

Mental Health Commission Meeting
Minutes of Meeting held on 21 November 2019
Held at Waterloo Exchange, Waterloo Road, Dublin 4
10.30am - 12.20pm

Commission Members	Initials
John Saunders, Chairperson	JS
Rowena Mulcahy	RM
Michael Drumm	MD
Thomas Murphy	TM
Nicola Byrne	NB
Ned Kelly	NK
Colette Nolan	CN
Margo Wrigley	MW
Xavier Flanagan	XF

Apologies	Initials
Aaron Galbraith	AG
Patrick Lynch	PL

Executive in Attendance	Initials
John Farrelly, Chief Executive	JF
Orla Keane, Secretary to the Commission, Head of Legal / Division Lead for MHT	OK
Simon Murtagh, Chief Operations Officer	SM
Áine Flynn, Director DSS	AF
James Skelly, Paralegal	JMS

No.	Matter	Action Required By
1	Declarations of Interests - signed and returned.	
2	The Minutes of the Meeting on 17 October 2019 were approved, subject to certain agreed amendments. NK proposed and XF seconded the decision. Decision 32 of 2019 Matters Arising: All matters are in progress.	
3	Stakeholder Initiative The Chair explained that the Members are being asked to put forward proposals so that a plan for 2020 may be drafted and agreed at the December meeting.	

5	<p>Chief Executive and Executive Reports</p> <p><u>CE's Report</u></p> <p>The Main issue noted related to the shortfall in funding for the Mental Health Tribunals (MHT) in 2019. SM noted that there was approximately €875,000 in funding left to be drawn down but €1.3m was required. SM also noted that deferring payments to next year would further escalate the problem for 2020. The CE noted that the shortfall has been highlighted to the DOH repeatedly since the beginning of the year. SM confirmed that the issue has now crystallised. OK outlined the possible consequences (including legal consequences) of not receiving the funding.</p> <p>It was further noted that while some savings had been made in the MHT Division, the funding requirement for the rest of the organisation is already very lean so there is no room to make savings.</p> <p>The Members examined the matter in detail and considered what could be done. It was agreed that the MHC needs to highlight clearly the reason for the increase in funding requirements – legislative amendments and increased admissions - and if the MHC does not receive a commitment from the DOH by close of business next Monday a letter will be sent to the Minister by the Chair.</p> <p>In relation to the September Management Accounts, SM confirmed that everything was progressing as expected except for the matter of MHT funding above.</p> <p><u>DSS</u></p> <p>AF noted that a lot of great work was done on the ICT request for tender, which she wanted to note for the record. AF also noted the completion of the evaluation process.</p> <p>AF informed the Members that the MHC was due to meet with the Department of Justice & Equality (DJE) later in the day in relation to obtaining approval for the funding for the ICT project. In that regard, she noted that both the DSS Project Board and the Oversight & Assurance Group have confirmed that all relevant steps required were taken to include those to address the issues raised by the DJE ICT Governance Group.</p> <p>AF noted that there had not been an IDSG meeting since August and that there has been very limited engagement on other matters. NB noted the number of matters on the DSS Project Register which are now "black". The CE and AF noted that the MHC has written to the DJE but is waiting to hear back. AF also noted the work that is being done but that some major issues are dependent on the DJE. The CE noted that a major communications exercise must occur in 2020 to educate the public on this service.</p> <p>It was agreed, that the request for a meeting with Minister Flanagan needs to be actively pursued.</p> <p><u>Legal</u></p> <p>OK noted the following issues –</p> <p>The MHC have not had a substantive update from the DJE since January on the changes required to 2015 Act.</p>	
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	<p>It is expected that the Patient Safety Bill will be published before the next meeting and Rosemary Smyth has been in contact with the DOH regarding this legislation.</p> <p>Reference was made to the Memo on the Criminal Justice Act, the content of which Members should be aware of.</p> <p>Reference was also made to the Public Sector Duty of Care. OK referred to the Memo circulated last November and the requirement that the MHC carry out an assessment and put a plan in place. She noted that a mini sub group has been set up to address this requirement and a report would be provided to the Members in the new year.</p>	
6	<p>Risk Management</p> <p>SM noted that there were no new issues of note since the last meeting, with the exception of the funding issue above. SM confirmed that the SMT had its Q4 Risk meeting and has reviewed and amended the Risk Register, which shall be presented to the FARC on 29.11.19. In reply to a question, it was confirmed that the DSS and all of its associated risk appear on the Risk Register.</p>	
7	<p>Committee Updates</p> <p>Legislation Committee – RM addressed the Members on the ongoing work in relation to the Heads of Bill to amend the 2001 Act. She noted that there had been a change to the Committee’s schedule; Part 5 would not now be reviewed until December 2019 / January 2020 due to the work commitments of the Regulatory Team. It is expected that all of the Parts shall be reviewed by January – save for the new Part relating to children – and a draft submission presented to the Commission Members at its January meeting. It was noted that while some sections within various Parts of the Heads of Bill have been redrafted, this has not been done everywhere due to time constraints and the fact that the Department shall have to reconsider certain aspects of the Heads of Bill. RM noted that the MHC is open to reviewing certain sections with the Department at a later stage if so required.</p> <p>RM noted that we have received no updates from the DJE in relation to the 2015 Act and that the Executive shall follow up with the DJE as to the status.</p> <p>Quality Improvement – MW noted that the draft report, which was to be presented to the meeting, has been slightly delayed and will be presented at the January meeting.</p>	
8	<p>AOB</p> <p>The CE provided the Members with a summary of recent attendance at the Oireachtas Committee on Health with Rosemary Smyth and Susan Finnerty.</p> <p>Next Meeting – 19 December 2019 at 10.30 am</p>	

ACTION LOG			
No.	Action	Person Responsible	Status

1.	OK to circulate TOR for Stakeholder Initiative to the Members.	OK	Done
2.	OK to follow up for the Chair in relation to the appointment of the new Commission members following the recent resignations.	OK	In Progress
3.	MHT Funding - Letter to be sent to Minister Daly.	OK/SM	Done
4.	Seek meeting with Minister Flanagan re the implementing the DSS.	AF /CE	In Progress

Dated: 19/10/19

Signed: 

By the Chair