

## Mental Health Commission

### Minutes of Meeting of Friday 15<sup>th</sup> February 2013

**11:00am – 4:15pm**

**Held at  
 Offices of the MHC  
 St. Martin's House,  
 Waterloo Road  
 Dublin 4**

**Present:**

<b>Commission Members</b>	<b>Initials</b>
John Saunders – Chairman	JS
Catherine O'Rorke	COR
Ned Kelly	NK
John Redican	JR
Patricia O'Sullivan Lacy	POSL
Pauline Gill	PG
Xavier Flanagan	XF
Martin Rogan	MR
Michael Byrne	MB
Mary Keys	MK

**Apologies:**

Anne Jeffers	JR
Maeve Doyle	MD
Colette Nolan	CN

**Executive In Attendance:**

Patricia Gilheaney – Chief Executive (CE)	PCG
Marina Duffy – A/Higher Executive Officer	MBD
Ray Mooney – Board Secretary	RM
Item 4.1 Rosemary Smyth – Interim Director Standards & Quality Assurance & Ms. Deirdre Hyland, Standards & Quality Assurance Division	RS DH

The Chair (JS) welcomed Members and opened the February Commission meeting.	
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<p><b>1. Minutes of Meeting held on 18<sup>th</sup> January 2013</b></p> <p>The Minutes of the meeting of 18<sup>th</sup> January 2013 were approved and agreed:</p> <p>Proposed by: XF Seconded by: PG</p>	<p><b>Actions</b></p>
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<p><b>1.1 Matters Arising from Minutes of 18<sup>th</sup> January, 2013</b></p> <p>There were no matters arising for further mention. CE confirmed action status of follow up items.</p>	
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<p><b>2. Chairman's Business &amp; Matters for Mention</b></p> <p>i) 8<sup>th</sup> Tranche of Inspectorate Reports</p> <p>The Chair (JS) referred to the 8<sup>th</sup> tranche of Inspectorate reports which were furnished to Members in advance of the meeting.</p> <p>The CE (PCG) provided an update reference the status of follow up actions undertaken by the S&amp;QA Division.</p> <p>The Chair (JS) agreed to follow up with the Inspector pertaining to two queries from Members.</p> <p>Some general discussion took place focused on the services which are receiving positive feedback from the Inspectorate and how this learning can be translated and shared with other services.</p> <p>JS proposed that the CE (PCG) would develop 2/3 actions for Members consideration which could assist quality improvement shared learning across the services. The Chair (JS) also suggested that if Members had any particular ideas on this to send by e-mail to the Office of the CE.</p> <p>ii) Timing for consideration of Inspection Reports by Members</p> <p>Following some discussion on the timing of inspection reports and to allow for appropriate action by the Executive, in advance of a Commission meeting the Chair (JS) proposed a deferral by three 3 weeks between the reports going to the Executive and then to the MHC Members.</p> <p>Members agreed to the proposal as outlined.</p>	<p><b>JS</b></p> <p><b>PCG</b></p>
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<p>iii) Correspondence from Mr. Martin Rogan, Assistant National Director – Mental Health, Health Service Executive.</p> <p>Correspondence was circulated to Members which had been sent to the CE (PCG) from the office of the Assistant National Director, Mental Health, Health Service Executive on the 8<sup>th</sup> February 2013. An error in the second paragraph of the letter was verbally corrected by MR pertaining to funding available for new investment.</p> <p>MR provided background and some general discussion ensued. It was suggested that the proposal could possibly be accommodated within the parameters of Section 34 of the Mental Health Act 2001.</p> <p>Following the discussion the Chair (JS) stated that there was general consensus with the proposal outlined in the correspondence and further work was required to formulate a proposal for Members consideration.</p> <p>iv) CE PMDS</p> <p>PCG (CE), RM and MBD absented themselves from the meeting for this item.</p> <p>The Chair (JS) advised the Commission Members of protocols for conducting PMDS meetings with the CE (PCG).</p> <p>The Chair asked for one volunteer to conduct the meeting with him. PG agreed to participate.</p> <p>Chair (JS) agreed to arrange a date for meeting with CE (PCG) and PG and to inform the MHC when the meeting has been concluded.</p> <p>PCG (CE), RM and MBD re-joined the meeting.</p>	<p><b>PCG</b></p> <p><b>JS</b></p>
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<p><b>3. CEO's Report</b></p> <p><b>Part One – For Information</b></p> <p>1.2 "Serious Concerns" Reported to Chief Executive</p> <p>Following on from the update provided at the January meeting regarding a Serious Concern reported to the CE (PCG). The CE updated members on a meeting which took place with senior management of the service on Wednesday 13<sup>th</sup></p>	
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February, 2013 and subsequent correspondence received.

The CE informed Members of the actions proposed by the HSE and that they have agreed to furnish us with a copy of their report as soon as it is completed.

### 1.3 Legal Matters

PG absented herself from the meeting for this item.

(a) MX [APUM] –v – HSE. The Attorney General and the Irish Human Rights Commissioner. Record Number : 2011/9548P

The CE (PCG) confirmed that the draft form 17 will now issue to the HSE for comment. The draft form addressed the written judgment that was made available to the MHC.

(b) AM v HK – MHC – HSE

The CE (PCG) confirmed that the MHC is to remain as a party to these proceedings. An update on Counsel's view of the case was provided to Members. MHC legal advisers are requesting a meeting with the HSE regarding the case.

PG returned to the meeting.

(d) MJ JR

PCG (CE) updated members that the above case was finally disposed of before Mr. Justice Gilligan on 12<sup>th</sup> February, 2013. MJ consented to an order dismissing her proceedings with no order as to costs.

### 1.4 MHT Panel Recruitment

The CE (PCG) informed members, that members of the Senior Management Team (PCG, RS, RM) had met with the CE of PAS and confirmed that PAS will assist the MHC with this project. The CE (PCG) advised that PAS will furnish her with a project proposal.

\*Additional Item ref. Approved Centres

The CE (PCG) updated Members on an issue pertaining to the cessation of the Registration of an Approved Centre which was brought to her attention on Friday 1<sup>st</sup> February, 2013. PCG (CE) provided the background and actions taken.

<p>The CE advised of further correspondence she intended to issue to the approved centre concerned. Members supported the actions concerned.</p>	<p><b>PCG</b></p>
<p><b>Part Two – For Discussion</b></p>	
<p>2.1 Staffing Update</p>	
<p>PCG (CE) updated Members on discussions with the Department of Health regarding staffing, she also informed Members further correspondence had issued after the last MHC meeting and a response was awaited.</p>	
<p>Members were advised that Ms. Kathleen Lynch, T.D. Minister of State will meet the Chairman and CE on Tuesday 19<sup>th</sup> February, 2013 to bring to her attention the critical staffing situation and the unsustainable high risks the MHC is currently operating under.</p>	
<p>Members will be updated by e-mail following on from the meeting.</p>	
<p>It was agreed that the remaining items under Part Two would be taken following on from Item 4 Consideration of Reports.</p>	
	<p><b>JS</b></p>

<p><b>4. Consideration of Reports</b></p>	
<p>4.1 Draft Strategic Plan 2013 - 2015</p>	
<p>COR Chair of the Strategic Plan working group outlined the background for the development of the plan and provided an overview of the plan to Members.</p>	
<p>The Chair (JS) stated the important of the Strategic Plan for the Commission and the importance on having consensus on it.</p>	
<p>Some general discussion took place with a number of minor amendments suggested and agreed.</p>	
<p>CE (PCG) updated Members on the provisions of the Code of Practice for the Governance of State Bodies Section 2.15 i.e. A copy of the draft Strategic Plan should be sent to the relevant Minister before the plan is finalised and adopted. Views which the Minister wishes to have reflected in the final plan should be made</p>	
	<p><b>MBD</b></p>
	<p><b>PCG</b></p>

known within a maximum period of six weeks of submission.

The CE (PCG) also proposed that on the basis of the current draft plan the Business Plan 2013 will be prepared for Members consideration at the March meeting. It was noted that the MHC has not received its expenditure allocation for 2013.

4.2 Draft Report – Administration of Electro-convulsive Therapy in approved centres – Activity Report 2011

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4.3 Draft Report – Use of Seclusion, Mechanical Means of Bodily Restraint and Physical Restraint in Approved Centres – Activity Report 2011.

RS and DH joined the meeting for item 4.2 & 4.3

RS opened the presentation.

DH made a presentation to Members on the two reports outlining the following:

(i) Background, (ii) ECT Overview, (iii) Demographics, (iv) Diagnosis, (v) indications, (vi) Reason for termination, (vii) outcome at termination, (viii) ECT without consent.

(i) Seclusion & Restraint Overview, (ii) National Duration (2008 – 2011), (iii) Comparisons of ACs reporting highest numbers, (iv) Comparisons of ACs reporting longer duration, (v) physical restraint overview, (vi) Physical Restraint national duration, (vii) Conclusion.

In the general discussion that ensued both RS and DH responded to a number of questions from Members.

The Chair (JS) thanked RS and DH for their presentation.

The reports will be published shortly.

**MBD**

## **Part Two – For Discussion**

2.1 Staffing Update

Further update to staffing report

<p>The CE (PCG) provided an update to Members on the status of the two posts which are proceeding through PAS.</p> <p>2.2 Annual Report 2012</p> <p>The proposal as outlined was considered and agreed by Members.</p> <p>2.3 Management Accounts</p> <p>Management Accounts for month ending 31<sup>st</sup> December 2012 were considered and agreed.</p> <p>Proposed by: MR Seconded by: JR</p> <p>*Additional Item ref. Correspondence from January meeting.</p> <p>Following on from the January meeting regarding correspondence received by the CE (PCG) as agreed a meeting was arranged and was attended by both the CE (PCG) and the Inspector of Mental Health Services on Monday 11<sup>th</sup> February, 2013.</p> <p>The CE (PCG) provided members with details of the meeting discussion. Following a general discussion it was agreed that the CE (PCG) will write to the sender of the letter and the National Director, Quality and Patient Safety, Health Service Executive concerning this matter.</p>	<p>PCG</p>
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<p><b>5. Reports of Committees</b></p>	
<p>5.1 Legislation Committee</p> <p>PG updated Members on a meeting that RS (Committee Member) had with Members of the Inspectorate team to elicit their views on the current draft of the S.I.s The Committee was due to meet prior to the Commission meeting, however, due to the absence of a quorum that meeting had to be deferred and a new date will now be arranged.</p>	
<p><b>6. Correspondence</b></p>	

<p>PCG (CE) reviewed the correspondence listed from 11<sup>th</sup> January, 2013 to 7<sup>th</sup> February 2013.</p> <p>Correspondence received on 11<sup>th</sup> February after MHC packs were issued from the National Director, Integrated Services Directorate HSE concerning the roll-out of Authorised Officer Service was circulated to Members at the meeting.</p> <p>The Chair (JS) proposed that this item of correspondence will be considered at the March Commission meeting.</p>	<b>JS/MBD</b>
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<p><b>7. A.O.B.</b></p> <p>There were no items under A.O.B. for consideration.</p>	
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<p><b>8. Date of Next Meeting</b></p> <p>Friday 15<sup>th</sup> March 2013</p>	
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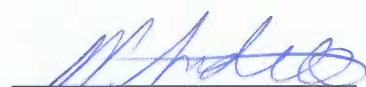
**Action Points**

No.	Action	Person Responsible	Timeframe
Chair's Business Item 2 (i)	Follow up with Inspector ref. 2 queries from MHC Members	JS	Following on from meeting
Chair's Business Item 2(ii)	Drafting of 2/3 action points which would be considered for action to assist shared learning across mhs.	PCG	Proposal to be worked up asap within current executive resource
Chair's Business Item 2(iii)	Follow up to MR correspondence	PCG	Proposal to be worked up asap within current executive resource
Chair's Business Item 2 (iv)	CE PMDS	JS	TBC



<b>CE Report *Additional Item -</b>	<b>Correspondence reference registration of Approved Centre</b>	<b>PCG</b>	<b>Immediate</b>
<b>CE Report Item 2.1</b>	<b>Update on meeting of 19.02 to Members via e- mail</b>	<b>JS/PCG</b>	<b>Following on from meeting</b>
<b>CE Report Item 4.1</b>	<b>Actions regarding draft Strategic Plan (i) Minor Amendments  (ii) Forward draft plan to Minister of State</b>	<b>MBD  PCG</b>	<b>Following on from meeting  Following above action.</b>
<b>CE Report *Additional Item</b>	<b>CE Letters x 2</b>	<b>PCG</b>	<b>In advance of March meeting</b>
<b>6.</b>	<b>Correspondence for consideration at March MHC meeting</b>	<b>JS/MBD</b>	<b>March meeting</b>

**Signed:**



**John Saunders  
Chairman**

**15.02.13**

