



**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
HELD ON TUESDAY 27 FEBRUARY 2024
AT 11.00AM (In Person)**

Present:

Sandy Riddell (Chair)
Mary Twaddle
Cindy Mackie
Kathy Henwood
Alison White

In attendance:

Julie Paterson, Chief Executive
Suzanne McGuinness, Executive Director (Social Work)
Arun Chopra, Executive Director (Medical)
Julie O'Neill, Business Change and Improvement Manager
Ashley Dee, Head of Culture and Corporate Services
Helen Dawson, Medical Officer (for Item 7.6)

Secretary:

Fiona Hamilton

1. Welcome and Apologies

The Chair welcomed all members to this meeting. Apologies were received from Gordon Johnston, David Hall and Nichola Brown.

2. Board Declarations and Register of Interests

No declarations or register of interests were given.

3. Chair Update and Announcements

The Chair reminded the Board that he was mindful that the next round of Board appointments will take place by March of next year and that he wanted to progress a number of developments to support this process. Firstly, he had mentioned that the Commission have been adapting the induction framework used by NES for our own purposes and the first draft of this has subsequently been issued for comment. This new framework is intended to provide a much more comprehensive and thorough induction process, which will need to be carefully managed and timetabled. The Chair thanked members for their helpful comments and feedback, which will all be taken on board. In addition, the Chair developed and issued a skills matrix for completion – this provided a useful snapshot of the views of members in relation to areas where they may feel they have training or development needs and this in turn can provide a steer on on-going training needs. Following on from this, the Chair advised that a need for some training in relation to our governance responsibilities on risk management emerged and therefore some development time will be set aside for this during this coming year.

The Chair then added that he has been conscious that each year colleagues have asked for not only the continuation of Q&A meetings, but also that the dates for the year ahead should be agreed

for planning purposes. Dates have been issued and apart from Mary who has indicated that she will be unable to make a few of the dates, and Kathy who may have a diary clash for part of one of the meetings, everyone has said that the dates suit. The Chair appreciates that circumstances can change and unexpected demands can affect attendance but has decided to move forward with the dates as provided. He added that it would be good to have one of those dates set aside for a staff Q&A and perhaps an introductory meeting with someone from the sponsor department.

The Chair then updated the Board on the outcome of the first Annual Chairs meeting, held last month. He reminded the Board that he had created this forum to play a role in supporting our evolving performance and governance arrangements further. It involves Board and Committee chairs, the Chief Executive and relevant executive leads. The purpose of the meeting is to provide an opportunity to reflect not only on the effectiveness of current governance arrangements but anticipate and plan for Committee and Board business for the year ahead. He felt that the meeting had been very useful and that a lot of detailed business had been covered. A note of the meeting will be circulated for information.

The Chair then thanked members for completing the Board's self-assessment. The feedback/evaluation from this will be collated and a report will be considered at our next meeting in April.

The Chair then advised that he was due to send out appraisal forms for completion. He will require these to be returned to him by the end of March and it is his intention to hold meetings during May if possible. Ideally he would prefer to meet in person but appreciates that this may not be practical or possible for some and it may prove challenging due to our budgetary position. He will consider offering the option of meeting in Edinburgh or online and then consider depending on the responses he receives how best to proceed.

Finally, as we have our dates for Board meetings for the year ahead, the Chair wondered if we should consider holding one or two at Thistle House – he suggested however, he would prefer to commit to in-person only for these particular meetings rather than hybrid. Other development or meeting opportunities could be created around this. In order to test out the practicalities of this he asked members to advise him by email over the next week as to whether they would be available to attend the Board at Thistle House for the June and October meetings, thus avoiding the height of the summer. Once he has heard from everyone, he will plan next steps with JP.

4. CEO Update

JP reflected on the staff event held on Friday of last week and thanked CL, SM and JON for organising. It proved to be a successful networking event, as intended, and committed to as part of our hybrid working arrangements.

JP reminded Board Members of the commitment to mirror the Scottish Government's pay award which included implementing a 35 hour week by October 2024. As expected, this will extend pro rata to those who are part time/partially retired. Where any detriment is identified this will need to be addressed. JP explained that the intention is to follow the Scottish Government's communication plans with their staff with a deadline of 15 April 2024 being when we need to provide staff information for Oracle.

JP confirmed that the Commission's second discretionary points panel (for Consultants) sat last week.

JP confirmed that discussions are ongoing with our sponsor department regarding Health Improvement Scotland's proposals to undertake more detailed 13 week inspections within mental health settings.

The Chair said that he and JP had met with Stephen Gallagher around Health Improvement Scotland being keen to do extended inspections within mental health settings, 13 week inspections. During that meeting the Chair expressed a view that this was an example of complex change not being progressed quickly enough and different parties not being able to contribute to discussions and agreement in relation to the best way forward. The Chair mentioned to Scottish Government that there was a real need to try to conclude some of those processes otherwise there is risk of going backwards.

The Chair thanked JP for her update.

5. (a) Minutes of Board meeting held on 12 December 2023 (Paper)

The minutes were approved for this meeting.

(b) Action Points (Paper)

Action points updated accordingly.

6. Advisory Committee

6.1 Advisory Committee Update

The Chair of the Board had asked that future dates for the Advisory Committee meeting be drafted for the next 18 Months. It was therefore noted that the suggested dates for upcoming advisory committee meetings are as follows.

30th August 2024 - virtual
7th March 2025 - in person
29th August 2025 - virtual

The Chair reminded Board members to note these dates and to think whether they wish to attend an Advisory Committee meeting. Members are invited to attend at any time.

The Board approved the suggested dates.

The Board were asked to approve the statement around membership within the SBAR. AC said that this arose due to two groups wishing to join the committee but there was no formal statement in place of how the Commission agrees membership of the Advisory Committee and also how it is reviewed. AC let Board members know that the suggested plan is to review the membership every autumn and to write to members who are not regularly attending.

The Chair felt that this was a positive process which allowed for flexibility and was happy for the statement to go onto the Commission's website. The Chair also reflected on the review of membership and was keen to ensure membership reflected active participants. He asked if a letter had been sent out previously with deadline for response. JP replied that yes the Commission had written out previously. JP mentioned that it would be a good idea of to maintain a register of attendance and share at each meeting. JP said she has spoken to AC in regard to this who in turn will pick this up.

CM felt that this was very worthwhile including the approach to reviewing membership. CM also felt that the current membership was balanced.

The Board approved this statement and review process including a deadline date added to the review letter.

AC advised that two organisations had approached the Commission to ask if they could be added to the membership, Young Scots and Scottish Families against Drugs. AC asked the Board for approval for Young Scots and Scottish Families against Drugs to be added to the Advisory Committee membership.

The Board approved and welcomed these organisations to the Committee.

AC said he welcomed any ideas for agenda items for Committee and is in the process of arranging a mechanism for input from ELT and the Board. AC will take all suggestions to the Chairs of the Committee. AC said if the Board members have any ideas of future topics to please pass to NB and MT and copy AC into the conversation.

The Chair said that he feels that the meetings with the Advisory Committee are very important and the Committee has done tangible pieces of work for the Commission as an organisation. The Chair thought it would be good if the Committee members and the bodies they represent have the opportunity to say what they have been doing in terms of navigating challenges, what has changed and what hasn't changed and what their hopes are for the future. The Chair felt that the Advisory committee could be a powerful voice in expressing concerns in relation to what has or has not been progressed nationally.

AC raised details within the Standing orders where the membership of the Advisory Committee is described as inclusive of the CEO and ELT leads. AC confirmed ELT's suggestion that 'in attendance' was more appropriate than membership for the CEO and ELT. The Chair said that this was a good point and thinks on a governance perspective this would clarify the status and role of the membership.

MT suggested that if Commission staff are noted as in attendance, this should include the administration officer.

The Chair agreed with the points raised and suggested that the status of Commission staff as attendees would help to reinforce the importance of the Committee and its direct reporting to the Board.

Actions: Review letter to include a deadline date. AC
Young Scots and Families against Drugs to be added to membership. AC
AC to put mechanisms in place to see ELT and Board members' view on future agenda topics (on behalf of MT and NB).

Board members noted this item.

7. Items for discussion and/or approval

7.1 Budget Update

JP confirmed that this paper was presented to Audit Performance and Risk Committee on 12 February. JP gave a brief update on the underspend and advised the Board members that the increase in DMP fees will be covered by the underspend. JP carried on to say that she was hopeful that the Commission would have an update on our 2024/25 budget within the next few weeks. JP mentioned that the Commission is being asked for evidence of efficiencies by SG.

The Chair noted that the situation around budgets is dire. The Chair also acknowledged that government were asking us to evidence our spend and that the Commission has been helpful in providing the necessary evidence. Going forward the Chair appreciates that the Commission may need to revisit some priorities and adjust these accordingly but must still keep the ambition and focus.

The Board noted this paper.

7.2 AP&R Minutes meeting held on Monday 06 November 2023

These minutes were presented to the Audit Performance and Risk committee on 12 February 2024 and were presented to the Board today for noting.

The Chair noted that his attendance was not recorded on 6 November 2023 when it should have.

Action: The Chair to be added to the minutes as in attendance

The Board noted the minutes with minor amendment as above.

7.3 Business Plan progress reports

JP presented the progress reports noting that the CCTO report was published today.

JP noted that whilst actions have been completed, this did not always happen within agreed timescales. She and ELT have reflected on this and will give assurance that realistic timescales will be given for 2024-25 and met unless exceptional circumstances dictate otherwise.

JP noted that the stakeholders' action survey plan is now fully complete.

MT suggested that the membership of the Advisory Committee is an ongoing action rather than a completed action as stated.

JP agreed that membership will be subject to ongoing review but said this would now be the responsibility of the Committee supported by AC. MT asked if this could be made clearer in the wording, that is, the ownership has moved to the Advisory Committee.

JP agreed that all actions would be considered along these lines with more detail added.

CM said, as a Board, they have very good assurance from the report that tasks have been carried out. CM also thought that there was very positive outreach in the engagement and participation strategy and all the work JON has done around casework. CM said, in terms of governance, all of this gives the Board good assurance.

CM asked if the recruitment training for managers extended to DMP recruitment. AD replied that currently the focus is on recruitment skills for hiring managers within the Commission and not around recruiting DMPs but AD happy to look at this if required. CM raised the point that previously when looking at the DMP job description this was a task that sat out with HR and managers. CM thought that inclusion in relation to recruitment of DMPs would be helpful in terms of assurance.

KH said that she thought the report was laid out really well and very intuitive. KH asked for a bit of clarity around the labels on track and ongoing. JON described the differences and that on track is when there is a deadline, ongoing is reflected in our influence and empowering, which is ongoing.

The Chair thanked JON for putting all this in place. The Chair felt that the overall quality and content of these reports was helpful and these reports put the Commission in a much better place than previously with evidencing what has been achieved throughout the year and good discipline in terms of governance and assurance.

The Board noted these items.

7.4 Business Plan 2024 to 2025

JP presented this item to the Board and thanked JON for pulling the plan together. JP referred to the SBAR where it is stated that some space has been built in for flexibility of response to work we may not be able to predict. The Commission will be focusing on doing one themed visit in 24/25 in relation to carers as agreed by the Board and CL will be the lead on this. JP advised that the Commission will be doing another themed visit next year around crisis services. The decision to do this themed visit was from the feedback from stakeholders. JP said that this was the top recommended piece of work, which we were asked to do. JP advised that AC will be the lead on this and will start work on this now and it will be a two-year piece of work.

JP also referred to new ways of working, for example SM will be introducing closure reports for all our investigations. JP hopes the business plan 24/25 reflects the Commissions core business. JP mentioned that there was no clarity yet on what was happening with DIDR/MHH and that she was still in discussion with SG sponsor department.

AW thanked JP for this and felt it covered a good range and thought it was helpful in terms of when the Board might expect the reports. AW wondered whether actions were smart enough in terms of how would Board members know that some of these had been achieved. AW pointed out one example, which was under the activity for investigations and casework *reflect on ensuring our reports target a broader audience and remain readable*. AW feels that this is a good aim but how will the Commission achieve this? Another example AW pointed out the section, *continue to prioritise resources to allow for investigations of cases*. AW wondered how many cases we would need to do to know that we have prioritised our resources accordingly for that. AW felt these were good aims, but just how will the Board know at the end of the year that the Commission has achieved those things.

JP welcomed this feedback acknowledging that the Commission must evidence the work it is doing and the impact. The team will reflect on AW's comments and strengthen the content.

MT thanked JON and JP and thought the business plan was laid out well. MT like the idea of the flexibility as the Commission does not know what may be put upon us. One area MT looked at was engagement and participation and the mention of the Advisory committee but no description of the committee nor that it is a committee of the Board and that the committee is a requirement. MT wondered if this should be made more explicit.

CM agreed with the points already made and suggested that well-being could also be integrated under section 3.8 workforce.

The Chair said that he likes the continued focus to close the loop of influence, evidencing our commitment to driving forward change.

The Chair also mentioned the stakeholders' event held in August 23 and the plan to have a follow up in March 2025 (prior to MT and GJ's departures). The Chair said it might perhaps be better to bring this forward given the pace of change is not as hoped for. JP replied that the wording in the business plan could be changed to *prior* to March 2025 to give flexibility.

Action: Comments, as noted above, to be considered when finalising the business plan.

The Board approved the business plan subject to incorporation of comments from Board members.

7.4 Strategic Risk register

JON presented the strategic risk register confirming that it had been considered at the Audit Performance and Risk Committee held on 12 February 2024. The register was presented to AP&R for assurance prior to submitting to the Board for approval.

JON informed that three new risks have been added in relation to the Shared Services Programme. At the Audit Performance and Risk Committee in February it was noted at risk number seven, there were two mitigating actions that had not been progressed. The AP&R Committee requested updates on these actions be brought to the Board. JON referred to the actions noted in the SBAR and said AC, as responsible lead for these actions, was available to take any questions on these specific actions.

The Chair mentioned that this was helpful and that he, CM and DR had been at this committee meeting. The Chair said that he liked how the updates requested had been incorporated for presentation to the Board today.

CM asked about the audit of DMP practice to increase quality assurance. CM wondered if there was a timeline and if the Board could be given some assurance regarding this. AC advised that there currently is no timeframe in place for all 74 DMPs to be subject to this audit process. 20 out of 74 audits have been completed so far. AC suggested that once processes are embedded he will be in a better position to give a timeframe.

CM asked when it says establishing audit of DMP practice, is there going to be a framework to audit going forward so to keep momentum and will this be something the Board will see in due course.

AC replied that the Commission is working on a four nations approach and is in close contact with RQIA at the CQC in England and the equivalent body in Wales. AC confirmed that he is looking at adapting this for the Commission's needs. CM thanked AC for this and looks forward to seeing this in due course.

AW wondered if there was a reason for the difference in the wording within the risk register and the risk descriptions, for some it says there is a risk and for others it states what the risk is and wondered if there was a reason for this for consistency purposes. It was agreed that the wording should be re looked at for consistency.

The Board approved this report subject to comments made.

7.6 Children's Rights Report

SM presented this report to the Board for approval and discussion. SM advised that under the Children and Young People's Scotland Act 2014, the Commission has a duty to report on the work that it does to promote the rights of children. This report covers the period of 1 April 2020 to 31 March 2023. SM mentioned that this report is timely in terms of UNCRC and the current incorporation around this. SM said that the author of this report was Dr HD who is on standby for any questions the Board may have.

Having read the report, the Chair reflected on how useful it would be for the Board members to know who was in the CYP group and also in the engagement and participation team.

The Chair said he thought the report was very comprehensive and was impressed by the scope and range of the contents along with the clarity of the message that is given in the report. He suggested that the report was missing the views of CYP on their impression of the Commission.

CM agreed with the Chair's comments and wondered if this is something that could also be looked at in the membership of the advisory committee. CM thought the report was excellent, was well laid out and that the information was very helpful. In regard to the 409 calls to the advice line in relation to the care and treatment of young people under 18, CM wondered if the new IT system would allow more in depth data in terms of ethnicity etc for future reporting.

SM said that yes this is in scope for the new IT systems. SM carried on to explain that the Commission is currently doing a piece of work with PHS looking at strengthening the Commission's data particularly around children and young people who are detained. CM wondered if this could be added to the report.

MT mirrored previous comments and felt that this was a really comprehensive report where the graphics worked really well. MT asked, as this was such a detailed report, were there any plans for a slimmed down version? This might be more assessable to children and young people and give children and young people a better understanding how the Commission could help them and give them better insight into how they can tell us how we can support them.

SM thought this was a good idea and let Board members know that the children and young people the Commission consulted with had seen the report and informed graphics and how it was to be worded. SM will take the idea of a summarised version back to the group for discussion.

KH thought that this was a super report. KH reflected on the age limit of 18 given age 26 is the age considered as part of our corporate parent responsibilities. Another question posed was about Commission visits and whether, when issues are raised about a young person's care and treatment are they put under any protected status. SM replied that whilst each case is considered individually however if there was a child protection issue this would be something picked up straight away.

With regards KH's age query SM confirmed that the CRR report has been written according to guidelines and UNCRC however she would take KH's point back to the group.

The Chair mentioned that he was looking forward to learning the outcome of the pilot project around looking at what happens when parents are detained in hospital as this is such a critical part of our business and our work.

HD then joined the meeting and the Chair fed back all the positive comments and thanks to HD received from Board members for this important and excellent report. HD thanked the Board for their comments and confirmed that the work was a team effort and would pass on comments to the team.

The Chair noted that it was a good idea to have authors attend to hear direct feedback on reports.

The Board approved this report.

7.7 Advance Statements Override Report

AC presented this paper for information and gave a brief background to the item. AC informed the Board that the Commission has to prioritise some of the statutory activity which the medical role is

undertaking and ASOs are not statutory activity. AC noted that the work on ASOs suggested the Commission was not making tangible progress. AC said the Commission now intends to tailor this work accordingly as noted in the SBAR; giving some priority however ensuring medical resources are available for statutory responsibilities.

The Board noted this report and plan for ASOs going forward.

7.8 Equalities Outcome Report

AC presented this paper. He confirmed that at ELT on 26 February, it was agreed that a short life working group would be set up to take forward the outstanding actions. AC also said the short life working group would think carefully about the outcomes to be achieved for 2024-25 and for the next three or four years.

The Chair said that this report was helpful and informative but felt that a lot of work was still to be done around this. The Chair asked if AC, as the lead, was satisfied with the progress so far. AC replied that he was aware that more work needs to be done but hopes the short life working group will support progress going forward.

The Board noted this report and look forward to hearing of future progress on specific actions and responsibilities.

7.9 Staff Survey Action plan

JP presented this paper and action plan for discussion.

JP said she was seeking the Board's views for future staff surveys to be iMatter only and no additional comments box to be included for the reasons stated in the SBAR. It is also the case that a staff suggestion box is now in situ on line and in the office so there are alternative opportunities to make suggestions.

JP reminded that this was the first staff survey to be done since 2017 and approx. 80 percent of staff engaged in the survey. JP said that in January 2024 the Commission followed up the survey with focus groups for staff to look at *what good looks like* for the five areas noted for improvement.

JP explained that the next staff survey is scheduled for September 2024. It is important to progress the action plan and also to keep the momentum going and getting staff's views and also making sure that staff are part of the solution also.

AW thought this was good to see and wondered if iMatter was broken down to individual teams. JP advised for this first year, the approach has been 'whole Commission' but it is something ELT are keen to work towards.

CM mentioned that she thought the independent consultant's analysis of the results was a very good step and helpful for the Board in terms of governance. CM also said that in regard to removing comments she felt that was okay as there was assurance around the policies being in place for staff to use to highlight any issues, they feel they have.

CM asked whether appraisals would be considered as part of the inadequate supervision arrangements in place. JP agreed that appraisal arrangements would be considered as part of the 1:1 reviews.

The Chair asked CM, in her role as well-being champion, if she felt that the Commission was on track with work progressing. CM replied yes and welcomed the honest feedback being given by staff. CM said important steps were clearly being taken.

The Chair noted a great deal of positives and clear improvements from the last survey. The Chair said that there are obvious issues regarding how ELT are perceived and some mixed views around management practice. The Chair said there are important messages for ELT as a collective.

The Chair noted the number of policies now being reviewed and coming through the board, several of which relate to staff. He welcomes this focus and progress and he stated that he supports the improvement actions noted in appendix 4. The Chair also recorded his support of the recommendation to remove the extra comments section in iMatter in future as there are other avenues for staff to raise issues.

JP explained that the staff event on Friday was really helpful, hearing honest views where some people for example wanted internal communication improved and others did not really want internal communication, keen to focus on doing their own jobs well instead. Whilst it may not be possible to please everyone, there was a really positive atmosphere and 'can do' approach in the main. JP said that ELT know we need to work together in a collegiate way, modelling positive leadership behaviour and have this replicated across the Commission. iMatter confirms we need to do this more.

ELT leads echoed JP's comments and thought the event was a really friendly, welcoming atmosphere and very positive because there was real engagement with staff and hope for the future.

The Chair welcomed these comments and thanked JP, SM, CL and AC. The Chair was reminded of the positive interaction between Board members and staff at Q&As and suggested that he pick this up again with JP.

Action: The Chair to discuss with JP about another staff Q&A with Board members.

The Board approved this report and the recommendations outlined in appendix 4.

8 Policies for approval

The Chair welcomed having these policies on the agenda for comments and approval. It was noted that a significant amount of work is progressing to ensure that policies are up now to date.

8.1 Standing Orders

This policy was presented to Audit Performance and Risk Committee on 12 February and was presented to the Board for Approval.

The Board approved this policy

8.2 FIN-POL-04 Standing Financial Instructions

This policy was presented to Audit Performance and Risk Committee on 12 February and was presented to the Board for Approval.

The Board approved this policy.

8.3 HR-POL-08 Work related Driving Policy

This policy was presented to Audit Performance and Risk Committee on 12 February and was presented to the Board for Approval.

The Board approved this policy.

8.4 HR-POL-12 Career Break Policy

AD gave a brief background to this policy and asked the Board to review the recommendations within the SBAR.

The Board approved the direction of travel of this policy as stated in the SBAR.

8.5 HR-POL- Flexible Working Policy

AD presented this paper and gave a brief background to the updated content and advised that this policy has been updated in accordance with Employment Relations (Flexible Working) Act 2023 (commencement date 6 April 2024).

The Board approved this policy.

8.6 IG-POL- 01Records Management Policy

AD presented this policy to the Board and gave a brief background in regard to the content.

MT asked about section 5.7.1 around naming conventions. MT felt that it would be good to add some examples of good naming conventions in this section.

AD said that he thought this was a good point and would feed this back to get examples added.

Action: AD to feedback to PA and get examples of naming conventions added into section 5.7.1

The Board approved this policy subject to additions suggested.

9. Board Agenda Planning

There was general discussion around having April and or October as an in-person meeting with no hybrid option; with the option of possible development space being added after the Board meeting. Board members were asked to advise the Chair on their ability to attend in-person as requested.

The Chair mentioned that the Annual Account may be submitted in June and JP confirmed that there was no reason at the minute why these would not be available for the June board.

10. Date for next Board meeting Tuesday 23 April 2024 (In Person).