

Mental Health Commission

Minutes of Meeting of Friday 21st June 2013

9:00am – 1:45pm

**Held at
The Burlington Hotel,
Upper Leeson Street,
Dublin 4**

Present:

Commission Members	Initials
John Saunders – Chairman	JS
Catherine O’Rorke	COR
Mary Keys	MK
Patricia O’Sullivan Lacy	POSL
Pauline Gill	PG
Ned Kelly	NK
Anne Jeffers	AJ
Maeve Doyle	MD
Xavier Flanagan	XF
Michael Byrne	MB
Martin Rogan	MR
Colette Nolan	CN

Apologies:

John Redican	JR
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Executive In Attendance:

Patricia Gilheaney – Chief Executive (CE)	PCG
Ray Mooney – Board Secretary	RM
Ulla Quayle – CE Office	UQ
David Hickey – Director of Mental Health Tribunals and Legal Affairs for Item 1 Review of Mental Health Case Law	DH

External Attendees Ref Item 1

Orla Keane, Partner, Arthur Cox	OK
Aoife Counihan, Associate, Arthur Cox	AC

The Chair (JS) welcomed OK, AC and Members and opened the second day of the June Commission meeting.	
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1. Review of Mental Health Case Law	Actions
<p>OK and AC gave a comprehensive presentation to members. Following the presentation the following queries were raised:-</p> <ul style="list-style-type: none"> • Members expressed some concerns in relation to section 25. Discussion took place regarding parents who may wish to bring their children voluntarily to the approved centres and associated transport arrangements. • Concerns were expressed regarding errors that are occurring in relation to the correct forms and procedures. It was reported that from a legal perspective this has improved over the past number of years. A suggestion was put forward that staff in mental health services should be made aware of the case law that surrounds this issue which may assist in tightening up the procedures. • It was pointed out that some of the Inspectorate reports show a lack of knowledge in approved centres and a query was raised regarding training for staff in the services. The CE (PCG) reported that such training is the responsibility of the management of the services concerned and suggested that the HSE is notified that such training is required. An example was provided of where the Commission attached a condition to registration to address the gaps in knowledge reported by the Inspectorate. The MHC did provide information for staff in mental health services prior to the commencement of the 2001 Act. The areas addressed were the 2001 Act and associated Rules and Codes of Practice. This is no longer possible due to depleted MHC staffing levels. <p>It was agreed that OK would forward the slides to the CE Office for distribution to Members.</p> <p>OK, AC and DH absented the meeting.</p>	<p>CE Office</p>

The Chair (JS) indicated that the Chair of the Legislation Committee had made a request for another Member from the Commission to join the Committee. Following some discussion about teleconference facilities in the MHC, MB offered to join the Committee and this was agreed.	
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2. MHC Members Discussion/Planning Session

The Chair (JS) indicated that various issues had arisen out of the presentation which had been given by Mr Paul Turpin from the IPA to Members at the meeting on 20th June. Four main issues were highlighted by Members as follows:-

- The first issue was how the Board as a governing body relates to the Executive, the Inspectorate and the rest of the organisation, how that relationship is conducted and the rules regarding it. The CE outlined the mechanisms that have been in place since the establishment of the Commission and subsequent changes that have been implemented.

In relation to this the reporting relationship of the Office of the Inspector of Mental health Services was discussed.

Members considered that a member of the Inspectorate Team should be invited to attend each meeting to present the reports and to address any issues that might arise, in the way that members of the Executive attend if they have a paper to present. The CE (PCG) advised that this had been put by the Chairman (JS) to the Inspector in 2012 however the Inspector advised that this would not be possible due to the size of the Team and the challenges of being out of the office on inspections. The Chairman (JS) advised members that the Inspector had agreed to receiving Members queries post MHC meetings and that he would ensure a prompt reply. Members considered that this mechanism was insufficient.

Discussion then took place regarding the structure, requirements and membership/competencies of the Inspectorate Team. Members requested a review of the Office of the Inspector of Mental Health Services and requested the CE (PCG) to bring a review proposal to the next meeting.

- The next issue that was discussed was the communications structure between the Inspectorate and other operational functions in the MHC.

In respect of any concerns arising out of the reports, the CE (PCG) reported that the Director Standards and Quality Assurance meets with the Inspector or members of the Inspectorate Team to discuss any issues. Both the Executive and the Inspectorate are continuously working on enhancing such engagement to ensure more effective channels of communication are established.

PCG

- The third issue that was highlighted was how to increase public awareness regarding the MHC and all of its functions. It was suggested that there may be confusion amongst some service users and their families who are unsure of the role of the MHC.

Discussion took place regarding queries that are received by the MHC and how they are dealt with. The CE (PCG) reported that if a member of the public contacts the MHC regarding a concern or a complaint there is a clear procedure which must be followed. In addition PCG updated members regarding Healthcomplaints.ie which is a one stop shop for anyone who wishes to complain about any aspect of health services. The site clearly explains the remit of the MHC. If the MHC receives a concern about a particular service the call is immediately transferred to the Inspectorate who will give the caller advice on how to proceed. The Inspectorate does not investigate individual complaints in the first instance, however, the Inspectorate Team are alerted to the concern so that they will be aware of it the next time the particular service is inspected.

AJ absented the meeting.

- The fourth issue for discussion was the ability of members to look at some new objectives.

It was noted that the Commission spends a lot of time working within the Act and discussions took place on progressing further and thinking "outside the box". The CE (PCG) outlined the importance of the Commission acting *intra vires* and outlined the priority of the Executive must be to ensure the statutory remit of the MHC is met and advised that approval for vacant posts would be required to address any expansion in role. She stated that it was important to push the boundaries and subject to financial resources contract in additional assistance.

Members expressed an interest in visiting some of the services as members of the previous Commission indicated that they found this extremely beneficial when they had this opportunity in the past.

3. A.O.B.

MR indicated that Ballymun Primary Care Counselling Service will be launched at 11.00 am on 11th July 2013 at the Ballymun Primary Care Centre. Minister Lynch will be in attendance. MR will forward Invitations to the CE office for circulation to members.

CE Office

Action Points

No.	Action	Person Responsible	Timeframe
1	Presentation slides to be received from A Cox and circulated to members	CE Office	In advance of July meeting
2	Develop draft proposal on review of the Office of the Inspector of Mental Health Services	PCG	To be issued in the July MHC pack
3.	Invitation to launch of Ballymun Counselling Service to be circulated to Members	CE Office	On receipt of invitation

Signed:



John Saunders
Chairman

