

Mental Health Commission Meeting
Minutes of Meeting held on 17 September 2020
Held by way of MS Teams
10.30am - 1.15pm

Commission Members	Initials
John Saunders	JS
Rowena Mulcahy	RM
Dr Michael Drumm	MD
Tómas Murphy	TM
Nicola Byrne	NB
Dr Margo Wrigley	MW
Jack Nagle	JN
Patrick Lynch	PL

Apologies	Initials
Colette Nolan	CN
Ned Kelly	

Executive in Attendance	Initials
John Farrelly, Chief Executive	JF
Orla Keane, Secretary to the Commission, Head of Legal / Division Lead for MHT	OK
Dr Susan Finnerty, Inspector of Mental Health Services	SF
Simon Murtagh, Chief Operations Officer	SM
Áine Flynn, Director DSS	AF
Jenna Goodwin, Corporate Governance Manager	JG

No.	Matter	Action Required By
1	<p>Stakeholder Presentation</p> <p>Emilia Marchelewska and Justyna Maslanka from Cairde gave a presentation to the Board on the experience of ethnic minorities in Ireland accessing mental health services.</p> <p>They identified language as being a key barrier to accessing mental health services. They also highlighted other important practical supports including advocacy services.</p> <p>The Board thanked them for their insightful presentation.</p>	
2	Declarations of Interests – To be signed and returned by email.	OK
3	The Minutes of the meeting held 16 July were agreed and signed.	OK

	<p>Decision 24 JN proposed and MW seconded.</p>	
4	<p>Chairperson’s Business The Chair informed –</p> <ol style="list-style-type: none"> 1. He along with Members of the Executive met with Minister Butler and it was intended to invite her to attend a Commission meeting. An invite was also extended to Minister Donnelly, which he declined citing his current obligations arising from the Covid-19 pandemic. 2. No update on the appointment of new Commission Members. 3. A review of the Action Plan on the Commission’s Effectiveness Report had taken place and work is ongoing to ensure that its other provisions are adopted as per the timeline (Risk training scheduled for October and IPA Events circulated to Members on an ongoing basis). 4. Commission Members’ devices will be replaced by the end of October. 5. Strategic review scheduled for October meeting. 	
5	<p>Chief Executive and Executive Reports</p> <p><u>CE’s Report</u> The CE informed that the recruitment process for the Director of Regulation position is nearing completion. He also noted that the second stage of the PMDS¹ has been progressed.</p> <p><u>Corporate</u> SM noted that there has been a significant underspend in the funding from the DOH this year. The majority of this arises from savings on travel and subsistence by staff and panel members due to Covid-19. The CE noted that the Executive are looking at how we could progress spending on projects which have been delayed due to Covid-19 and are part of the Business Plan. Whilst also looking at what lessons can be learnt from the current savings to ascertain if some of the savings can be continued post the pandemic. SM noted that a breakdown of the savings will be provided to the FARC before its next meeting.</p> <p>SM informed, as per the report, that the C&AG has issued its final letter to the CE and it will be brought before the FARC at their next meeting. He informed the Commission that there were no issues of fraud/misstatement highlighted by the C&AG, but that a detailed analysis would be undertaken to understand fully the impact. He said that measures will be put in place to address any issues of an internal control nature. SM and PL agreed to discuss the matter further at the next FARC meeting.</p> <p>SM also noted that the update on the Business Plan will be provided for the end of Q3 at the next Commission meeting.</p> <p>The CE noted that there are a lot of matters progressing as per his report and he hopes a number of other matters will progress now that issues relating to Covid-19 are being managed.</p> <p>The CE also referred to a recent meeting with the HSE at which some key issues (governance, investment in services, etc.) were addressed. He was glad to see that there is some traction</p>	<p>SM</p>

¹ Performance Management and Development System

on a number of issues and the matters now appear to be getting the attention of the HSE's Board. He noted that mental health is in the HSE's Winter Plan.

RMT Report

SF noted that the registration of the Sligo Unit is being expedited due to the absence of single occupancy units. She informed that the quality review of inspection reports has been delayed, due to the inspectorate team focusing on carrying out inspections. However, the inspections are going well with approximately 25 centres remaining to be inspected.

SF informed the Members that at present there are 13 confirmed cases of Covid-19 in approved centres, with suspected cases in some others. The majority of these cases are presenting as asymptomatic. One approved centre has reported that they are receiving adequate PPE, testing is taking two to three days and all staff are being tested every two or three weeks. SF informed that she is due to meet with representatives from one of the other approved centres in the next couple of weeks.

In terms of next steps SF noted - that monitoring in some of the approved centres may need to be increased, that they were establishing a register of mental health services in order to be able to identify what units have shared accommodation in the event of a Covid-19 outbreak and they had commenced work on the second paper on Covid-19 in residential centres.

SF also informed the Members that the Covid-19 - Paper 1 would be published shortly, it has been sent to the HSE and the DOH. It is then a matter for the DOH to bring to NPHE. The most pressing conclusion reached in the paper is that overcrowding cannot be allowed to re-occur this winter. The paper also sets out the timescales for the reporting of Covid-19 cases in approved centres. The CE did note that the HSE has given the MHC assurances that the winter health plan takes significant account of mental health services.

MHT

OK informed that the Tribunals Team has migrated from SIAT to CIS. She noted that the transition had proven difficult, with issues persisting post CIS's launch and causing a significant increase in workload for the Tribunals Team.

OK informed the Members that remote hearings are working reasonably well, though there are a number of people who have expressed a desire to go back into approved centres but this is a small group. She noted that ICPs and LRs could go back into approved centres as of 6 July but the uptake has been very low and given the current Covid-19 figures this is not going to change. OK also noted that work has been done on how we might progress video conferencing as an alternate and provided a summary of steps taken to date. OK noted that private approved centres have facilities to accommodate the return of hearings and that the HSE are open to discussions.

OK noted that the "Know your rights" booklet published in July will be translated into a number of different languages, which will be issued and made available online. This links in with some of the issues raised by Cairde.

DSS

	<p>AF informed that Codec are up and running as the DSS’s ICT provider. She informed the Members that a review is underway with Corp Ops and her APs of the potential underspend in the DSS budget. The DSS is looking to bring forward a number of pieces of work in the ICT project.</p> <p>AF noted that the current Project Manager’s contract expires March 2021 and the DSS have started the SRFT process to seek tenders for a reduced project management, project advisory and the technical quality assurance role to work with Codec.</p> <p>AF noted that the DSS’s transition to the new Department should be in place by mid-October after which it is hoped to have a meeting with Minister Rabbitte. AF also noted that she has met with Minister Butler; the two key points from that meeting were: a) that there should be a single point of contact in the DOH mandated to coordinate and oversee preparation for full commencement of the Assisted Decision-Making (Capacity) Act 2015; and b) Part 8 - Regulations for advance healthcare directives - Bioethics at the meeting stated that they will draft the Regulations but it may not be in line with the DSS’s timeline.</p> <p>AF noted that the Nursing Home Expert Report in relation to Covid-19 put forward a number of recommendations for the DSS, e.g. that the DSS will involve themselves with the HSE in a broader promotional campaign for advanced health care planning and that Part 8 of the 2015 Act would commence ahead of time and within 6 months of the Export Report. AF has written to Minister Donnelly outlining that there are issues that need to be addressed before such the recommendations could be implemented.</p> <p>AF also noted that stakeholder engagements have recommenced. In that regard, AF referred to the fact that the DSS website launched 10 August and has been positively received. The increased number and emphasis on wardship cases was noted and discussed by the Members.</p>	
6	<p>Risk Management</p> <p>Principle Risks – SM stated that the SMT met earlier in the month and reviewed the principle risks on the risk register. This is done on a quarterly basis in advance of the FARC meeting.</p> <p>Covid-19 Mitigation – SM stated that last March every department drew up a contingency plan in the event of their statutory functions being disrupted by Covid-19. The IT department was then tasked with providing staff with laptops and IT equipment to facilitate staff working from home. This planning and the subsequent actions taken have mitigated the impact of Covid-19 so far. All statutory functions have been maintained, though some had to be delayed but are now underway again.</p>	
7	<p>Committee Updates</p> <p>1. FARC – No scheduled meeting since the last Commission meeting.</p> <p>2. Legislation Committee –</p> <p>RM referred the Members to her report and informed the Members that the Legislation Committee met on Monday 14 September to consider some issues raised by the DOH in</p>	OK / WG

	<p>relation to the MHC’s submission on Part 4 of the Heads of Bill² (capacity and consent to treatment) and the criteria for detention under section 8 of the Heads of Bill.</p> <p>Prior to the Committee’s meeting, a meeting was held between the Executive and the DOH on 25 August to discuss these issues. At that meeting it was agreed that: parity between mental health and physical health is a fundamental requirement, a patient centred rights based approach must underpin the legislation and AHDs must be applicable to patients receiving treatment for physical or mental health reasons.</p> <p>RM noted on behalf of the Committee that having discussed the issues raised by the DOH arising out of the proposed amendments to Part 4 of the Heads of Bill, it was agreed that the views of the MHC on the principles underlying the proposed amendments to Part 4 and the proposed amendments to the criteria for detention under Section 8 of the Heads of Bill, were unchanged.</p> <p>It was confirmed that it was agreed that OK (with the Working Group) would prepare a draft Memo to the DOH setting out clearly the principles underlying the MHC’s Submission and recommended amendments on Part 4 and section 8 of the Heads of Bill and the natural consequences that flowed from those principles, for approval by the Committee.</p> <p>An issue was raised at the end of the discussion by MW. The Chair requested that MW and RM discuss the matter.</p> <p>The Members confirmed their support for the position recommended by the Committee.</p>	
	Next Meeting – 15/10/2020 at 10.30 am	

ACTION LOG			
No	Action	Person Responsible	Status
1.	A breakdown of the savings (DOH / DJE) made is to be provided to the FARC prior to its next meeting.	SM	Done
2.	Draft Memo to the DOH setting out the principles underlying the amendments proposed in the Commission’s Submission on Part 4 and Section 8 of the draft Heads of Bill dated March 2020 and the natural consequences that flowed from those principles, for approval by the Committee.	OK/ WG	Drafted

Dated: 19 November 2020

**Signed:
 By the Chair**



² Mental Health Act 2001