



**MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
HELD ON 9 DECEMBER 2025, 11:00am
Via Teams**

Present:

Sandy Riddell (Chair)
David Hall
Kathy Henwood
Alison White (AW)
Nichola Brown
Alan Wright (AWr)
Beth-Anne McDowall
Cindy Mackie

In attendance:

Julie Paterson, Chief Executive
Ashley Dee, Head of Culture and Corporate Services
John Crichton, Executive Director (Medical)
Julie O'Neill, Business Change and Improvement Manager
Claire Lamza, Executive Director (Nursing)
Suzanne McGuinness, Executive Director (Social Work)

Secretary: Ashley Dee

1. Welcome & apologies

No apologies.

2. Board Declarations & Register of Interests

None noted.

3. Chair Update & Announcements

The Chair firstly updated the Board on a recent meeting he attended organised by the Ethical Standards Commissioner's Office in relation to the draft report titled the 'State of the Nation'. This event, one of three, was organised to hear the views from chairs of non-departmental public bodies on a series of questions raised in the draft report to help inform the development of a new diversity strategy for public appointments in Scotland. The event was attended by chairs of for example the SSSC, the Scottish Housing Regulator, Social Security Commission Scotland and the

SQA. The discussion focused on how recruitment strategies should adapt to reflect demographic changes and societal shifts in Scotland's population; what needs to happen to ensure effective recruitment and appointments processes; how should persistent diversity gaps be addressed and how can board capability be enhanced through diversity. The Chair felt that there were excellent points raised by everyone present and he ensured that the experience of Commission in recruitment processes and whether it met the organisation's needs was shared with the group. The report will see further drafts, and he will ensure that they are shared for others to contribute.

He added that he was invited to attend a national meeting of IJB Chairs and Vice Chairs last week where he gave a presentation on the Commission. He covered who we are and what we do, our core activities and current trends. He put across the range and complexity of what the Commission does and despite its size, the significant impact, reach and influence it has. He also challenged those present at the meeting to consider whether they were fully sighted on the work of the Commission, particularly within their own area, and asked them to reflect on where reports from our organisation go to in their own governance arrangements. He also made the offer that we would be happy to meet with this national group again if they wanted to follow up on any issue and that we would welcome the opportunity to meet with individual partnerships.

The Chair reminded the Board that he had previously advised that he and the CEO were scheduled to meet with our new Minister on the 17th of this month and that they would feedback on this introductory meeting.

He updated the Board in relation to the recruitment of new members. The Sponsor Department advised us that due to the forthcoming election, the time available to complete the recruitment process might be tight and have asked us to consider extending current appointments and adjusting the timeframe and process accordingly. CM and DH have kindly agreed to stay on if necessary short term and the Chair will continue to liaise with the Government to consider options to best progress this.

Finally, the Chair thanked staff and the Board for what has been achieved throughout 2025. He acknowledged that we have had to work through a number of challenges but are now in a much stronger position thanks to the dedication and efforts of everyone concerned. The Chair believes that we continue to deliver an exceptional service, remain highly regarded across Scotland for what we stand for and the quality of what we deliver, and are well placed at this crucial time to play a leading role in shaping the future of mental health provision. He believes that everyone should rightly feel a sense of pride on where we have got to and he wished everyone a happy and healthy break over the festive period.

4. CEO Update

JP advised the enhanced joint visits with HIS have completed, but there will be a delay to publication of the remaining visit reports until January, with the final report to follow end February. The delay rests with HIS and Scottish Government is aware.

Unfortunately, that means that there will be 3-4 publications back-to-back in January/February. There have been valuable learnings from the enhanced visits, which CL is now piloting in some of the adult visits.

JP thanked the Board for recommending at the Q&A session that ELT has an away day with a focus on wellbeing. Plans are being progressed.

5. Matters Arising

5.1 Previous Minutes

CM highlighted a correction required at 7.10 Professional Registration Policy at paragraph 4. It should read "*CM also recommended that the section addressing management of such issues be reviewed and expanded and continue to include emphasis on well-being but additionally should also reference the need to address performance issues which may arise in the appropriate manner/process.*" Subject to the above, the minutes were approved.

SR advised that skills matrices have been received from all board members bar one, which will help inform the next round of recruitment. SR will arrange a call with AD to review the skills matrix before the annual Chairs' meeting in January.

CM previously suggested there be a mid-year review of the board self-assessment and SR will arrange that.

BM asked who the named contact at the Commission is for any queries with Turas online learning. AD confirmed he would be able to assist or redirect.

5.2 Action register

JP advised of the following updates:

- 7.5 – the medical review will now move forward
- The last three actions (equalities plan and two in AD's name) are now complete

6. Advisory Committee

6.1 Advisory Committee Update

NB confirmed a meeting had been held to plan the agenda for the next Committee on 27 March 2026 (via Teams) and reminded the board that all members are welcome to attend.

The draft agenda will cover:

- An external speaker to facilitate a discussion on some of the definitions in the care standards work.

- SM will attend to update on the Commission's children and young people's (CYP) work. There will be an interest in the enhanced visits, given publication of the reports prior to the Committee meeting, but there is an interest from Committee members on CYP more generally.
- Equalities outcome plan and some consultation with members to make sure the Commission reflects the diversity of its audiences.

NB also highlighted that JON has sent a questionnaire to members of the Committee to understand the profile of the Committee, in order to ensure adequate representation and identify any gaps.

SR was pleased with the range of activity. CM thanked NB for her work on the Committee.

6.2 Strengthening lived experience voices within the Advisory Committee

JON presented the paper, which is intended to focus on how to ensure wider engagement of the Advisory Committee and outlined five options. JON invited members' views on those options for ELT to take away and work up.

SR thanked JON for the paper, which helped to focus the mind, however, noted that members will need more information about risks, resources, capacity and feasibility of the options.

AWr welcomed the options but would also welcome an options appraisal to include risks and issues, benefits and resource, with a recommendation to allow the Board to assess the options.

BM noted option 2 was ELT's preferred option but need a fuller analysis of the consequences (intended and unintended). BM also felt 2 was a difficult option as there is a lack of control in procuring the service/resource from third sector organisations who will be increasingly in competition for a reducing pool of funds. We may also end up over relying on the organisations and end up with consultation fatigue. In terms of option 3, this would be BM's preferred option as it creates more opportunity for meaningful contribution, firmer engagement and identity. BM would see 3 as the starting point with developing options 2, 4 and 5. BM noted there are safeguarding issues with involving people with lived experience in this way and the Commission's staff also need to be equipped to deal with that.

AWr supported BM's comments and instinctively felt option 3 was the way to go but there might be resourcing issues.

KH noted the paper raises complicated issues and we need to be careful of tokenism. KH liked option 3 but the language around use of non-disclosure agreements (NDAs) was problematic – we either want their voices or we don't. KH felt there is a gap around how we ensure people with lived experience inform the options because all have value and their challenges. A heatmap may assist identify gaps but there needs to be clarity that the group would inform the Commission's work, not do it for us.

DH also felt it was a good paper but we should be looking more widely at how the voice of lived experience is embedded across the organisation and not just at Advisory Committee. For example, what would services look like if they were co-designed and what's needed to help deliver the new 3 year strategy.

CM also leaned towards option 3 but agreed with KH's NDA point. Also noted that the challenge is to ensure the group is truly representative.

JP reminded members that the paper was intended to consider Advisory Committee only at this stage. ELT is aware of the wider piece of work but this is the first step. The paper arose from previous discussions at Advisory Committee and option 2 came from Committee members. Today was meant to be about setting out all the options discussed in recent years at Advisory Committee, extra Committee discussions and the Board, to get the Board's views on whether there are some options members are keen to take forward and some that can be ruled out. JP also confirmed the point about NDAs had not come from the Commission, but from the Committee members themselves.

NB agreed that more detail would be needed but would discount option 1 on the basis there has been experience of individuals coming in and out of Advisory Committee and it's been difficult to manage and for the individual to be able to fully participate. Option 2 was put forward because the organisations attending Committee already have the infrastructure and the established networks. Option 3 needed working up. Options 4 and 5 could be used ad hoc for different purposes.

SR summarised that – strictly in relation to Advisory Committee – board members seemed to be lending support for options 2 and 3 to be worked up in more detail. JP agreed with NB and SR.

All members supported proceeding on the basis of an options appraisal for options 2 and 3. CM requested that the work on the profile of the Committee members be included. NB also clarified that cost can't be a factor in determining which option as there would need to be resource investment in organisations undertaking work on the Commission's behalf too.

Board approved the paper.

Action: JON/ELT to prepare options appraisal on options 2 & 3

7.1 Budget Update

JP presented the paper, which was presented last month at Audit, Performance & Risk Committee (AP&R), for information only. JP confirmed budget discussions for 2026/27 were underway and included requests for resource for the deaths in detention/homicide work, enhanced visits and growth in corporate services to support the rest of the organisation.

DH confirmed the report had been reviewed at AP&R and the increasing demand in the DMP service had been discussed in detail.

SR queried the reference to continuing HR payroll errors with Oracle. AD confirmed the recent meeting with SG had the right people in attendance and was the most positive meeting yet. AD and the Commission's Finance Manager felt confident that we would now see signs of progress with the errors experienced to date.

AWr asked if there was strategic workforce planning at the Commission. JP confirmed there had never been any in the past that ELT was aware of, but there had been work done in the past couple of years on succession planning, development of the workforce and exploring different models, e.g. associate inspectors. JP also highlighted that the Commission's pay grades had not been evaluated since 2009 and was impacting on recruitment and retention. The Commission is having an external review carried out as a desktop exercise as discussed previously and will report back to the Board with the outcome and consideration of affordability. JP also noted that the Commission had not had stable HR support in place and work was needed to get the foundations right. AWr agreed that the grading structure needs to feature in the plans but if there's a shortfall, that won't be made up in 1 year so needs to be included in a 2-3 year plan. Entering budget discussions with a strategic workforce plan for 2-3 years is helpful.

KH asked if we can reclaim the cost of the DMP fees, noting these were already at 90% of the allocated budget. JP confirmed anything over the cap is met by SG so it's not a risk to the Commission. In recent years, practice has been that if there is an underspend then that will be put towards the DMP fees exceeding the cap. JC is looking at efficiencies for the DMP service generally, but it is a statutory demand led service.

KH noted the work the Commission does is amazing considering the resource and size of the budget and thanked all for putting in place the right foundations over the last couple of years, for example, with governance and policies/procedures.

BM said that following discussion with staff she noted that some were at the top of their pay bands and would non-monetary remuneration be looked at as part of the review. JP confirmed that guidance will be taken from external evaluators however, it is often the case across sectors that people reach the top of their scale and then choose to remain or move elsewhere. A key aim of the desk top exercise however is to retain our staff.

Board noted the paper.

7.2 IMS Project Update

SM presented the paper and updated on developments since the paper had been submitted:

- Training dates have now been issued to all staff.
- The cutover plan was agreed at IMS Board on 4 December.

- The go live assurance gate is week commencing 12 January 2026.
- Further staff communications are being developed.

AWr asked how definite the go live date is and what is the contingency plan. SM confirmed the go live for the minimum viable product (MVP) is 26 January 2026 and all indications remain positive for meeting that. The contingency plan will be that we revert to the current system. SM reassured that we also have external support on the project via NES and NSS.

AWr asked what the timeline is for the rest of the product to go live and if there are any issues with monies going from 25/26 into 26/27. SM advised the supplier is working on sizing the full go live plan but to finalise it sooner would mean taking people off the work for MVP go live which they can't do. SM anticipates the full go live timeline will be available in early January. In terms of the funding carry over, there will be some milestone payments due in Jan-March 2026. Scottish Government are aware of the need for some carry over and are represented on the project board.

SR and CM commended SM on the work to date and welcomed the staff newsletter. CM asked if more newsletters were planned. SM confirmed there will be and the communications with staff will increase as we approach go live.

Board noted the paper.

7.3 Strategic Risk Register

JON presented the paper confirming that the risk register was reviewed and discussed at ELT on 04/11/2025 and submitted to APR on 24/11/2025 who are responsible for scrutiny and monitoring of risk prior to submission to the Board.

JON brought one high level risk to the attention of the Board relating to the replacement of our current information management system (IMP). The Board noted that it was fully aware of this programme having regularly received updates.

DH confirmed that AP&R had scrutinised and was happy to recommend approval to the Board.

Board approved the paper.

7.4 The Right to Advocacy

JON presented the paper and noted there are four repeat recommendations from the last report. ELT had agreed the Executive Directors for Social Work and Nursing would address these at the end of year meetings with the HSCPs and write to the chief executives.

SR welcomed the partnership with SIAA and wasn't surprised by the findings given the state of public finances. One minor correction is that it's Chief Officers for HSCPs, not CEOs.

AWr noted the Act was introduced in 2003 and over 20 years' later progress is still not being made. AWr asked if there were organisations failing across multiple areas. JON confirmed no, it was patchy.

SR noted that – given repeat recommendations – conversations might need to be explored with whoever is responsible for this in the system. BM noted that – as the Commission increases its profile with people with lived experience – they will likely have something to say about declining advocacy support, but it might be helpful to flag that advocacy does happen successfully in other areas/sectors. BM suggested reaching out to the Children's Hearing System and other organisations where this has worked, in case there are learnings there.

SM confirmed these issues are being raised at end of year meetings.

JP advised the Board that she had written to SG about advocacy provision and that resulted in a letter being sent to health boards.

NB queried whether the same actions that are in progress in 2025 are the same ones that were in progress in 2023. JON will check the data and confirm. NB also noted it would be helpful to understand the impact on waiting times, quality of advocacy services and if thresholds are changing. NB is aware of stricter eligibility criteria being applied in some areas. JON confirmed more data is received from the organisations than is included in the paper and she can check to see if any of this features; however quality of advocacy sits with those services that commission.

AW noted the funding might not have been cut but cost for providers may have increased over the same period which means less advocacy is available for the same budget. Also noted the letter to health boards may get lost, as there are so many competing priorities sent to health boards and no extra funding made available. AW also queried how independent the advocacy provision is when they're funded by the organisations they're supporting patients to advocate against. JP confirmed that this point is valid and the Commission is planning to work more closely with advocacy services linked to recommendations made by the Scottish Mental Health Law Review.

Board approved the paper.

7.5 Accessible Communications Strategy

AD presented the paper.

SR queried the website audit findings and if there was anything serious in there. AD confirmed nothing serious – very technical – and resolution still ongoing but the Commission's website developers had attended to all updates required.

AWr queried the two red items on the action plan and asked if this meant the Commission wasn't complying with the 2018 Regulations. AD confirmed WAG3 hasn't been introduced yet, so there's nothing to do there yet. The PDFs on the

website are not compliant but we don't have resource to retrospectively update hundreds of documents on the website, so we had updated those from 2024-25 onwards and for all new documents going forwards.

CM asked for more details on the external reference group. AD confirmed this hadn't been worked up yet and probably sits within the earlier conversation about how the Commission features the voice of those with lived experience more broadly, but for example, the recent CYP leaflet had been tested on a group of CYP for feedback. CM requested that the Board is updated on this at a relevant point.

CM also queried if risk assessments would be carried out for Commission events and – if so – suggested that is added in the end of the strategy.

BM observed that audit findings can seem pretty stark but the Commission gets good feedback on the website and so not to be too demoralised by the audit findings. AD confirmed there is a tension between accessibility and engaging content. The SBAR notes that the two websites which are compliant with accessibility requirements are the UK and Scottish Government websites, but they're also the least visually engaging or interesting to look at, so there is a difficult balance to be struck.

Board approved the paper.

7.6 Social Media Strategy

AD presented the paper.

SR felt it would be helpful to have a 20 minute session at a Board Q&A from someone in the communications team to take the Board through the different platforms and explain the benefits, demographics and perhaps dispel some myths.

BM noted that if the Commission increases its engagement on social media then there are also likely to be more social media incidents to respond to and suggested a risk register/mitigation is put together. Also suggested in terms of paid for content that the Commission satisfies itself that we will reach our intended audience. Finally, BM suggested reaching out to one of the CYP groups represented at Advisory Committee to get their input on our social media.

CM asked that the strategy cross-reference to the Commission's acceptable use policy for social media (or equivalent), given the strategy encourages staff to participate.

Board approved the paper.

Action: AD to liaise with SR for Board Q&A on social media

7.7 Whistleblowing Policy

AD presented the paper and noted the next steps would include training for managers, confidential contacts and board champion, as well as quarterly reporting to the Board before submission to INWO.

SR confirmed CM will be the Board whistleblowing champion but given CM's tenure soon comes to an end, any other members who are interested should contact SR.

CM had some feedback:

Policy –

- Paragraph 2 mentions the public interest. Suggest this is defined there rather than later on in the document.
- Information Governance Manager role – include the timeframes for reporting (quarterly).
- 3.5 – HR role – add in that they should keep a record of the issues raised.
- 3.7 – the bullets need “The” inserting before “Board”. CM would welcome a six monthly meeting with CEO/HOCCS to review whistleblowing matters.

Procedure –

- Page 5 – states someone won't “normally” be removed from their post for raising concerns – that needs reworking and clarifying.
- Page 11 – states timelines can be extended if there's a good reason – suggested this is amended to “where there is evidence of a good reason” etc.
- Page 16 – make it tighter/clearer on when/where letters may be delegated.

KH agreed with CM's comments and was pleased to see the procedure covered ELT/senior management. KH's feedback included:

- It mightn't be just NHS providers but local authorities as well (p4 of policy)
- As well as malpractice, behaviours can prompt concerns leading to whistleblowing.

AWr suggested AD considers how we test the policy to make sure it's fit for purpose in the absence of someone using it.

Board approved the paper.

7.8 IT Security Policy

AD presented the paper.

Board approved the paper.

7.9 Lone Working Policy

AD presented the paper.

KH couldn't see reference to the risks of lone workers at home if there's a child protection issue or domestic violence etc and she has seen these issues arise elsewhere. AD will consider with SM/CL.

BM queried if there is a concurrent policy on following up with colleagues who are socially isolated/live alone. AD confirmed the Hybrid Working Policy requires colleagues to attend the office at least once per month, which is a baseline minimum and not a target. ELT and managers are in the office much more regularly – usually once a week – but exact attendance will depend on role and team. If there are colleagues in small teams who want to attend the office more regularly for social contact, they're free to do so and there's plenty of desk space.

CM suggested adding in timelines for incident reporting and actioning notifications at para 5.8.

Board approved the paper.

7.10 AP&R Minutes

DH introduced the minutes.

BM queried the reference at item 7 about email system data breaches. AD clarified this was human error in the use of email rather than an issue with the email system itself.

Board approved the paper.

8.1 Children & Young People's Annual Monitoring Report

SM presented the paper.

BM queried if UNCRC requirements have had an impact on the detail noted at figure 3 for CAMHS teams. SM confirmed it's too early to tell.

BM asked if we collect data on where the individuals are discharged/referred to, to get a view of the entire pathway. SM confirmed we don't at present but is happy to consider with JC if we should start to collect that type of data.

BM expressed her frustration at Foxgrove facility building being delayed again. SM confirmed that the Commission has retained an overview and is satisfied that progress continues to be made. BM noted the report states "acknowledges" rather than "recommends". SM confirmed that's because it is a monitoring report which makes no recommendations but provides data for local area to use to inform their day-to-day work and practice.

Board noted the paper.

8.2 Communications Analysis Report

Board noted the paper.

9. Board Agenda Planning

Agreed/noted

10. AOB

None

11. Next meeting – 24 February 2026 (Teams)