MENTAL WELFARE COMMISSION FOR SCOTLAND

MEETING OF THE BOARD

HELD ON 26-08-2025

In Teams

Present:

Sandy Riddell (Chair)

David Hall

Cindy Mackie

Kathy Henwood

Alison White (AW)

Beth Anne McDowell

Alan Wright (AlW)

In attendance:

Julie Paterson, Chief Executive

Claire Lamza, Executive Director (Nursing)

Julie O'Neill, Business Change and Improvement Manager

Ashley Dee, Head of Culture and Corporate Services

Suzanne McGuinness, Executive Director (Social Work)

Secretary:

1. Welcome and Apologies

Apologies were received from board member Nichola Brown and also from John Crichton, Executive Director (Medical).

2. Board Declarations and Register of Interests

None were declared

3. Chair Updated and Announcements

The Chair firstly made reference to there being a number of meetings and events planned to support the development of our strategic priorities as an organisation in the short to medium term. Following this meeting, with some initial input from JP, there will be some protected space provided for the Board to reflect on what we feel we do well in the Commission, and what could be better. Then on Friday, the Advisory Committee meets at Thistle House and part of that agenda will focus on the development of our next Strategic Plan building on the detailed discussion that took place at the Committee's last meeting. The Chair is aware that some Board members will be there and this will provide an opportunity to meet with some of our stakeholders and engage in that discussion. And as he mentioned at the last open Board meeting, we are planning to have an extended meeting of the Board in October allowing the opportunity for Board members and the executive team to reflect on what our emerging priorities should be. These meetings go in part to address some suggestions in last year's Board self-assessment that the Board should have more time set aside on its own to get to know one another and to have an opportunity to consider our direction of travel away from the restrictions of busy Board meetings.

Secondly, one of the priorities of our organisation is to strengthen our strategic links with key partners in the sector. The Board has regularly heard from JP on a range of links and agreements with bodies such as NES, the Care Inspectorate and the Scottish Social Services Council and next week the Chair and JP will be meeting with their counterparts from Healthcare Improvement Scotland at Thistle House.

The final matter the Chair wanted to make reference to today is the brilliant range of initiatives being delivered or developed as part of the AWI Project. This includes, for example, the work underway on creating a learning resource called 'Crossing the Acts' focusing on the intersection between the AWI Act, the Mental Health Act and the Adult Support and Protection Act. This resource will eventually be added to Turas. And also, as part of the project, the podcast titled 'There is no such thing as an AWI' has had over 3000 downloads so far. The Chair believes that this impressive project is really beginning to have significant reach and influence and asked SM to pass on the Board's thanks to everyone involved in this work.

4. CEO Update

JP confirmed that she had just completed her annual staff 'catch up' meetings throughout August. For those not aware, she explained that every year she takes the opportunity to have small group meetings with staff (without executive team members) to have a chance to chat with no particular agenda. It is recognised that quarterly CEO briefings are large and used to impart information whereas as annual 'catch ups' involve discussion on any topic and questions about any topic.

JP noted the Chair's reference to our strategic planning discussions and confirmed that external and internal consultation is now complete with written comments due by the end of this week. JP said it had been a pleasure attending some of these groups and hearing views on what stakeholders value about the Commission and how we could extend further. The independence from NHS, local authorities and Scottish Government was clearly a themed that arose and is valued.

JP carried on to refer to the national programme of visits to children and young people units across Scotland noting the progress and confirming that all reports will be completed by the end of the calendar year. AW took the opportunity to confirm there is no conflict of interest as declared previously as her role has changed once more and she does not have responsibility for any children and young people units.

5. Previous Board Meeting Minutes

5(a) Minutes of Board meeting held on 24 June 2025

The minutes were approved as a correct record

5(b) Minutes of Extra Board Meeting dated 25 July 2025

The minutes were approved as a correct record

5(c) Action Register (Paper)

Advisory Committee entry is still showing as allocated to Arun Chopra, this will be corrected to JON. Further updates provided will be reflected in the action register document.

6. Advisory Committee Verbal Update

JON updated the board in NB's absence.

JON advised that there would be an advisory committee meeting on 29 August 2025 with approximately 20 member organisations in attendance at Thistle House. The focus of the agenda is the Commission's strategic plan and the carers report post discussion today.

The Board noted the update

7. Items for discussion and/or approval

7.1 Budget Update

JP presented the paper which referred to a summary of core spend to end of June against the draft budget.

JP explained that the budget has been prepared using a 3% annual pay award assumption in line with the previously announced 9% over 3 years pay strategy. It is however not yet known what the Scottish Government's pay proposals are (which the Commission usually tries to match depending on affordability). It is hoped that this will be known in advance of the Commission's next board meeting in October.

JP informed the Board that the Commission has not received funding for Death in Detention or Mental Health Homicide investigations and that efforts to secure this funding are ongoing, as these functions are core to the Commission's duties and the Scottish Mental Health Law Review made related recommendations.

The Board noted the paper

7.2 Business Plan 2025-26 Progress Report

JON presented the paper and explained that the business plan outlines the actions we intend to take during the period 1April 2025 to 31March 2026 to achieve progress towards our Strategic Plan dated 1April 2023 to 31March 2026.

AlW suggested that more detail could be provided in relation to those actions which have deadlines stated as 'ongoing' to include the % completion perhaps. JON acknowledged this and noted that some areas of work, such as influencing and empowering, lend themselves less well to doing so. JON will review and send background details to AlW for information.

CM queried item 2.5 of the workplan, which commits to ensuring local visit reports are more focused on capturing the views of individuals, their families, carers, and a broader range of perspectives. CM asked whether this applied only where carers were available, and whether routine follow-up phone calls would be undertaken. CL confirmed that follow-up calls mainly take place after unannounced visits (as carers will not have had advanced notice) and that this practice will be explicitly reflected in the workplan.

JP informed the Board that ongoing CYP visits are helping to shape the Commission's approach to visit design, noting that visits for more than one day have been invaluable. CL confirmed work with SAMH starting December 2025, with the overall programme running until March 2026. JP advised that future planning is underway, including consideration of reinstating the Commission's Visitors Programme (to be discussed with board members in October).

CM asked that a profile of the types of people who engaged during visits be included (e.g., carers, family members, parents).

AlW asked about outstanding elements of the digital transformation programme, specifically the absence of a cyber response plan. AD confirmed that this is incorporated within the Business Continuity Plan, following guidance from NES.

The Board approved the paper

7.3 Carers themed visit report

CL presented the updated themed carers report to the Board following its first presentation in July 2025.

SR thanked NB for their contribution in shaping the paper. SR welcomed the detail provided in the SBAR which clearly evidences that feedback from the Board has been taken into account.

CM suggested adding a paragraph to acknowledge the lack of response from Young Carers and linked this to UNCRC. CL agreed to this amendment.

Action: CL to add point regrading young carers.

The Board approved the paper

7.4 Annual Local Visit Recommendations Report

CL advised that the Commission publishes an annual overview of the recommendations that arise from our local visit programme to services across Scotland. The report today is the annual report of the recommendations made for the full visit year from April 2024 to March 2025.

CL highlighted that the greatest challenge was obtaining responses within the three-month timeframe. DH welcomed the report as a valuable overview of the current landscape, particularly in relation to overarching concerns such as staffing.

AW noted that the breakdown of categories made the information more accessible and asked whether recommendations relating to the physical environment would be supported through Scottish Government capital funding. CL confirmed that capital funding is agreed through discussions with local partnerships but that the Commission can influence this in our reports (Strathmartine was highlighted as an example).

AlW proposed classifying recommendations by level of risk, suggesting this could help drive improvement. CL explained that repeat recommendations are now being escalated through the Commission's internal processes. JP added that, while the Commission has routinely revisited the same institutions and facilities in the past on an annual or biennial basis, this can also be informed by intelligence too, with some visits brought forward based on matters arising. JP explained that the CYP learning has been invaluable and will now be integrated into broader visiting plans, supporting a shift towards a more intelligence-led approach.

SR asked whether significant issues, especially repeat issues, when identified are made known to the Scottish Government. JP confirmed that escalation processes internally continue to be worked on so that all are clear on thresholds which inform further escalation.

The Board approved the paper

7.5 Closure Report: Out of NHS Placements

CL confirmed that in September 2023, a Commission themed visit report examined the placements for people with mental ill health or learning disability whose care was being provided out with their local NHS Scotland health board area, in both Scotland and England. She explained that the delayed closure report was being presented today. CL advised that closure reports are to evidence the work that has been done in response to the Commission's recommendations and that this report had been delayed because of the time taken to receive constructive feedback and action proposed by the Scottish Government to the five recommendations made to them.

CL noted that there remains no clear response to the recommendation that there needs to be national oversight of spend on out of area placements. The Commission requires to continue to follow this up.

The Board approved the paper

7.6 Gender Pay Gap

AD presented the paper.

BM suggested that the paper could form the basis of a wider piece, citing consideration of staff who are at the top of their pay bands, to ensure the Commission remains competitive.

AD confirmed that succession planning and the development of internal talent are already addressed within the Commission's Organisational Development Plan.

JP added that, at present, only consultants' salaries are linked to NHS pay scales, noting that the last full salary review for the Commission took place in 2009. However, she reassured the Board that recruitment and retention data continue to be monitored to ensure that the organisation continues to attract and retain our high quality staff.

The Board approved the report

7.7 Children & Young People Plan

SM presented the paper.

SM confirmed that the Commission is actively integrating the UNCRC Act into its practices.

SR suggested organising a development session in 2026 to explain the UNCRC to Board members, noting that this would sit outside the proposed development agenda.

BM cautioned against treating this as a "one-off" exercise, emphasising that the Commission should continually ask, "How do we integrate rights?"

CM proposed that a clear governance structure be established to give the Board ongoing insight into this work. CM also recommended that the executive lead provide regular reviews, as the Board needs more time to build its understanding of the UNCRC

Action: Development session on UNCRC to be scheduled for early 2026 for the Board.

The Board approved the paper.

7.8 Information Management System (IMS) Progress Report (paper)

SM confirmed that the Commission entered into a contract of services with Corporate Documents Ltd (CDS) on 9 July 2024 and is currently in the build and development phase of the information management system project.

The Commission is also subject to regular review through the Scottish Government's Digital Assurance Office (DAO) and was subject to an independent review of the IMS project 30 June – 2 July 2025.

SM's report today is the outcome of this process for the Board's information.

It was noted that at the assurance gate the project was given an 'Amber/Green' rating; this was an excellent outcome and permission to continue to drive forward on proposed actions.

SR noted that significant progress had been made, with CM stating that it was reassuring to see so much positive feedback.

The Board noted the paper

7.9 Medical Treatment – Which Act to Use: Good practice guide

JP presented the good practice guide on behalf of Dr Donny Lyons who produced this work. She confirmed that Dr John Crichton had signed off as executive director (medical) for presentation today.

JP explained that, due to the significant changes in this good practice guide, it was being presented to the Board for approval.

DH noted that it was a strong piece of work providing clarity in practice. He suggested that a 'decision tree' could be added as a helpful visual guide. This was noted. CM highlighted the value of the included case studies.

The Board approved the paper

8. For Information

8.1 Values Update

AD presented the paper explaining that the Commission's organisational values were last updated in 2016. One of the first commitments in the Organisational Development (OD) Plan launched on 1 April 2025 was to update the values and to make them more evident in the Commission's people and businesses processes.

CM welcomed this work noting that the detailed consultation and feedback from staff was very helpful.

The Board noted the paper

8.2 AWI Headlines Monitoring Report (verbal update)

CL presented the update noting that the monitoring data for 2024-25 confirms:

- There was a total of 20,152 individuals subject to a guardianship order in Scotland on 31 March 2025 compared to 19,078 in 2024, representing a 5.6% increase.
- A total of 4,300 guardianship orders were granted last year.
- The majority of orders granted were private (70%) with the major diagnostic group being learning disability followed by dementia.
- 87.2% of our AWI visits were routine visits
- We visited 184 individuals with private guardianship orders in place.

The Board noted the paper

8.3 Reviewed Terms of Reference 2025: Executive Leadership Team

JP presented the review of the executive leadership team's terms of reference to the board for information.

JP noted an error in the paper and confirmed that the communications manager post should be included in the membership of the extended executive leadership team (EELT).

The Board noted the paper

8.4 Mental Health Budget Spend Consultation

JP presented the Commission's consultation response to the Health, Social Care and Sport Committee sent by due date of 15 August 2025.

There were no questions or comments.

The Board noted the paper.

9. Board Agenda Planning –

SR said that the in-person Board meeting in October will be extended as previously agreed but will finish no later than 3.30pm. He noted that the Q&A scheduled end November will be used for a mid-year reflection on the Board's self-assessment and progress thus far (the outcome report will be sent to all Board members end October by way of a reminder as to what was said). The next self-assessment will be completed by the Board in April 2026.

10. Any Other Business

SR explained that another skills matrix requires to be completed by board members and this will be sent out end Oct/Nov prior to the start of the process of new appointments being made in 2026.

11. Next Board Meeting – 21 October 2025 (In Person)