

## Mental Health Commission

### Minutes of Meeting of Friday 20 September 2013

**11:00am – 3:30pm**

**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
Patricia O'Sullivan Lacy	POSL
Pauline Gill	PG
Michael Byrne	MB
Anne Jeffers	AJ
Xavier Flanagan	XF
Colette Nolan	CN
Ned Kelly	NK

**Apologies:**

Mary Keys	MK
Martin Rogan	MR
Maeve Doyle	MD

**Absent:**

John Redican	JR
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**Executive In Attendance:**

Patricia Gilheaney – Chief Executive (CE)	PCG
Ray Mooney – Board Secretary	RM
Ulla Quayle – Office of the CE	UQ

The Chair (JS) welcomed Members and opened the September Commission meeting.	
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<p>Ms Kathleen Lynch, Minister of State with Responsibility for Disability, Older People, Equality and Mental Health joined the September Commission meeting along with Mr Colm Desmond and Ms Sandra Walsh from the Mental Health Unit, Department of Health.</p> <p>The Chair (JS) welcomed the Minister and her officials to the meeting and outlined the issues which Members wished to discuss as follows:-</p> <ul style="list-style-type: none"> <li>• Review of the Mental Health Act</li> <li>• The progress of A Vision for Change</li> <li>• The Assisted Decision Making Bill</li> <li>• The powers of the Minister to expand on the duties of the MHC under Section 34 of the MHA 2001.</li> </ul> <p>The Minister indicated that the Review of the MHA 2001 is progressing well and it is hoped that it will be completed by the end of 2013.</p> <p>With regard to the budget for mental health, the Minister indicated that she and her colleagues are totally committed to this area. However the financial situation of the country is very challenging and notwithstanding such challenges she was advocating for additional funding in 2014 for development. She reported that Mr Stephen Mulvany, National Director for Mental Health is currently working on a detailed analysis of the position regarding the budget and what the priorities would be if any additional funding is allocated.</p> <p>In relation to A Vision for Change, the Minister indicated that it should not be seen as just another document and that it should not simply be discarded. She indicated that it needs to be considered in respect of where mental health is going, what needs to change, and what needs to be done for the future. The Minister acknowledged the inspection reports and how they demand a standard of service. She indicated that Vision for Change should be a reference point as to what is required to deliver a service. She acknowledged that it will change because expectations will change. The Minister indicated that she is aware that there is still a long way to go to fulfil what is included in A Vision for Change and there are still many obstacles to surmount.</p> <p>With regard to the recommendations in A Vision for Change, the Chair (JS) indicated that there is more emphasis on people staying at home and receiving services as opposed to receiving them in institutional settings. He stated that at present the MHC does not have the power to regulate community services and asked the Minister about Section 34 of the MHA 2001 where it states that the Minister can confer additional functions on the MHC. The Minister indicated her support of regulating community based services if a mechanism for same could be</p>	<p><b>Actions</b></p>
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<p>developed that would take cognisance of the progressive realisation of fully functioning community services within current financial restraints. It was therefore agreed that the MHC would discuss this further and prepare a document to be forwarded to the Minister regarding Section 34.</p> <p>The Chair (JS) opened up the meeting for discussion and questions.</p> <p>NK stated there were difficulties around community services staffing.</p> <p>MB stated that it was refreshing to hear that a lack of resources was not stopping people from affecting change. Different ways of working are now being discussed in the services and different approaches are being taken to teamworking, communication processes and seeking views of service users.</p> <p>CN raised a query regarding where service users 'fit in' to community teams as it appeared that there was little service user representation on many teams. She indicated that IAN currently works with teams in the Belfast Trust area and she stated that her organisation would like to see service users involved in care planning from the beginning. CN also raised the issue of the best interests of the carer. The Minister indicated her support of a holistic approach.</p> <p>XF indicated that as a GP he is extremely pleased with the new Counselling in Primary Care service which had been launched recently. He indicated that this is another option open to GPs rather than prescribing medication. The Minister acknowledged that it is not widely enough available at present but she can see how beneficial this service is and how well it is working.</p> <p>Discussion took place regarding a national central referral service and the Minister confirmed that Mr Mulvany is currently looking at the disparities in services across the country.</p> <p>The Minister and officials from the DoH left the meeting to meet MHC staff.</p> <p>POSL left the meeting.</p>	<p><b>PCG</b></p>
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<p><b>1. Minutes of Meeting held on 19 July 2013</b></p> <p>The Minutes of the meeting of 19 July 2013 were approved and agreed subject to the addition of a section to record members who are absent.</p> <p>Proposed by: PG Seconded by: MB.</p>	<p><b>Actions</b></p> <p><b>CE Office</b></p>
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<p><b>Matters Arising from Minutes of 19 July 2013</b></p> <p>There were no matters arising.</p>	<p><b>Actions</b></p>
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<p><b>2. Chairman's Business and Matters for Mention</b></p> <p>(i) Governance Forum</p> <p>The Chair (JS) reported he had been elected on to a Steering Group of the Governance Forum which has been established by the Minister and the Secretary General of the DoH. The first meeting took place on 3 September and nominations for the position of Chair of the group were requested. Mr Michael Scanlan former Secretary General of the DoH was nominated in his absence. The minutes of the Standing Committee will be circulated to Members on receipt.</p> <p>(ii) Actions Taken by the Executive on Foot of the Inspection Reports</p> <p>The CE (PCG) drew Members' attention to the summary of actions taken by the Executive in respect of the most recent tranche of inspection reports. She asked Members to note that the summary of actions taken was produced and distributed in written format in Members' Commission packs in order that Members have time to read the document and make any comments at the meeting. This would be the format in which the actions would be presented at future meetings.</p> <p>A query was raised regarding the Inspector attending meetings to deal with any queries that Members may have and the Chair (JS) stated that the Inspector has agreed to fast track any such queries. It was agreed that the Chair (JS) would invite the Inspector to join the December meeting.</p>	<p><b>Actions</b></p> <p><b>JS</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 MHC Staffing</p> <p>The CE (PCG) reported that she had now received correspondence from the DoH giving approval for the posts subject to certain conditions which had been discussed at the July meeting.</p> <p>1.3 Assistant Inspector of Mental Health Services Posts</p>	<p><b>Actions</b></p>
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The CE (PCG) reported that following the interviews on 19 July three candidates (Assistant Inspector, Service User, Assistant Inspector, Social Work and Assistant Inspector, Consultant Psychiatrist) were currently progressing through the recruitment process.

#### 1.4 Legal Matters

##### Labour Court Hearing

The CE (PCG) drew Members' attention to the e-mail that was circulated on 5 September 2013 advising that the matter which was listed for hearing in the Labour Court on 5 September was resolved in accordance with the decision of Members at the July meeting and the Hearing did not proceed. Details regarding the matter were provided.

##### Section 73 Application for Leave

*AM v. Harry Kennedy and the Mental Health Commission and the Health Service Executive*

The CE (PCG) reported that a written response from the HSE Legal Department remains outstanding.

#### 1.5 MHTs Panel Recruitment Update

The CE (PCG) indicated that the vetting process for all applicants is still ongoing. She confirmed that training has been scheduled for panel members for the last two weeks in October. A small number of candidates have indicated that they are not available for the scheduled dates and a further "mop up" session will be organised before the end of 2013.

PCG updated Members on operational changes that are in progress to enhance information communication and transfer within the tribunals process.

#### 1.6 Assisted Admissions Service

The CE (PCG) referred to the correspondence received from Mr Stephen Mulvany (included in members packs).

#### 1.7 Meeting with Secretary General, Department of Health

The CE (PCG) reported that the secretary General of the DoH convened a meeting of the Chief Executives of state agencies on 25<sup>th</sup> July 2013. As the CE was on leave, the Acting CE / Director Standards and Quality Assurance (Interim) attended on her behalf. The Secretary General outlined the need to achieve significant savings in public sector expenditure and the principal mechanism to achieve this is a reduction in staff. In order for this to occur a targeted

redundancy scheme may have to be introduced aimed at posts which are surplus to requirements. This scheme will not be applicable to staff in the MHC as there are no surplus posts. The Health Social Care and Regulatory Forum has been requested to prepare a response by 12<sup>th</sup> September however it has sought an extension of time to reply. The sub group will be meeting on 30<sup>th</sup> September to draft a reply for consideration of Forum Members.

#### 1.8 Sub-Group Mid Staffordshire Report

The CE (PCG) reported that a sub-group of the Health Social Care and Regulatory Forum has been tasked to prepare a response to the Mid Staffordshire Report.

#### 1.9 Memorandum of Understanding (MOU) – MHC/HIQA

The CE (PCG) reported that a MOU was signed by both Chief Executives of the MHC and HIQA on 26 August which protects the statutory obligations of both organisations. A draft press release has been prepared and once the content has been agreed it will be published on Monday 23 September 2013.

#### 1.10 Expert Group Review of Mental Health Act 2001

The CE (PCG) reported that the last meeting of the Expert Group took place on 23 July and as she was on leave she sought permission for the Director of Standards and Quality Assurance (Interim) to attend on her behalf. Discussion took place on two key areas which were Advanced Directives and the Assisted Decision Making Capacity Bill. The Department of Justice gave a presentation on the Bill and the Director Standards and Quality Assurance (Interim) raised some pertinent issues. She indicated that two further meetings of the Expert Group have been arranged; the first to take place on 24 September and the second to take place on 12 November 2013.

#### 1.11 Proposal Regarding a National Medicine Information Service

The CE (PCG) reported that she had met with representatives of St John of God Hospital on 30 August 2013 who made a presentation on a proposal for a national service for medicine information. The target audience for this service would be service users, families, carers and healthcare professionals. This would be an online information service and a telephone helpline. St John of God Hospital representatives were meeting with the HSE, DoH, service user and carer organisations to gauge their views on this type of service. A request was made for a member of MHC staff to be on the Steering Group and this was agreed in principle pending review of the Group's terms of reference. The first meeting will take place in January 2014. It was agreed that the CE would forward the presentation given by St John of God Hospital to

**PCG**

Members.

#### 1.12 Meeting Ref Advocacy Service for Adolescent Inpatients

The CE (PCG) indicated that she and the Director of Standards and Quality Assurance (Interim) attended a meeting on 11 September at St Patrick's University Hospital regarding the development of an advocacy service for CAMHS. Representatives from the HSE and independent CAMHS service providers were in attendance. The MHC indicated its support for such a service however it confirmed that it is an operational matter and it would not be appropriate for the Commission to be involved in its development.

#### 1.13 EPSO (European Partnership for Supervisory Organisations)

The CE (PCG) reported that she and the Director Standards and Quality Assurance (Interim) attended the 16<sup>th</sup> EPSO meeting which took place in Copenhagen on 17 and 18 September. The Director Standards and Quality Assurance (Interim) gave a presentation on seclusion reduction initiatives and participated in a working group dealing with restrictive practices in healthcare. EPSO is interested in this area at a European level and it is beneficial for the MHC to gain information from other countries. The MHC will also be participating in an international peer review.

### **Part Two – For Discussion**

#### 2.1 Discussion ref Meeting with Mr Stephen Mulvany, National Director Mental Health, HSE on 18 October 2013

Discussion took place regarding the issues that Members wished to raise with Mr Mulvany when he attends the next meeting on 18 October. The items included:-

- Assisted admissions process and authorised officers.
- Service user representation on a national level.
- Information on the National Directorate.
- The priorities of the National Directorate.
- Views on A Vision for Change.

It was agreed that any further items for discussion should be emailed to the CE Office by 1 October where they will be collated and sent to Mr Mulvany. Mr Mulvany will be asked to submit any issues he may have to discuss in advance of the meeting on 18 October.

#### 2.2 Draft Proposal Review of Inspection

The CE (PCG) indicated that the proposal for the review has not been drafted because having spoken to colleagues she is of the view that

**All  
Members  
PCG**

<p>the regulatory system needs to be reviewed in totality. This would involve a review of the inspectorate component in addition to the Executive regulatory actions on foot of the reports received. Ideally, the overall organisation should be audited from a quality management system perspective and options are being explored in this regard. An initial meeting with the National Authority of Standards in Ireland regarding a quality management system has taken place. It was therefore proposed that a review be carried out of regulation, and quality management including the inspectorate component. This review would need to be carried out by external experts. It was agreed that the Executive would prepare a paper on this proposal for the October meeting.</p> <p>2.3 Management Accounts for months ending 30 June, 31 July and 31 August 2013</p> <p>Proposed: XF Seconded: NK</p> <p>2.4 Financial Statements 2012</p> <p>The CE (PCG) reported that the draft financial statements have now been audited and are proposed for Members approval and subsequent sign off. There has been one alteration to the draft statements reviewed by members at the May 2013 meeting regarding a note in respect of the "See Change" project on page 17, note 1.</p> <p>Proposed: XF Seconded: MB</p>	<p><b>PCG</b></p>
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<p><b>4. Consideration of Reports</b></p>	<p><b>Actions</b></p>
<p>4.1 Collated Comments from MHC Members on Seclusion and Restraint Reduction Strategy and Responses of the S&amp;QA Division</p> <p>The CE (PCG) indicated that comments had been received from two Members and a document had been collated which included the S&amp;QA response to the comments.</p> <p>Concern was raised regarding the description of 'rapid tranquilisation' as it was suggested that the description did not capture the reality of what the term means. The CE (PCG) advised that this definition was used in NICE Guidelines. It was agreed that this issue could be dealt with in the planned peer review of the panel of international experts who will be reviewing the document.</p> <p>Discussion took place on informing patients on admission that</p>	



<p>seclusion is a possibility. Some Members expressed the view that this may not be necessary or in the best interests of the patient in some cases as it could be detrimental to a patient's state of mind. Again it was agreed that this could be dealt with at the peer review stage.</p> <p>It was agreed that arrangements for the peer review could be put in place.</p>	<b>PCG</b>
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<b>5. Reports of Committees</b>	<b>Actions</b>
<p><b>5.1 Audit and Finance Committee</b></p> <p>COR gave an update on the Audit and Finance Committee in POSL's absence.</p> <p>COR indicated that the Committee had met on 12 September. She indicated that the Governance Manual had now been updated to include the revised Terms of Reference of the Audit Committee as approved by the Commission.</p> <p>The draft financial statements had been agreed with C&amp;AG. It was also reported that a teleconference had taken place with Mr Paul Keane, Deputy Director of Audit, C&amp;AG and an update on the discussion was provided. Members were advised that the Audit Committee received a presentation and reviewed a draft Audit Plan from the external contractor. Due to a number of concerns that were raised it was agreed to request one item from the plan to be progressed in 2013 and a tender process would be put in place for internal audit by the end of 2013.</p> <p><b>5.2 Legislation Committee</b></p> <p>PG provided an update in MK's absence. She indicated that the Legislation Committee had not met since the last meeting. However, comments on the Assisted Decision Making Bill were submitted for consideration by Members. Work with regard to the draft Statutory Instruments is currently on hold. The Department of Justice intends to host a consultation symposium on 24 or 25 September 2013.</p>	

<b>6. Correspondence</b>	
<p>The CE (PCG) reviewed the correspondence listed from 12.07.13 to 12.09.13 and provided members with updates on action(s) taken.</p>	

<b>7. A.O.B.</b>	<b>Actions</b>
<p>The Chair (JS) reported that MR has indicated that he will no longer be</p>	

available to attend MHC meetings until April or May of 2014 due to commitments on Fridays. Members indicated that as Mr Mulvany had been invited and accepted an invitation to the next meeting that it should take place on 18 October as planned. However, following discussion it was agreed that a decision to amend the date of the December meeting should be considered and a suggestion of Tuesday 3 December was put forward. This would be discussed at the next meeting.	
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<b>8. Date of Next Meeting</b>	
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Friday 18 October 2013 at 11.00 am in the offices of the Mental Health Commission	
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## Action Points

No.	Action	Person Responsible	Timeframe
	A document to be prepared in relation to Section 34 of the MHA 2001 which is to be forwarded to the Minister for consideration	PCG	To be progressed a.s.a.p.
1	Minutes of July meeting to be amended to include a heading of "Absent".	CE Office	In advance of October meeting.
2 (i)	Minutes of Governance Forum Standing Committee to be circulated to Members	JS	On receipt
2 (ii)	Invitation to be sent to Inspector inviting him to attend the December meeting	JS	In advance of October meeting
3 1.11	Presentation that was given by SJOG Hospital to be forwarded to Members	PCG	In advance of October meeting
3 1.13	Items for discussion with Mr Mulvany to be forwarded to CE Office	All Members	1 October 2013
3 2.2	Proposal on draft review of regulation to be prepared	PCG	In advance of October meeting
4.1	Seclusion and Reduction Strategy peer review to be progressed to next stage	PCG	To be progressed a.s.a.p.

Signed:



**John Saunders**  
Chairman

Date:

18/10/13

