:

- [Three year strategic plan 2020-2023](#)
- [Business plan 2021-22](#)
- [Corporate Parenting Action Plan 2021-24](#)
- [Children's Rights Report 2017-20](#)

News:

- [Latest News](#)

Policies, Standing Orders and Code of Conduct:

- [Risk Management Policy](#)
- [Staff Code of Conduct](#)
- [Board Code of Conduct](#)
- [Standing Orders](#)
- [Conflict of Interest Policy](#)
- [Public Interest Disclosure](#)
- [Complaints Handling Procedures](#)

Accountability and Audit Relationships:

The [Public Finance and Accountability \(Scotland\) Act 2000](#) places personal responsibility on the [Auditor General for Scotland](#) to decide who is to undertake the audit of the Mental Welfare Commission for Scotland. For the financial years 2016/17 to 2021/22 the Auditor General has appointed [Scott Moncrieff](#) to undertake the audit of the Mental Welfare Commission. The general duties of the auditors, including their statutory duties, are set out in the [Code of Audit Practice](#) issued by Audit Scotland and approved by the Auditor General.

Working with others:

The Commission has a number of MOUs and MOAs with other organisations. These set out how the Commission will work with other bodies. Details can be found at [How we work with other organisations](#).

Information on rights and how to complain or make a comment:

- [Leaflet explaining how to make a complaint about the Commission](#)

How to make a request for personal information:

The General Data Protection Regulations - GDPR - came into effect from 25 May 2018. They strengthen data protection, and apply to private and public organisations. Information on how we handle your personal information can be found at [About your personal information](#).

Our "[Subject Access Form](#)" which you should complete to request personal information we hold, is currently under review. Please contact us at: mwc.enquiries@nhs.scot and we will send you a copy either by e-mail or by post.

A Guide to information available from the Commission:

The Commission has developed a "[Guide to the Information](#)" which is available from this link.

Class 2 - How we deliver our functions and services

In this section you can find out more about, our strategy and policies for delivering functions, services and information.

Corporate Strategy

This section gives links to documents which provide a high level overview on where we are as an organisation, what we are aiming to achieve and the actions we need to take to get there.

Delivery and Strategy - Corporate Planning

- [Strategic Plan 2020-23](#)
- [Business Plan 2021-22](#)
- [Corporate Parenting Action Plan 2021-24](#)
- [Children's Rights Report 2017-20](#)
- [Risk Management Policy 2019-22](#)
- [Information Management & Technology Strategy 2017-20](#)
- [Equality outcomes and mainstreaming progress report 2021](#)
- [Standing Orders 2022-23](#)

Corporate Reporting

Every year, we produce an independent overview of the operation of the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000.

The Commission produces both an Annual Report and an Annual Monitoring Report. The Monitoring report contains detailed statistical analysis.

- Annual Report under [Corporate Reports](#)
- Annual Monitoring under [Monitoring the Acts](#)

Corporate policies and procedures

- [Standing Orders](#)
- [Conflict of Interest](#)
- [Public Interest Disclosure](#)
- [Board Code of Conduct](#)
- [Policy on Reporting and Escalation of Matters of Concern](#)
- [Dignity at Work Policy](#)
- [Single Equality Scheme](#)
- [Records Management Policy](#)
- [Information Risk Management Policy](#)
- [Accessible Information Policy](#)

Our services and functions

Our visits

You can find out more about our visits within our [Visiting People](#) section.

Our advice line

Our telephone service is available Monday - Thursday 9am to 5pm and on Fridays from 9am to 4.30pm. We use a callback system where we take brief details of your query and a contact number. This means our staff can try to look into some background on your query before calling you back.

You can leave a message on our answer service 5pm (4.30pm on Fridays) and at weekends.

Call us on 0131 313 8777. We also operate a freephone, 0800 389 6809, for service users and carers only.

If you have an enquiry that is not urgent, you can contact us by e-mail at: mwc.enquiries@nhs.scot.

Our publications

Every year, we produce [Statistical Monitoring Reports](#) which are available from our website under our publications section.

We also publish [Good Practice Guidance](#) in response to what we see and hear about practical or ethical difficulties in applying mental health and incapacity law.

From March 2016 we are publishing reports of our local visits to individuals in hospitals, care homes and prisons. We call these [Local Visits Reports](#).

To see the full range of our publications, visit the [Publications section](#) of our website.

Our investigations and investigation reports

Use the links below to read more about our investigations:

[How we carry out investigations](#)

[Our investigation reports](#)

Jobs at the Mental Welfare Commission for Scotland

Our [current vacancies](#) can be found on our website or by calling 0131 313 8777 and asking to speak to someone in our HR department.

If you need hard copies of vacancy documentation you can call us on 0131 313 8777 or you can email us on mwc.recruitment@nhs.scot.

In 2016, we will be publishing copies of our local visit reports online. When this activity commences, we will update our publication scheme accordingly.

Class 3 - How we make decisions

Information about the decisions we take, how we make them and how we involve others.

The **Board** sets the strategic direction for the Commission and ensures efficient, effective and accountable governance. It meets eight times a year and the minutes are published on the website.

Commission Board Meetings

[Approved minutes of Board meetings](#) can be accessed from our website as can dates for future meetings.

Standing Orders, Reservation of Powers and Scheme of Delegation

The **Board** reserves certain decisions to itself and delegates other decisions to its Committees and executive directors. The full reservation of powers and scheme of delegation is set out in Appendix A of our "[Standing Orders](#)".

Public consultation and engagement strategies

We have an Advisory Group of key stakeholders which is established as a committee of the Commission. Its remit and membership is set out in Appendix C of the Standing Orders, a link to which can be found in the paragraph above.

This section gives you details of how we inform and engage with service users and key stakeholders, and also provides details of our [Engagement and Participation Strategy 2019-2022](#). This strategy has been developed from the previous Engagement Strategy for individuals and carers 2016-2018 and Stakeholder Organisations Engagement Strategy 2016-19. It is informed by consultation with the Commission's Advisory Committee in September 2018, and builds on the experience of our engagement work with individuals and what they have told us about how they interact with the Commission.

Consultation Responses

We sometimes submit responses to consultations from Scottish Government and others. These can be accessed using the link below:
[influencing-challenging/our-responses-to-consultations](#)

Consultations on Good Practice Guidance

We sometimes ask for feedback from stakeholders when we update or create new good practice guides. Details of these can be accessed using the link below:
[good-practice/consultation](#)

Class 4 - How we manage our budget

Information about our strategy for, and management of, financial resources at the Commission.

This section provides information about our strategy for, and management of, financial resources at the Commission. Below are links to the key documents which will tell you more about our financial management.

Below are links to the key documents which will tell you more about our financial management.

- [Signed Accounts for year ending March 2020](#)
- [Standing Financial Instructions 2022-23](#)
- [Financial Operating Procedures 2022-23](#)
- [Fraud Investigation Policy 2021-22](#)
- [Travel and Subsistence Policy](#)
- [Salary Scales 2019-20](#)

Our signed and approved [Annual Accounts](#), detail remuneration for senior accountable officers at the Commission as well as our Board members.

Independent auditors report

- [Report by Scott Moncrieff 2019/20](#)

Public Services Reform (Scotland) Act 2010 (PSRA)

[The Public Services Reform \(Scotland\) Act 2010](#) This act requires the Commission to publish, as soon as is practical after the end of the financial year, certain information relating to expenditures. The Commission's latest PSRA Statement can be found following the link below:

- [PSRA Statement 2019-20](#)

Sustainable economic growth information

The Commission also produces an annual, corporate report on sustainability which is available below:

- [Sustainability Report 2017-19](#)

Financial Planning

Our Business Plan focuses on the year ahead and outlines our objectives for that year in more detail. It also sets out the budget for the year. We review progress on the budget and report regularly to the Board.

- [Business Plan 2021-22](#)

[Class 5 - How we manage our resources](#)

[This section provides information about how we manage the human, physical and information resources of the authority.](#)

This section provides information about how we manage the human, physical and information resources of the authority.

Here is a selection of some of our human resources policies which are currently in use:

- Staff Code of Conduct
- Disciplinary Policy
- Grievance Policy
- Recruitment Policy
- Dignity at Work Policy
- Equality outcomes and how we plan to achieve them

Staffing - about our staffing complement and structure

- [Our Staff](#)

Register of Interests

- [Register of interests 2021-22 \(Board Members\)](#)
- [Register of interests 2021-22 \(Executive Group\)](#)

Working with the Commission

- [Becoming a Designated Medical Practitioner](#)
- [Current vacancies](#)

Our Information Resources

- [Records Management Policy](#)
- [Records Management Plan \(RMP\)](#)
- [Accessible Information Policy](#)
- [Mental Welfare Commission for Scotland - Assessment Report by The Keeper of the Records of Scotland \(August 2014\)](#)
- [Mental Welfare Commission for Scotland – Progress update review \(PUR\) Final Report \(February 2020\)](#)
- [The agreement for the transfer of records \(controller - processor\) between The Keeper of Records of Scotland \(NRS\) and the Mental Welfare Commission for Scotland \(MWC\)](#)

Information assurance and management

- [Information Risk Management Policy](#)
- [Data Protection Policy](#)
- [Privacy Statement](#)
- [Information Commissioner's Office \(Data Protection Public Register - Commission's registration number is Z9097121\)](#)

Freedom of Information

You can make a request under the Freedom of Information (Scotland) Act 2002 (FOISA) by emailing the Commission at mwc.enquiries@nhs.scot or by writing to us at our [Thistle House address](#). FOISA requests are dealt with in accordance with FOISA legislation which means we will respond to your request within 20 working days of receiving your request. We need contact details from you in order that we can clarify a request if we are unsure about any element of it. You have the right to ask us to review our response to you in the event that you are dissatisfied with our original response.

Following this, should you remain dissatisfied, you can refer the matter to the [Scottish Information Commissioner](#) who would look at what we had done.

More information about your rights under FOISA are available from the Scottish Information Commissioner's website via the link below:

<http://www.itspublicknowledge.info/YourRights/YourRights.aspx>

Statistics

Our annual monitoring statistics are available at:

- [Statistical Monitoring Reports](#)

Physical Resources

The Commission leases its premises at Thistle House, Haymarket Terrace, Edinburgh from the Scottish Legal Aid Board (SLAB).

Class 6 - How we purchase goods and services

In this section, you will find information about how we buy our goods and services, and our contracts with external providers.

Here are some key guidance documents and policies.

- [Scottish Public Finance Manual](#)
- [Standing Financial Instructions](#)
- [Procurement Policy](#)

Class 7 - How we are performing

In this section, you will find information about how we perform as an organisation and how well we deliver our functions and services.

Our Key Performance Indicators (KPIs) for 2020/21

Visit at least 1,350 individuals

We did 10 local visits and five guardianship visits during the year. From these visits we reviewed the care and treatment of 73 individuals. We met with seven carers or relatives during these visits.

Complete 25 per cent of our local visits in the unannounced format

Given the need to plan and risk assess all visits it was not appropriate to do unannounced visits over the last year. We think that this position will remain for some time to come and have not included it as a KPI for 2021/22.

To produce AWI biennial monitoring report by 30 September 2020

[Report](#) published on 30 September 2020

We will assess samples of our telephone advice and aim for at least 97.5 per cent of all our

advice to be accurate.

During the year there were 3,372 (2019-20 4,230) calls allocated to duty practitioners as “requests for advice”. When we audited calls this year, we found that around 10% (2019-20 9%) of these resulted in information being recorded but no advice being requested or given. We therefore estimate the approximate number of calls requesting advice at around 3,029 (2019-20 3,848).

We audited 187 calls, which is 6% of the total “requests for advice” allocated to duty practitioners. We gave advice in 168 of these calls.

Number of audited calls where advice given	168
Number of calls where advice accurate	153
Number of calls in which we could have added to the advice given	11(6.5%)
Inaccurate items of advice	4(2%)
% accuracy	98%
Target for accuracy	97.5%

We have therefore performed better than our target of 97.5%.

We will follow up all our recommendations to services arising out of local visits and achieve satisfactory responses in no less than 95 per cent of cases within the agreed timescale. We will publicly report upon this.

Our local visits to individuals allow us to make specific recommendations to services. We made 104 recommendations following 41 local visits conducted between 1 January 2020 and 31 December 2020. Note, this is not the same as the number of visits reported during the year 1 April 2020 to 31 March 2021, as we allow 3 months for a response to recommendations from services. We made no recommendations in 5 of our visits to services.

- (a) We were satisfied that services had responded to 81 (78%) of recommendations.
- (b) We have not yet received responses to 28 (27%) recommendations. of these recommendations 10 (36%) have a response date of 12 May 2021, or beyond, and reminders have been sent of the upcoming deadline. For the 18 recommendations (17%) that have passed the response deadline, we have been in contact with the service manager to request this information and we will take further action in 2021/22.
- (c) We have therefore ensured that we followed up all recommendations due to services and we received satisfactory responses to 73%. This is significantly below our performance indicator of 95% due to the fact that we experienced some problems in getting responses from some services during the Covid-19 lockdown period. These have been chased up.

In previous years we published a report on the outcomes from all of our local visits. It was agreed in June 2020 that this was not a priority for the organisation.

How we performed last year:

We publish annual reports and accounts which indicate whether we have met or are meeting our targets. Our Board minutes also provide information on our performance.

- [Our annual report 2020/21](#)
- [Our annual accounts year ending March 2020](#)
- [Our Board minutes](#)
- [Our Business Plan Review 2020/21 - performance against key targets](#)
- [Recommendations & outcomes from our local visits 2018](#)

Audits and Inspections

Information about audits and inspections carried out by external bodies:

- [Scott Moncrieff Annual report 2019/20](#)

Annual Accounts and Annual Report

- [Annual Accounts year ending March 2020](#)
- [Annual Report 2020-21](#)

Complaints activity 2021

- During 2014, the Commission wrote two new sets of complaint handling procedures (CHPs), one for the Commission and one for the newly formed [National Confidential Forum](#) (NCF). Both sets of procedures were formally ratified by the Board at the [September 2014](#) meeting.
- In 2021, the Commission has reviewed its complaints handling procedure following the [Scottish Publish Service Ombudsman](#) (SPSO) revised and [reissued Model Complaints Handling Procedure](#). The new version of our [complaints handling procedure](#) was approved in April 2021

How to make a complaint against the Commission

If something goes wrong or you are dissatisfied with our services, please tell us. Our [complaints leaflet](#) describes our complaints procedure and how to make a complaint. It also tells you about our service standards and what you can expect from us.

Class 8 - Our commercial publications

Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet.

The information we publish under this class

We have nothing to declare in this section as we don't charge for supply of any information.

Class 9 - Our open data

Open data made available by the authority as described by the Scottish Government's [Open Data Resource Pack](#) and available under an open licence.

The information we publish under this class

- [Open data publication plan 2017](#)

The Re-use of Public Sector Information Regulations

What are the Re-use of Public Sector Information Regulations (RPSI)?

These regulations came into force from 18 July 2015 and establish the UK framework for the re-use of public sector information. The purpose is to make information easier to re-use, resulting in economic, social and civil benefits. They are an update to earlier regulations which encouraged public sector organisations to make information available for re-use. The 2015 regulations go further, and make it mandatory to make information available for re-use. As a public sector organisation, the Commission is subject to the RPSI regulations. In order to comply, we have adopted the Open Government Licence (OGL).

Open Government License

All the information on this website is available through the [Open Government Licence](#). This gives you the right to re-use the information, subject to important conditions.

The OGL requires people re-using information to acknowledge the information provider and/or source of the information with an attribution statement.

[Attribution statements and acknowledgements](#)

If you want to re-use other information, for example that we provided in response to a request you will find the following helpful:

[Statement of Public Task under the Re-use of Public Sector Information Regs 2015](#)

[Statement and guidance on making Re-use requests and complaints](#)

[Re-use request form](#)

Where can I find out more about RPSI?

The National Archives has published [Guidance and Best Practice Advice](#) on the regulations for public sector organisations and potential re-users.

Our commitment to equality

We have a commitment to promoting equality in all of our work

As an independent public sector body, we have obligations under the Public Sector Equality Duty.

As well as the general duties, we have a number of additional specific duties.

Under the specific duties, the Commission is required to:

- a) Report on mainstreaming the equality duty
- b) Publish equality outcomes and report progress
- c) Assess and review policies and practices
- d) Gather and use employee information
- e) Consider award criteria and conditions in relation to public procurement
- f) Publish in a manner that is accessible

The Commission does not have requirements with regards to equal pay and gender pay gap information as it has fewer than 150 employees.

- g) Additionally there is a requirement for the Commission as a listed authority to consider other matters which may be specified by the Scottish Ministers and a duty for the Scottish Ministers to publish proposals for activity to enable listed authorities to better perform the general equality duty.

Read our report on [Equality outcomes and mainstreaming progress report 2021](#)

Read more about how we are putting our commitment into action in [Equality outcomes and how we plan to achieve them 2021](#)