

Mental Health Commission Meeting
Minutes of Meeting held on 30 January 2020
Held at Waterloo Exchange, Waterloo Road, Dublin 4
10.30am - 2.00pm

Commission Members	Initials
John Saunders	JS
Rowena Mulcahy	RM
Michael Drumm	MD
Tomas Murphy	TM
Nicola Byrne	NB
Ned Kelly	NK
Patrick Lynch	PL
Margo Wrigley	MW
Xavier Flanagan	XF

Apologies	Initials
Aaron Galbraith	AG
Colette Nolan	CN

Executive in Attendance	Initials
John Farrelly, Chief Executive	JF
Orla Keane, Secretary to the Commission, Head of Legal / Division Lead for MHT	OK
Rosemary Smyth, Director of Standards and Quality Division	RS
Simon Murtagh, Chief Operations Officer	SM
Áine Flynn, Director DSS	AF
James Skelly, Paralegal	JMS
Siobhan Bigley, Communications Manager	SB

No.	Matter	Action Required By
1	Private Session of the Commission Members	
2	Declarations of Interests - signed and returned.	OK
3	<p>It was noted that an observer from the IPA would be present at the meeting for the purposes of the External Review of the Commission.</p> <p>The Minutes of the Meeting held 19 December 2019 were agreed subject to minor amendment.</p> <p>Decision 1 of 2020.</p> <p>MD proposed approval of the minutes and XF seconded same.</p>	OK

	It was noted that the matters arising from the last meeting would be addressed during the meeting.	
4	<p>Chairman’s Business</p> <p>The Chair welcomed Jack Nagle to the Commission. The Chair also noted that the Minister is processing the request to fill the most recent vacancy but the timeline for this is not known.</p> <p>The Chair reminded the Members of the requirement to review and complete their annual Ethics Statement as required 2019. Some queries were raised in relation to this, which were answered by OK.</p> <p>The Chair welcomed the representative from the IPA who was sitting on the meeting as part of the process for the External Review of the Commission as required by the 2016 Code.</p> <p>The Chair note that a draft Agenda had been prepared for the two day meeting in February, which was circulated to the Members during the meeting. The Chair asked the Members to review the draft and revert to him if they had any suggestions to make in relation to the Agenda. JF noted that the Communications team would issue an email in due course in relation to the Town Hall event.</p>	Chair / CE / OK
5	<p>Chief Executive and Executive Reports</p> <p><u>CE’s Report</u></p> <p>The CE informed the Members that a subcommittee of the SMT has been established to address the ICT risks and an external person with IT experience shall also sit on the subcommittee. The CE noted that he is chairing the subcommittee, which shall meet weekly at the outset. The committee’s first step is to produce a project document with a plan for addressing the risks. It was noted that the resolution of this risk is mandated by the requirement to have a stable hosting environment for the CIS and for the commencement of the DSS. The CE noted that he has asked an external provider to provide a preliminary report on the various issues within a fixed period of time. The CE added that the resources needed to address the risks will require investment and this will have to be reviewed in light of the final Budget approved by the DOH.</p> <p>PL then sought to address the issue of the draft AFS and its approval by the Commission before the C&AG audit commences in March. PL reminded the Members that the C&AG audits had been done very late every year save for last year further to a request from the FARC. In order to facilitate the early date of the 2019 Audit, a number of items require to be done. PL outlined these to the Members with his recommendation in relation to the process. It was agreed to proceed with PL’s recommendation subject to changing the date / time of the exceptional Commission meeting to approve the draft AFS. It was agreed that OK would organise the exceptional meeting and SM would provide her with the relevant documentation.</p> <p><u>DSS</u></p> <p>AF informed the Members that the MHC has identified a preferred ICT provider for the DSS. AF also noted that the MHC has not heard back from the DJE in relation to the approval of the ICT project and its funding. The DJE did state at the recent IDSG meeting (27 January) that</p>	CE/SM OK / SM

the MHC should hear from the DJE this week in a way that would allow us to move forward with the ICT project.

AF then referred to the recent IDSG meeting. She noted that while there were a number of positives to take from the meeting the key issues relating to funding, the ICT project and governance have not yet been fully addressed.

There was then a general discussion in relation to the current position - reference was made to the recent media reports on the progress of the DSS and reference was also made to the recent legal challenges to the Wardship system, which may focus attention on the inadequacies of the current system.

Reference was also made to the impact the delayed commencement is having generally - on the wider public as well as the DSS team within the MHC. It was agreed that there is a potential loss of momentum.

It was agreed that there are a number of external obstacles to the DSS project and also that the DSS is only part of the 2015 Act. There is a lot for other parties to do in preparation for the 2015 Act and the DSS must operate within its remit and cannot be held responsible for the readiness of other parties. AF emphasised that her team are progressing the project as far as possible subject to the external dependencies.

It was agreed that once the new government is formed, that the Commission shall need to meet the new Minister as soon as possible.

SB gave an update on the current status of the development of the DSS and MHC websites. SB noted that the DSS's website is progressing, the design has been signed off on and the site is due to go live in Mid-February. SB further noted that work on the MHC website will commence later this year.

Human Resources

JF noted that a HR Strategy is to be developed and will be provided to the Members later in the year. Staffing levels were then discussed; reference was made to the staff turnover and reasons for same. DSS staffing and the integration of the DSS were also discussed.

Legal

OK noted that due to the dissolution of the Dáil Éireann there was no legislative update. However, OK did note that it is hoped to progress work on the amendments to the 2015 Act.

OK informed the members of a meeting with the Law Reform Commission (LRC) attended by OK and AF. The LRC are hoping to produce a report on the different adjudicative bodies and the stream lining of the processes used by certain bodies.

Mental Health Tribunals

OK outlined that a new Policy and Procedure for the Annual Checks for legal representatives was issued on 2 September 2019. OK noted that Stage 1 was completed without much difficulty. However, there was a number of issues in relation to the Stage 2, which she outlined to the Members. OK noted that the MHC are seeking a meeting with the Law Society and shall be reviewing the terms & conditions for legal representatives, which was part of the Business Plan for 2020 in any event. OK noted that Stage 3 of the process is commencing and shall report back when same has been completed.

	<p>The Members raised a number of queries in relation to the engagement of legal representatives, to include issues regarding quality assurance, which OK addressed.</p> <p>In reply to a query from a Member on the issues arising from the MHT audits, OK noted that there is a trend of orders being revoked on the day of their tribunal and in a number of cases less than hour before the tribunal. OK noted that the findings would be provided to the Members later this year, some of which shall be included in the Annual Report.</p> <p><u>RMT</u> This report was read only</p>	
6	<p>Risk Management</p> <p>SM reported that at the February Risk meeting the SMT will go through the Risk Register and update it for the March FARC meeting. SM noted that there were not significant issues in the last month save for those relating to ICT, which the CE has addressed.</p>	SM
7	<p>Stakeholder Initiative –</p> <p>Presentation by SpunOut.ie followed by a Q&A session with the Members and the presenters. The Members issued their sincere thanks to SpunOut.ie for an excellent presentation.</p>	
8	<p>Committee Updates</p> <ol style="list-style-type: none"> 1. FARC – Draft AFS, which was addressed above as part of the CE’s report. 2. Legislation Committee – <p>RM provided the Members with a short update. She noted that the Working Group and the Legislation Committee had a series of meetings since August 2019 with the most recent meeting on 7 January 2020. It was agreed that it would be prudent to have a further meeting of the Legislation Committee. This has been scheduled for 7 February 2020. The purpose of the meeting is to review the Heads of Bill as one document, ensure compatibility between sections and to address some outstanding issues on certain key sections of the Heads of Bill.</p> <p>It was agreed that a hard copy of the Heads of Bill will be circulated to each of the Members in advance of the February Commission meeting accompanied by an Executive Summary.</p> <ol style="list-style-type: none"> 3. Quality Improvement Group - <p>MW and RS gave a presentation on the “Acute Mental Health Beds Discussion Paper”. The Members were reminded that the Commission has raised concerns regarding the adequacy and availability of acute mental health beds for adults in Ireland; reports of overcrowding in acute units, individuals unable to access acute mental health beds in Ireland and concerns for safety and wellbeing of individuals when placed on unsuitable or inadequate wards. The questions that needed to be asked were - <i>What is a safe minimum number of acute mental health beds, and has this level been reached, If ‘enough’ acute mental health beds are available to meet the minimum requirements mandated by AVFC, Are there other factors which hinder individuals’ access to safe, timely and appropriate acute mental health beds?</i></p>	<p>OK</p> <p>OK</p>

<p>The key findings were as follows –</p> <ol style="list-style-type: none"> 1. Comparing current provision with the range of continuum of care resources recommended by AVFC reveals an almost total absence of crisis houses, intensive care high support hostels, rehabilitation high support hostels and specialist rehabilitation units. 2. The consequent protracted placement of individuals experiencing mental illness in acute mental health units is likely to have a significant influence on access to acute mental health beds in Ireland. 3. Based on the available data, no one CHO region is meeting the recommended number of dedicated older-age adult acute mental health beds with 18 of the 28 mental health services having none (64%). 4. When adjusted for population, Ireland demonstrates comparable levels of acute bed provision to Northern Ireland and Australia, but substantially fewer acute mental health beds than England, Wales and Scotland. 5. Only nine of the 28 acute units were operating within the less than 85% safe level of occupancy. One quarter of the 28 units had true bed occupancy levels equal to or over 100%. 6. On census day, 12.8% of people (116 individuals) had spent six months or longer in an acute mental health bed. 61% of people remaining in acute beds had a diagnosis of schizophrenia. <p>The Members complemented the QIG on the paper. A few suggestions were made in relation to the paper, which were agreed.</p> <p>There was then a discussion on how to effectively use the findings from the paper to ensure change. The CE agreed to progress this, taking into account the proposals that the paper should be sent to the DOH, the HSE and Sláintecare and published on the MHC website.</p>
<p>Next Meeting – 20/02/2020 to 21/02/2020</p>

ACTION LOG			
No	Action	Person Responsible	Status
1	Organise exceptional Commission Meeting and circulate relevant papers in advance	OK /SM	In progress
2	Circulate hard copies of the Heads of Bill & related material	OK	Done
3	Publication of the Acute Mental Health Beds Paper	CE/ Comms Team	In progress

Dated:

**Signed:
By the Chair**