

Mental Health Commission

Minutes of Meeting of Friday 19th July 2013

11:00am – 3:30pm

Held at

**Offices of the MHC,
 St Martin's House,
 Waterloo Road,
 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
Michael Byrne	MB
Anne Jeffers	AJ
Maeve Doyle	MD
Xavier Flanagan	XF
Martin Rogan	MR
Colette Nolan	CN

Apologies:

Ned Kelly	NK
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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
David Hickey – Director of Mental Health Tribunals and Legal Affairs for Item 3, 1.3	DH

The Chair (JS) welcomed Members and opened the July Commission meeting.	
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<p>1. Minutes of Meeting (Day 1 of 2 Day Meeting) held on 20th June 2013</p> <p>The Minutes of the meeting of 20th June 2013 were approved and agreed.</p> <p>Proposed by: XF Seconded by: MK.</p>	Actions
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<p>Matters Arising from Minutes of 20th June 2013</p> <p>The Chair (JS) confirmed that the conference papers from the International Conference on Recovery he attended on May 8th & 9th in Bolzana, Italy have now been received and have been circulated to Members.</p> <p>The Chair (JS) reported that correspondence had been sent to JR and a reply had been received.</p> <p>The Chair (JS) reported that a letter had been sent to Mr Stephen Mulvany inviting him to attend the MHC meeting scheduled for 18th October 2013.</p> <p>The CE (PCG) reported that a letter has been sent to Mr Tony O'Brien regarding the queries that were raised in relation to assisted admissions. A reply to this correspondence is awaited.</p>	Actions
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<p>1.1. Minutes of Meeting (Day 2 of 2 Day Meeting) held on 21st June 2013</p> <p>The Minutes of the meeting of 21st June 2013 were approved and agreed.</p> <p>Proposed by: MR Seconded by: COR</p>	Actions
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<p>Matters Arising from Minutes of 21st June 2013</p> <p>The CE (PCG) indicated that action 2 in respect of the minutes of 21st June regarding the draft proposal for the review of the Office of the Inspector of Mental Health Services remains outstanding. Draft Terms</p>	Actions
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of Reference will be available for consideration of members at the September meeting.	PCG
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2. Chairman's Business and Matters for Mention	Actions
<p data-bbox="162 450 900 488">(i) Third Tranche of Inspectorate Reports 2013</p> <p data-bbox="162 528 1187 719">The CE (PCG) gave an outline of the actions taken / to be taken by the Executive in relation to the following reports, Tohermore; Adult Mental Health Admission Unit, Kerry General Hospital; Jonathan Swift Clinic; Carraig Mor Centre; the Central Mental Hospital (CMH) and Connolly Hospital.</p> <p data-bbox="162 761 1187 1066">In respect of the Mental Health Service in Tohermore, the CE (PCG) contacted the Area Manager for HSE Galway and Roscommon, as the report on community residences had not been received by 26th June as had been indicated. The Area Manager confirmed that the report would be completed by 28th July 2013. A meeting with HSE representatives was considered however it had been agreed to wait until the report had been received in order to establish if a meeting was required.</p> <p data-bbox="162 1108 1187 1261">With regard to the Adult Mental Health Admission Unit, Kerry General Hospital, the CE (PCG) reported the statutory compliance report had been requested. She also indicated that a visit to the unit will be arranged in accordance with standard operating procedures.</p> <p data-bbox="162 1303 1187 1765">In relation to the Jonathan Swift Clinic, the CE (PCG) indicated that on 23rd April 2013 the Inspectorate reported that in their view this centre was not compliant with Article 26. The CE (PCG) was advised of this by letter dated 25th June 2013. The CE (PCG) wrote to the Inspector on 26th June 2013 to advise that the Standards and Quality Assurance Division will address the matter in accordance with the relevant procedure. A request for a meeting with senior management of the service was made and was facilitated by the service at short notice. Staff rotas were requested at the meeting and have subsequently been received. Following a review of all of the information that has been provided to the Standards and Quality Assurance Division a proposal to remove the condition will now issue.</p> <p data-bbox="162 1807 1187 1881">The CE (PCG) reported that a statutory compliance report had been requested from Carraig Mor Centre</p> <p data-bbox="162 1924 1187 2029">In relation to the CMH, the CE (PCG) reported that a meeting had taken place with senior management and a statutory compliance report had been requested.</p>	

<p>The CE (PCG) reported that it is proposed to remove the condition attached to the registration of Connolly Hospital in relation to article 14 and 15 and a statutory compliance report had been requested in relation to areas of non-compliance.</p> <p>A general discussion regarding the inspection process ensued. The CE (PCG) reported that the Inspector has discussed seeking external accreditation and that this will form the basis of the draft Terms of Reference for Review that will be available to Members in September.</p> <p>(ii) Assisted Decision Making Bill</p> <p>The CE (PCG) reported that the Assisted Decision Making Bill had now been received and was e-mailed to Members. The CE (PCG) and Members expressed some concerns with regard to the draft Bill and following discussion it was agreed that the Legislation Committee would review the document and DH would be asked to assist with this piece of work. It was agreed that the Legislation Committee would bring its first thoughts on the Bill to the September meeting.</p> <p>(ii) Approach from Sara Burke, Journalist</p> <p>The Chair (JS) reported that the MHC had been approached by Sara Burke seeking an interview for a series of radio programmes she is currently producing which are being funded by the Mary Raftery Journalism Fund. The Chair (JS) and Aoibheann O’Sullivan from Murray Consultants met with Ms Burke on 9th July and the first programme in the series aired on Thursday 11th July.</p>	Legislation Committee
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<p>3. CEO’s Report</p> <p>Part One – For Information</p> <p>1.1.1 Conditions Attached to Approved Centres</p> <p>The CE (PCG) reported that a proposal to amend the condition to the registration of St Loman’s Hospital was issued on 11th July 2013. The original condition had required the closure of St Edna’s Ward by 30th June 2013 and residents were to be transferred to a new purpose built facility. This could not be achieved in the specified timeframe as the electrical sub-contractor went out of business and work on the new facility could not be completed in the timeframe specified. The new condition requires closure of St Edna’s Ward by 31st December 2013 with regular progress reports provided to the MHC.</p> <p>1.3 Legal Matters</p>	Actions
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The CE (PCG) provided the following update:

G.F. v. Clinical Director of Acute Psychiatric Unit, Tallaght Hospital and Mental Health Tribunal, Notice Party - High Court 2013/1104 SS

This was an Article 40 application brought before Mr Justice Hogan in circumstances where the GP had failed to tick the box on the Form 5 confirming that the patient was suffering from a mental disorder. The MHT had decided that this failure had not affected the substance of the Admission Order or caused an injustice. In a judgement delivered on the 4th of July the Court rejected the application.

K.C. v. Clinical Director of St. Loman's Hospital and H.S.E. – High Court 2013/1129 SS

This was another Article 40 application brought before Mr Justice Hogan in circumstances where the applicant's status had been altered from voluntary to involuntary to allow for treatment and the applicant had not expressed any wish to leave the approved centre as contemplated by section 23 of the 2001 Act. In a judgement delivered on the 4th of July the Court rejected the application.

M.C. v. Harry Kennedy, The Central Mental Hospital and the Mental Health Commission, Notice Party – High Court 2013/542 JR

The applicant initiated judicial review proceedings in circumstances where a proposal to transfer the applicant (Form 11) to the CMH had been approved by a MHT on the 30th of May 2013. Subsequently, it appears that legal advice was obtained by the CMH which cast doubt on this proposal to transfer. The applicant sought an order of *mandamus* compelling the CMH to accept the applicant for care and treatment on foot of the decision of the MHT dated 30th of May 2013. The proceedings were settled and the parties agreed on consent to an Order that the CMH could lawfully receive the Applicant on foot of the proposal dated 22 May 2013 as authorised by the decision of the MHT dated 30th of May 2013.

KW (a minor) v. HSE and Others – High Court 2013/4413P

We are aware of the above constitutional challenge to section 25(6) of the 2001 Act which has been set down for hearing before Mr Justice Birmingham on the 26th of July 2013.

Labour Court Appeal Hearing

DH Joined the meeting for this item.

The CE (PCG) distributed financial information in relation to the Appeal of a Rights Commissioner decision to the Labour Court. The information included legal fees incurred to date. Two options were discussed by Members and a majority decision was reached regarding the agreed option. The CE (PCG) advised that the hearing in the Labour Court is scheduled for 5th September 2013 and a meeting with MHC Counsel and solicitors has been arranged following the

<p>Commission meeting today to proceed in accordance with the Commission decision. It was agreed that the CE would update Members accordingly.</p> <p>DH absented the meeting.</p> <p>1.4 MHT Panels Recruitment</p> <p>The CE (PCG) reported that the recruitment process is progressing. All the interviews have been completed as of Thursday 18th July. The next stage is to inform the applicant suppliers of their results and then to obtain garda clearance for those who have been successful. Training will take place throughout September and October in order that the panel members will be in a position to provide their services on 1st November 2013. The CE expressed her thanks to the Senior Management Team for their support, commitment and dedication throughout the recruitment process.</p> <p>1.5 Assistant Inspector of Mental Health Services</p> <p>The CE (PCG) reported that the interviews for the Assistant Inspector posts were currently taking place.</p> <p>1.6 Staffing</p> <p>An update was provided in relation to staff members on sick leave and arrangements that were in place to ensure statutory duties were being addressed by the Commission.</p> <p>The CE (PCG) indicated that she is continuing to liaise with the DoH in respect of the vacant posts. She advised of recent verbal communications with the Department and that written confirmation was expected in the near future.</p> <p>1.7 GLEN Guidance for Staff Working in Mental Health Services</p> <p>The CE (PCG) indicated that on 26th June 2013 GLEN launched a guidance document in collaboration with the MHC for staff working in the mental health services with lesbian, gay, bisexual and transgender service users.</p> <p>1.9 Acting Chief Executive During Leave Period</p> <p>The CE (PCG) advised that Ms Rosemary Smyth, Director Standards and Quality Assurance (Interim) and Director of Training and Development will be appointed Acting CE from Monday 22nd July until Wednesday 7th August inclusive to cover CE annual leave.</p> <p>Part Two – For Discussion</p>	<p>PCG</p>
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<p>2.1 Management Accounts for month ending 31st May 2013</p> <p>RM pointed out that the spending for IT services had risen in May due to essential upgrades which had to be carried out to the SIAT and CORE systems.</p> <p>The Management Accounts for May 2013 were considered and agreed.</p> <p>Proposed: POSL Seconded: COR</p>	
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4. Consideration of Reports	Actions
<p>4.1 MHC Business Plan Review 30.06.13</p> <p>The MHC Business Plan Review 30.06.13 was accepted.</p> <p>4.2 Draft Seclusion & Restraint Reduction Strategy</p> <p>The CE (PCG) indicated that she would present the report as RS was unavailable to attend the meeting due to interview commitments in respect of the Assistant Inspector posts.</p> <p>The CE (PCG) indicated that the previous document had been circulated to Members prior to a consultation process. The current document incorporates the current evidence base regarding best practice interventions and feedback from the consultation process with a broad range of stakeholders.</p> <p>The Strategy identifies eight intervention categories and these are, leadership, policy and regulation, staffing, training and education, involvement of patients' family members and advocates, using data, debriefing and review and physical environment. In order for an approved centre to be successful they must implement all the actions in all the areas.</p> <p>The next step if the Strategy is agreed is to instigate a peer review by a panel of international experts, similar to the process undertaken in developing the Quality Framework. The CE (PCG) indicated that EPSO has established a project focusing on seclusion and restraint reduction and that the MHC will participate in that initiative. It is also proposed that the MHC will pilot the initiative with an approved centre before rolling out the strategy nationally. The MHC will also develop training materials to assist with the implementation process. It was also reported that one of the themes in the programme of the IIMHL in 2014 will focus on reduction in usage of seclusion.</p>	

<p>Members indicated that they have a number of comments on the Draft Seclusion and Restraint Reduction Strategy and it was agreed following discussion that Members would provide written comments to the CE Office and following receipt of the comments a meeting of the Seclusion and Restraint Reduction Strategy Consultation Sub Group would be convened.</p>	<p>All Members CE Office</p>
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<p>5. Reports of Committees</p>	<p>Actions</p>
<p>5.1 Audit and Finance Committee</p> <p>(a) Draft Anti-Fraud Policy</p> <p>The draft anti-fraud policy was considered and agreed subject to the date being amended.</p> <p>Proposed: CN Seconded: AJ</p> <p>(b) Terms of Reference</p> <p>POSL reported that the Terms of Reference of the Audit Committee required amendment to bring them into line with the Code of Governance for Statutory Bodies. The revised Draft Terms of Reference were proposed, considered and agreed.</p> <p>Proposed: JS Seconded: MB</p> <p>(c) Audit Committee Annual Report</p> <p>POSL indicated that an Annual Audit Committee report will be produced and brought to the Commission on a yearly basis. The annual accounts will be available in due course.</p> <p>RM reported that the draft financial statements Audit has been completed by Mazars and are now with the Office of the Comptroller and Auditor General (C&AG). He stated that C&AG have requested minor clarifications. Members will be kept updated of progress.</p>	
<p>5.2 Legislation Committee</p> <p>A provisional date for the next meeting of 9.30 am on the 20th September was put forward. This will be confirmed in due course.</p>	<p>CE Office</p>

6. Correspondence	
The CE (PCG) reviewed the correspondence listed from 20.06.13 to 11.07.13 and provided members with updates on action(s) taken.	

7. A.O.B.	Actions
MR reported that the IIMHL will take place in the UK in June 2014 and that there may be an opportunity for the MHC to host an exchange visit. Members were in agreement with this and MR agreed to confirm this with the organisers of the event and would provide an update when further information becomes available.	MR

8. Date of Next Meeting	
Friday 20 th September 2013 at 11.00 am in the offices of the Mental Health Commission	

Action Points

No.	Action	Person Responsible	Timeframe
1.1	Draft Terms of Reference for the proposal for the review of the Office of the Inspector of Mental Health Services to be made available for Members' consideration	PCG	To be included in the MHC pack for the September meeting.
2. (ii)	Legislation Committee to report its first thoughts on the Assisted Decision Making Bill	Legislation Committee	At September meeting
3.1.3	The CE to meet with legal team regarding ongoing litigation and update Members	PCG	As required and in any event at September Meeting
4.2	Comments on Seclusion and Restraint Reduction Strategy to be forwarded to the CE	All Members	In advance of September meeting
4.2	Seclusion and Restraint Reduction Strategy Group to be convened following	CE Office	In advance of September meeting

	receipt of comments		
5.2	Legislation Committee meeting to be confirmed and arranged	CE Office	In advance of September meeting
7.	IIMHL 2014 organisers to be informed that the MHC is agreeable to hosting a two day exchange visit. Update to be provided to Members.	MR	When information becomes available.

Signed: 
John Saunders
Chairman

Date: 20-9-13