MENTAL WELFARE COMMISSION FOR SCOTLAND
MEETING OF THE BOARD
HELD ON 30 JUNE 2026
10.00AM In person Thistle House

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

In attendance:
Julie Paterson, Chief Executive
Suzanne McGuinness, Executive Director (Social Work)
Claire Lamza, Executive Director (Nursing)
John Crichton, Executive Director (Medical)
Ashley Dee, Head of Culture and Corporate Services
Matthew Cronin (Grant Thornton) (All Item 7 papers only)
Angela Pieri (Grant Thornton) (All Item 7 papers only)

Secretary: Katrina Thomson

AGENDA

1. Welcome and Apologies

Apologies were received from Julie O'Neill and Elizabeth Halliday.

2. Board Declarations and Register of Interests

NB declared an interest with the Annual Accounts in relation to her being a member of Audit Scotland's Accounts Commission. Neither NB nor the Chair regarded this as a conflict.

3. Chair Update

The Chair advised that he wanted to firstly cover a number of matters that, in his opinion, reflected very positively on the Commission's reputation and impact and needed to be captured in the minute.

First of all, he congratulated John Crichton, our Executive Director (Medical), who has received an Honorary Fellowship awarded by the Royal College of Psychiatry. This is the highest award that the Royal College can give and is awarded to those who have made outstanding and sustained contributions to their profession. He added that we are all delighted that he has been given this well-deserved award.

Secondly, although the Board have already been advised of this by email, the Chair felt it important to reflect in the minute the significance of the Commission's intervention in the Cheshire West/AGNI hearing and the outcome of the Supreme Court. The Chair quoted from an article that stated, "The judgement is one of the most important mental capacity decisions in recent years. It substantially redefines the legal architecture surrounding deprivation of liberty throughout the United Kingdom and recalibrates the relationship between autonomy, protection, and state intervention." That quote came from David Welsh KC, a member of chambers, who was instructed by the Commission as one of the interveners in the proceedings. This development is very significant and is yet another example of how we are progressing on a variety of fronts how we can influence legislation, policy and practice to achieve what our core aims are. The Chair congratulated everyone involved in this.

And in terms of achievements, it was noted that the final version of our Annual Report is to be tabled later on today's agenda containing an additional case study to provide more insight into our investigations work with some additional feedback. The report has gone to the Scottish Government and has now been laid before Parliament. The content is impressive in being able to clearly outline who we are and what we do, with a link to our strategic plan setting out our ambitions for the future. The Chair thanked Board colleagues who contributed their thoughts and ideas on the contents and layout.

He then updated the meeting on the Board recruitment process. The Chair has now met twice with the Sponsor Department and Public Appointments Team – an early engagement meeting and a planning meeting, with documentation to be finalised this Friday and soon moving to advert. He advised that we will be looking for 4 Board members. It is intended to have 3 starting at the beginning of December, which means that we will be running with 8 instead of 7 members until NB departs at the end of March. In this round we will also be looking to appoint AWh's successor, with someone to take up that role at the beginning of July, which again means that we run with one over until AWh leaves at the end of October. This will allow for us to plan and carefully manage transition and new member induction and support. Interviews are scheduled for the 25th and 26th August and the Chair will keep colleagues informed of developments in this respect. DH has kindly agreed to chair the Board meeting on the 25th of August.

The Chair carried on to advise that the Board had a very successful development day led by Rebecca Maxwell. This builds on the feedback received from the Board's self-assessment and will enable us to focus on several areas that we will want to review and develop. Some of the ideas generated have informed how today 's business has been organised, and Rebecca has kindly provided a Feedback Report along with an Action plan that the Board will work on this afternoon to populate and then take forward.

Finally, JP has approached Government to see if we could get the Minister to join us for the national event that we hope to host at the beginning of November. Tuesday 3rd would seem to be the date that suits both the Minister and the Chair the best so that's what we are aiming for at present.

4. CEO Update

JP said that she had a very positive meeting with the sponsor department's two new co-directors, Donna Bell and Angie Wood and she looks forward to having regular meetings with both going forward.

JP also updated Board members on the drive for Public Service Reform and events held on 8 June and 24 June 2026 to support this transformation. The aim is for ambitious whole system working, prevention and early intervention, pace and urgency of change, collaborative leadership, workforce transformation, digitalisation and fiscal sustainability. There will be 18 workstreams led by Ivan McKee who now holds the new post of Cabinet Secretary for Public Sector Reform (he was previously the Minister for Public Finance).

Further to the Chair's update, JP asked that all Board members put 3 November in their diaries and advised that an Edinburgh based venue is currently being sourced.

JP explained that EH is on annual leave today; she has completed her final annual accounts process for the Commission as she will retire end July. JP recorded thanks to EH for her leadership and professional expertise over nearly a decade which the Chair and Board agreed and echoed. JP said that recruitment is progressing and the decision has been taken to now create two manager posts, one for IT/Cyber security and one for Finance. The workload for one person is no longer tenable given the changes and growth in recent years.

JP finished off by apologising to the Board that the Joint report on Young People's Secure Units has yet to be signed off with the Care Inspectorate and it is therefore delayed until our next board meeting in August.

5. (a) Minutes of Board meeting held on 28 April 2026

The minutes of the meeting held on 28 April 2026 were approved without amendments.

(b) Action Register

JP noted that all actions are either complete or removed, as previously agreed, apart from one action relating to thresholds and escalation. The Register will be updated for the next meeting.

6. Advisory Committee Update

NB advised that the next meeting of the Advisory Committee will be held on Thursday 28 August and will be an In Person meeting in Thistle House. A recent meeting took place involving NB, JON and Stuart Gray to discuss planning for this. Items suggested for the next agenda were Restrictive Practices, an update on the Options 2 paper that the Board agreed on at the last meeting (JP updated that JON has arranged a meeting with stakeholders interested in supporting this option on 29 July), Enhanced CYP visits and update on the joint report with the Care Inspectorate although JON had informed NB that this report will not have been seen by the Board. NB welcomed the significant input from all ELT members to this meeting. She added that break out rooms will not be used for this meeting, and that it is not being offered as a hybrid based on previous attendance at hybrid meetings, however they do intend to offer an open slot for networking, sharing good resources and information.

The Chair welcomed the momentum and reminded all that the Advisory Committee works on behalf of the Board, where the Board suggests work for the Committee to shape and form its business. He explained therefore the importance of Board members contributing ideas for the Advisory Committee's agenda. JP agreed noting that whilst ELT can and do support the Advisory Committee, it is the Board which gives direction and expectations of outcomes to be achieved. BM suggested that an option might be for the Board and Advisory Committee to come together to influence the work going forward. NB said this would be helpful and suggested that it be discussed further this afternoon. However, the Chair cautioned that there is a clear plan for Board discussion and development this afternoon and noted that it is important not to deviate from that. He suggested further consideration could be given to this suggestion after the Board meeting in October.

7. Items for discussion and/or approval

7.1 Annual Accounts

7.1(i) AP&R Committee Assurance Statement to the Board on 2025/26 Accounts

7.1 (ii) 2025/26 Annual Accounts Commentary

7.1(iii) 2025/26 Annual Accounts for the Board

7.1 (iv) 2025/26 Internal Audit Annual Report (TIAA)

7.1(v) Grant Thornton Annual Report 2025/26

7.1(vi) Public Services Reform (Scotland) Act Disclosures 2025/2026

7.1(vii) Annual AP&R report to the board

DH informed the Board that all annual account related papers had been presented to the Audit, Performance and Risk Committee meeting on 22 June 2026. DH confirmed that the contents of all papers are a true reflection of the work undertaken throughout the year and AP&R were fully assured following scrutiny.

Angela Pieri introduced herself and Matthew Gorin from Grant Thornton, external auditors. She informed the Board that they had now received the information requested on the SG Oracle and that the audit opinion was not changed. Referring to the recent Audit, she welcomed the improved preparedness of the Commission this year allowing the process to conclude within 4 weeks. Angela Pieri spoke to the recommendations made and confirmed satisfaction with the Commission's best value framework.

The Chair said that the Commission is a small organisation and the annual accounts process is significant. There was discussion on the recommendation to have a three-year financial plan and BM suggested that perhaps lobbying the SG to ensure multiyear funding arrangements would be a helpful way forward. The Chair agreed that it is financially important to be able to plan ahead but also reminded of the important ongoing discussions that have happened in recent years leading to additional resource.

Referring to the appointment of a new Finance Manager and related recommendation about handover, CM asked if there is a formal induction plan with external auditors. MC said there is no formal process but there will be regular meetings with both representatives to build relations between the new Financial Manager and auditors.

The Chair thanked the auditors and all staff involved for their hard work getting the annual accounts finalised and approved.

The Board approved the annual accounts noting that they will be signed by JP and AP and sent to the Scottish Government for publication in due course.

7.2 SBAR Quality & Performance Report (2025/26)

7.2(i) Quality & Performance Report (2025/26)

7.2(ii) Performance Scorecard (2025/26)

JP reported that these papers had been discussed at the AP&R Committee meeting on 22 June. The Chair welcomed the fact that the papers presented today reflected comments received from AP&R despite the very tight timescale.

Referring to response times from HSCPs on recommendations, AWr asked whether if the ones at high risk should be prioritised. JP explained that the expectation is that all HSCPs will respond with an action plan within 13 weeks. As noted in the paper, there may be multiple appropriate reasons for this timescale not being met or indeed brought forward. AWr asked what happens with recommendations. JP explained that action plans are pursued to address recommendations. ELT have recently reviewed all recommendations made over the past 2-3 years and added a RAG status. AWr asked if there is a red status does ELT need to be supported. CL said that this is managed operationally and where matters are not addressed, they can be escalated to Scottish Government. CL noted that there are no major issues arising at this stage and explained the partnership working in place supports this.

DH welcomed the report noting said there is a clear process of challenge where required. BM asked if a move away from recommendations to requirements would be better. JP explained that the Scottish Mental Health Law Review suggested additional powers for the Commission, which is welcome, in the meantime, where escalation is required, Executive Directors take responsibility for this.

BM said we should be offering resolutions not just recommendations.

CM said she welcomed the AP&R comments being included, particularly the comments relating to work related stress. AD clarified that this reflected the transition involving the new IMS system.

The Board approved the contents of the papers.

7.3 SBAR Quality & Performance Report – Annual Review

7.3(i) Performance Scorecard (2026/27)

JP explained that this report confirms that the executive leadership team has undertaken a review of all the performance indicators. The assessment part of the SBAR explains the changes made, referencing feedback from AP&R on 22 June 2026 - notably in reviewing work done in relation to mandatory training.

KH referred to the work still to be done on Adult and Child Protection training and said if she can be of any help just to let her know. JP very much welcomed this offer.

The Board approved the contents of the papers.

7.4 SBAR Draft Equalities Plan 2026-30

7.4(i) Equality Plan 2026-2030

7.4(ii) IIA (Integrated Impact Assessment

7.4(iii) CDIA (Consumer Duty Impact Assessment)

JP reported that JON has completed this work following consultation with staff and advice and guidance from the Advisory Committee, the next step is to agree the Action Plan.

BM referred to the inclusion of care experience and SM assured that LEO will be able to collate data on care experience.

CM commended the range of outcome related actions and suggested that measures of success could also include implementation of the 1:1 process, the board self-assessment activity (outcome 1) and engagement across a wide geographical area and with children and young people in particular (outcome 2).

The Board approved the papers presented subject to comments received.

7.5 SBAR Business Continuity Policy

7.5(i) Business Continuity Policy

AD explained that he had contacted Scottish Government BCM team for advice and that all suggested comments have been incorporated into all the documents, with the exception of the introduction of KPIs and the recommendation to adopt the SG Excel template for the business impact analysis. AD carried on saying that the intention is to revisit adopting the SG

Excel template at the next update. He said that all the supporting documents have been updated together with business areas and were approved by ELT on 31 March 2026. AD also said that the Cyber Response Plan is now live and the Framework Agreement with Scottish Government is up for renewal this year, so the issue of emergency accommodation can be considered then.

AWr said he welcomed the annual testing of the cyber response as it can be a single point of failure. NB asked if there are issues with board members using personal laptops and email addresses. AD said we have used encrypted emails in the past, but they were not very accessible for board members, so we took the view – as all the papers are usually open and subject to an FOI request – there was no need to send them on an encrypted basis. BM advised she had some queries around this issue and is already in the process of arranging a catch up with AD.

The Board approved the papers presented.

7.6 SBAR CoPilot Policy
7.6(i) IT-POL-02 Copilot Policy
7.6(ii) IIA Copilot

AD explained that all Commission staff have access to Microsoft 365 (AI) “Copilot” and said this is a tool we intend to start using going forward. The main provisions are that it must not be used for personal and sensitive data; must be fact checked and go through the specified approval route before being relied on or published externally; and must only be M365 CoPilot which is used.

JC said this process has been approved by the NHS and noted that minutes can be received within an hour of a meeting ending.

The general consensus from the Board was that the policy is user friendly and helpful. It was queried whether the policy should apply to all AI, as even a Google search uses AI. AD confirmed he will take that away and consider but M365 CoPilot is the only system that should be used. BM said that reinforces the need for mandatory training. AWr asked if there was a proposal to audit the use of it to ensure compliance. AD wasn’t sure if that was possible but would find out. BM queried if the policy should be reviewed every 6 months given the fast paced nature of AI. JP agreed with BM and assured that ELT reviews policies and agrees timescales to do so. AD suggested use of Copilot is also monitored via the Information Governance Manager’s bi-annual reports to AP&R Committee.

The Board approved the papers presented.

7.7 SBAR Annual Complaints Handling Report
7.7(i) Complaints Handling Report

AD explained that we are obliged to provide this report as per the Scottish Public Services Ombudsman’s Model Complaints Handling Procedure. He referred to the increase in more complex Stage 2 complaints and the number of complainants who are also making parallel FOISA and DSAR requests (including review processes for each), which is adding to the complexity. There is also a new requirement from June to have a separate complaints policy for data protection complaints.

Referring to the breakdown of complaints BM said thought should be given to upheld or not upheld by complainant type - i.e. are complaints from the mental health workforce more likely to be upheld than those with experience of using services. KH said we should trust the operational process and AWr said the low numbers of complaints might give a false impression if we start to look at outcomes broken down into categories of complainant. DH asked how many complaints are received from practitioners, but these are few and far between. JP explained how complaint content might differ across various groups and the sign off process involved, with AD and JP seeing all stage 2 complaint responses before they're issued.

NB asked about the advice line and enquiries and whether people are clear on what the Commission does. JP said we have a few complainants where interim measures under the supporting positive engagement policy have been implemented. This can be linked to frustration that the Commission is not providing what people hope for.

NB said the Commission has a really good advice line but said reporting on qualitative measures would enhance this. JC said that over the last three telephone advice audit meetings he has participated in he can confirm his opinion that the advice provided was 1st class, and that there is an increasing range of advice notes on the website that people access which may mean fewer calls to the advice line are required.

The Board approved the papers presented.

8.1 Finance Managers Update

Prior to presentation of the report, the Chair acknowledged the amount of work that happens behind the scenes, providing business cases and receiving additional funds from Scottish Government.

The Chair referred to the additional funds provided for the DIDR/Homicide project and to the appointment of the Executive Directo (Legal) and said it was an exciting time.

JP confirmed that the desk top exercise approved by the Board in relation to pay scales (not reviewed since 2009) has been completed and this will come to the Board in due course. BM said that if a lot of staff are on the top of their band will they move to the next step on that band. AD said all roles and structures of the pay bands are part of the work which will be reported on following completion.

AWr asked if spending will be in line with the budget at the end of August and asked if the Board can have a line in the budget report to say this. NB asked when a new Finance Manager will be in post as she assumed that the E&P function is underspent. JP confirmed that there is projected underspend for a number of reasons as per the report attached and that adverts are progressing for the finance manager and a new finance officer.

The Board noted the content of the paper provided.

8.2 SBAR Information Management System

8.2(i) (i) Appendix 1 IMS Project Status Report April_2026

8.2(ii) Appendix 2 200526 Project Status Report May_2026

SM said that this report had been presented to the AP&R Committee and shows the point that we are at with the project. She said that CDS are delivering at a slower than anticipated pace due to resources and this will be discussed at that IMS Project Board tomorrow. SM added that a final assurance gate process needs to be followed and she is meeting with the DAO to begin the planning of this.

SM confirmed for the Chair that Scottish Government are being kept informed and the Digital Assurance Team are alert to the stage of this project. Concern was raised at the delay caused by CDS and SM confirmed to the Board that there will be no final payment until we are fully satisfied with the system.

The Chair acknowledged that the next few weeks will be critical and said the Board are happy to be guided by SM if there is a need for escalation.

The Board noted the contents of the papers presented.

8.3 SBAR MWC Annual Report 2025-2026

8.3(i) MWC Annual Report

The Chair said this was an excellent document. JP said she appreciated all the comments from the Board received in advance.

The Board noted the contents of the papers provided.

8.4 SBAR Staff Survey Update

CM said that she welcomed this paper as it shows staff have a voice and she asked about the reference to staff feeling uncomfortable in relation to the suicide protocol. JP explained that JON is now providing management support to casework and met with the team to discuss and understand concerns. JON has a meeting next week with SM and CL to discuss the issues further as the protocol cuts across casework and practitioner work. Asked if this is a wellbeing issue, JP explained that there are challenging calls at times and there is a debrief session at the end of each day with the Executive Director on call as part of the protocol. CL added that a number of callers can be regular callers and can be particularly difficult to manage. CM said it would be useful to have an update once the information from the meeting between JON, CL and SM is available.

In response to CM referring to the reward and recognition suggestion, JP said that the suggestion of awards had been raised with staff in previous years and the feedback was no, this would cause division. AD confirmed that this will be revisited together with other options as there is already an action in the Organisational and Development plan to look at this.

NB said they are thoughtful papers and asked if there was more that the Board could do to ensure that staff understand they are crucial to the running of the Commission.

JP said that the team approach has been particularly helpful this year as it allows a team focus on what 'good looks like'. She carried on to say that JON has already fedback on a very constructive meeting with casework staff with identified actions to take forward thanks to staff feedback and focus on solutions.

The Chair said this was good to have and to keep the board updated on progress. He also reminded that Board members will be meeting with the staff at the Q&A this month.

The Board noted the contents of the paper provided for information.

8.5 SBAR Anti libidinal Report

8.5(i) Anti libidinal Report

JC explained this was a piece of work undertaken by a ST6 trainee and assumed members had read the report. He noted the need for further research and good practice guidance.

KH asked it was only for males and is there potential for females. JC confirmed that it extends to females too but primarily males. DH said that it was a good paper which highlights poor practice.

The Chair noted that a tracked comment has been retained in the report and requires to be removed.

The Board noted the contents of the papers provided.

8.6 SBAR Student Nurses at the Commission

8.6(i) Leaver Questionnaire Student Placements

8.6(ii) Student Nurse Feedback

8.6(iii) UHI and MWC MOU

CL referred to the paper which details arrangements in place for pre-registration student third year nurses from the University of Highland (UHI) to have an opportunity to join the MWC for a placement of between six and seven weeks to participate in the core functions of the Commission's activities. CL said all nurses at the Commission are trained to supervise the students from rural areas, and the feedback from students has been very positive so far.

The Board noted the contents of the papers provided.

8.7 Audit, Performance and Risk Committee minutes Feb 2026

The Board noted the contents of the approved minutes from the AP&R committee meeting held 16 February 2026.

8.8 Response to BMA Consultation "Caring for patients who elect to voluntarily stop eating and drinking (VSED)"

The Board noted the content of the paper provided.

9. Board Agenda Planning –

The Chair reminded the Board about the staff Q&A session on 24 July 2026.

10. Any Other Business

No other business was discussed.

11. Next Board Meeting – Tuesday 25 August 2026 – (Via MS Teams)