

**Mental Health Commission Meeting  
Minutes of Meeting held on 20 and 21 February 2020  
Held at Clayton Hotel, Wexford Town, Co Wexford**

<b>Commission Members</b>	<b>Days</b>	<b>Initials</b>
John Saunders	Both	JS
Rowena Mulcahy	Both	RM
Michael Drumm	Both	MD
Tomas Murphy	Both	TM
Nicola Byrne	Both	NB
Ned Kelly	Both	NK
Patrick Lynch	Day 1	PL
Colette Nolan	Both	CN
Xavier Flanagan	Day 1	XF
Jack Nagle	Both	JN

<b>Apologies</b>	<b>Initials</b>
Aaron Galbraith	AG
Margo Wrigley <sup>1</sup>	MW

<b>Executive in Attendance</b>		<b>Initials</b>
John Farrelly, Chief Executive	Both	JF
Orla Keane, Secretary to the Commission, Head of Legal / Division Lead for MHT	Both	OK
Susan Finnerty, Inspector of Mental Health Services	Day 1	SF
Rosemary Smyth, Director of Standards and Quality Division	Day 1	RS
Áine Flynn, Director Decision Support Service	Day 1	AF
Simon Murtagh, Chief Operations Officer	Day 1	SM

<b>No.</b>	<b>Matter</b>	<b>Action Required By</b>
<b>DAY 1 10.30 to 4.30</b>		
1	<p><b>Meeting with Martina Colville(MC), Assistant Secretary, Department of Justice and Equality (DJE)</b></p> <p>MC confirmed that she has been appointed to lead the Project for the DJE and took up chairing the IDSG in December 2019. The following points were noted –</p> <ol style="list-style-type: none"> <li>1. The IDSG resumed its meetings in December 2019 and has met a total of three (3) times.</li> <li>2. The DJE is preparing a draft MOU with the MHC. The Members requested that the DOH would also be a party to that MOU.</li> </ol>	AF/ SM/OK

<sup>1</sup> MW provided written comments in advance, which were circulated to the Members in advance of the Meeting in relation to main item for decision at the meeting.

	<p>3. It was also noted that there were certain governance issues to be clarified between the MHC, DJE and DOH for the purposes of the Project and thereafter, when the 2015 Act has commenced. In that regard, it was noted that there would be a separate governance meeting to the main IDSG between these three parties.</p> <p>4. MC acknowledged that there had been delays and issues with resources but they are the same issues being met by most Government Departments in relation to new projects. However, there has been movement and it is hoped the parties will all now be able to move forward together.</p> <p>5. MC noted that each entity attending the IDSG in March shall be required to produce a summary of their Project Plan for implementation of the DSS. Those plans shall be explored in more detail over the coming months.</p> <p>6. MC noted that the DJE expect to give approval for the DSS ICT Project in the next couple of weeks.</p> <p>7. MC noted that no commitment at this time could be provided in relation to funding but that she would make her best efforts to secure the relevant funding as part of this years' estimates process.</p> <p>8. It was noted that a two year Project Plan had been produced by the DSS but that this is contingent firstly on approval of the DSS ICT Project and thereafter the overall funding. If the funding is not secured, this will mean that the timeline for commencement will be extended.</p> <p>The Members thanked MC for her attendance and assurances in relation to certain aspects of the Project.</p> <p>The Members agreed the following –</p> <ol style="list-style-type: none"> <li>1. There should be an MOU between the MHC, DJE and DOH.</li> <li>2. If No. 1 cannot be achieved, then there should be an MOU with the DJE and that should be appended to the Oversight Agreement with the DOH.</li> <li>3. MHC to meet new Minister for Justice and Equality when appointed</li> <li>4. MHC to meet new Minister for Mental Health when appointed</li> <li>5. The Members shall not agree a new date for commencement until progress has been made on some of the above matters.</li> </ol>	
2	<b>Declarations of Interests</b> - signed and returned.	<b>OK</b>
3	The Minutes of the Meeting held 30 January were agreed. <b>Decision 2 of 2020.</b> <b>XF proposed approval of the minutes and TM seconded same.</b>	<b>OK</b>
4	<b>Chairman's Business</b>  The Chair noted that in replacement of Dr Lucey, the DOH are still waiting to hear from a number of the representative bodies. It was noted that an appointment could be made by Minister Daly as the caretaker Minister.	<b>Chair / OK</b>
5	<b>Chief Executive and Executive Reports</b>  <u>CE's Report</u> The CE and SM went through the report. The only query arising related to a current legal case, which OK addressed.	

	<p><u>RMT</u> SF noted that the Inspection process has progressed further than as per the report, which was prepared for the SMT, and to date all work is on target. RS noted that the re-registration project, which commenced last year has now concluded and that conditions are being attached to approved centres arising from that process. RS also confirmed, in reply to a query, that there shall be two units in St Otteran's both of which shall now be separately registered – one shall be a rehab unit and the other an old age unit.</p> <p><u>DSS</u> AF noted the discussion with MC from the DJE at the beginning of the meeting. The following additional points were made –</p> <ol style="list-style-type: none"> <li>1. Until the MHC gets the official letter from the DJE re the ICT no work is to commence. It was noted that we have everything ready and are waiting to finalise the contract and commence work once we get this letter.</li> <li>2. In relation to the presentation of the ICT contract for approval the Board shall require a summary report of the key issues for consideration – some of which were highlighted. AF/OK/SM confirmed that this would be produced.</li> </ol>	
6	<p><b>Risk Management</b></p> <p>SM noted that there are no new risks, the SMT met this month, a report shall be sent to and considered by FARC at its meeting on 6 March following which there shall be a detailed discussion on Risk at the next Commission meeting in March.</p>	
7	<p><b>Presentation re Achievements from 2019 Business Plan and Key issues from 2020 Business Plan</b></p> <p>The CE opened the discussion and noted that the Executive has erred on the side of including matters rather than excluding them as it is important for everyone to be aware of the extent of the work that is being carried out within the organisation.</p> <p>The CE referred to the summary of the work done in 2019 and noted that a lot was achieved and that some matters were not completed – but are due to be completed in the early part of the 2020 or unplanned projects took precedence.</p> <p>Furthermore, he noted that every month the Executive is required to review the status of their team's work and at the end of each quarter; a review report is done which is presented to the Executive. The full report together with a summary is provided. The CE also noted that in addition to the SMT there is now a further management group that is being developed. It is hoped that this will result in the new group taking responsibility for some of the matters in the business plan and that the Team Leads will be able to progress key projects and the Strategic Plan.</p> <p>Each of the five Division Leads individually provided a summary of achievements in 2019; work carried over from 2019 and key matters for 2020.</p> <p>Arising out of the above presentation a number of comments were made –</p> <ol style="list-style-type: none"> <li>1. Identifying the budget spend for each item in the Business Plan.</li> </ol>	

	<p>2. Confirmation of the Budget Allocation from the DOH and the impact this may have on certain projects if the full amount sought is not provided.</p> <p>3. Annual plan on reports to be written and published by the Commission, in relation to our core functions and the Strategic Plan</p>	
8	<p>Legislation Committee (RM, NK and MD) – Presentation on draft Submission in relation to Heads of Bill to amend the 2001 Act (2.00 to 4.30 pm)</p> <p>Prior to the meeting the Members were provided with a copy of the Report of the Expert Review Group (EGR) dated December 2014 together with the Heads of Bill (Heads) from the DOH marked up with the changes proposed and the rationale for same (161 pages).</p> <p>RM and OK noted that a Terms of Reference for an Executive Working Group (WG) was approved by the Commission in July 2019 on receipt of the Heads of Bill from the DOH, the full WG met five (5) times, the Chair of the WG met with individual Division Leads on specific aspects of the Heads on a number of occasions, the WG met with the Legislation Committee seven (7) times between September 2019 and February 2020 together with various communications by email on discrete matters.</p> <p>RM acknowledged the great work done by all involved but in particular the work of the two external members Professor Mary Donnelly and Teresa Blake SC.</p> <p>OK then lead on the discussion by way of a detailed presentation on each Part of the Heads of Bill - with input from RM, the Division Leads and the other members of the Committee - this presentation identified the key changes being recommended, matters over which there may not have been consensus, recommendations from the EGR that were not addressed by the DOH and highlighting areas where issues were not addressed or fully addressed in the EGR or in the Heads of Bill from the DOH.</p> <p>OK recorded all of the comments made and the changes agreed. It was agreed that the submission would be amended on this basis and that OK was to revert to the Members on any outstanding issues in the next few days.</p> <p>It was agreed that the draft Submission was approved subject to the amendments requested. The Submission is to be sent to the current Minister of Mental Health and a meeting is to be arranged with the new Minister of Mental Health when he / she is in post to ensure that the amendment of the 2001 Act is given priority and progressed by the DOH.</p> <p><b>Decision 3 of 2020 – Approved By All the Members present.</b></p>	
<b>DAY 2 9.30 to 12.30</b>		
9	<p>Strategic Update by the CE – 9.30 -11.45 (David Williams Senior Communication Manager joined for part of this session)</p> <p>The CE made a presentation to the Members on the progress of the Strategic Plan, he reviewed again the five (5) Strategic Objectives and the work done in 2019 together with the focus of the work for 2020.</p> <p>The CE noted that some of the Challenges include the following -</p> <ul style="list-style-type: none"> <li>▪ Expansion of Remit</li> </ul>	

	<ul style="list-style-type: none"> <li>▪ Recruitment and retention of skilled staff</li> <li>▪ Ageing ICT infrastructure</li> <li>▪ Engaging with the Departments while maintaining independence</li> <li>▪ The rapidly changing External World</li> </ul> <p>The CE highlighted some of the Goals for 2020 –</p> <ul style="list-style-type: none"> <li>▪ Engagement with stakeholders (in particular services users) through regular and timely release of all reports to ensure increased knowledge of, and confidence in, the work of the MHC</li> <li>▪ Increased interaction with key media and other stakeholders to promote understanding and appropriate resourcing of DSS</li> <li>▪ Launch the DSS website</li> <li>▪ Development and launch of new MHC website</li> <li>▪ Development of internal and external communications plan</li> </ul> <p>There then followed a discussion on the above. The Chair concluded the discussion noting that a lot of very good work is being done and needs to continue. The MHC needs to focus on its regulatory work and the progress of the DSS. At times, we have to make statements that are not popular with some of our stakeholders but at all times we have to remember the end users and our obligations to them.</p>	
10	Private Members Session – to include review of Strategic Plan and Annual Internal Self-Assessment – 12.00 to 12.30	
	<b>Next Meeting – 19.3.2020</b>	

<b>ACTION LOG</b>			
No	Action	Person Responsible	Status
1	Follow up with DOH re appointment of Member	OK	
2	Actions 1 to 5 for meeting with DJE	AF	
3	Consideration by Executive of comments re Business Plan and reporting for next meeting	CE	
4	Finalise Submission on Heads of Bill to go to the DOH	OK	

**Dated: 16.4.2020**

**Signed:  
By the Chair**

