

**Mental Health Commission Meeting**  
**Minutes of Meeting held on 17 October 2019**  
**Held at Waterloo Exchange, Waterloo Road, Dublin 4**  
**11.00am - 2.00pm**

| <b>Commission Members</b> | <b>Initials</b> |
|---------------------------|-----------------|
| John Saunders             | JS              |
| Rowena Mulcahy            | RM              |
| Patrick Lynch             | PL              |
| Michael Drumm             | MD              |
| Thomas Murphy             | TM              |
| Nicola Byrne              | NB              |
| Ned Kelly                 | NK              |
| Colette Nolan             | CN              |
| Margo Wrigley             | MW              |
| Xavier Flanagan           | XF              |

| <b>Apologies</b> | <b>Initials</b> |
|------------------|-----------------|
| Aaron Galbraith  | AG              |
| Jim Lucey        | JL              |

| <b>Executive in Attendance</b>   | <b>Initials</b> |
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| 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              |
| Rosemary Smyth, Director Standards & Quality Assurance                         | RS              |
| James Skelly, Paralegal  | JMS             |

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|   | The Commission Members had a private session.   |
| 1 | <b>Declarations of Interests</b> - signed and returned.   |
| 2 | The Minutes of the Meeting on 19 September 2019 were agreed.<br>NB proposed and MD seconded the decision.<br><b>Decision 28 of 2019</b><br><br>Matters Arising:-<br>1. Approval of Customer Charter and sign off of Corporate Governance Manual (approved at June meeting)<br>NB proposed and MD seconded the decision.<br><b>Decision 29 of 2019</b> |

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|  | <p>2. Formal approval of Teresa Blake SC to the MHC Legislation Committee (which had been approved by the Members by way of email in August 2019)<br/>RM proposed and MD seconded the decision.<br/><b>Decision 30 of 2019</b></p>   |
| 3  | <p><b>Stakeholder Initiative</b><br/>No issues for this meeting.</p>   |
| <p><b>Minister Daly together with Colm Desmond, Assistant Secretary General and David Maguire Principal Officer attended the Commission meeting.</b></p> <p>The Minister visited with staff of the Commission and then met with the Commission Members.</p> <p>The matters discussed at that meeting were –</p> <ol style="list-style-type: none"> <li>1. Funding – an increase shall be required in 2019 and for the future for MHTs and for the Regulatory function in order for the MHC to carry out all of its functions (to include the preparation of dedicated reports).</li> <li>2. Legislation – the MHC welcomes the Heads of Bill, but notes there is a lot of work to be done on them and in the interim we would propose the Approved Centre Regulations should be updated. This work could be done in parallel to the Heads of Bill.</li> <li>3. Governance of HSE approved centres – in particular the issue of sending patients to be treated in services out of the area.</li> </ol> <p>It was agreed to send a letter to Minister Daly thanking him for his attendance at the meeting and noting the issues discussed.</p> |  |
| 4  | <p><b>Chairman's Business</b></p> <p>This was dealt with as part of the Members' private session and the following was noted -</p> <ol style="list-style-type: none"> <li>1. The Members had agreed that the Commission meetings would now commence at 10.30 am.</li> <li>2. It was noted that while there was no reply from Minister Flanagan to the Commission correspondence on the DSS, there has been on going communication with his officials and the MHC Executive.</li> </ol>   |
| 5  | <p><b>Chief Executive and Executive Reports</b></p> <p><u>CE's Report</u></p> <p>JF noted that the vast majority of items on the Business Plan were on track. He also noted that work was on going with the Regulatory team in relation to revising the process and timeline for the production of Inspection reports.</p> <p>The Position paper in relation to the DSS was discussed as part of the CE's Report. JF noted that despite detailed communications with the DJE and the submission of a draft Budget with supporting documentation in June 2019 the DSS was only allocated €3.5m. AF noted that this was approximately a third of what was requested (operational and capital funding). JF added that because of a lack of funding the DSS will not now be a public facing service for at least two years and the Commission will have to</p> |

publish its position on the implementation of DSS. JF also noted that implementation of the DSS cannot be done in a piecemeal fashion.

The Members expressed their general disappointment with the allocation. It was noted that on the basis of the funding and a number of other external matters that have not been progressed the DSS will not now be operational by Q4 2020. It was agreed that the Commission could not commit to a new implementation date until it has clarity on when certain external dependencies will be addressed.

In relation to the position paper, which is to be sent to the DJE and DOH, it was agreed that a number of amendments would be made to the paper. It was highlighted that the issue is not just about funding but about the lack of progress in relation to the amendments to the 2015 Act (of which there are certain key amendments which will impact on the DSS processes). On the issue of funding, it was noted that while the position paper needs to address that the MHC is not happy with the level of funding being provided it also needs to address why the MHC did not spend all of its funds in 2018 or 2019. JF noted that the reasons have been outlined to the DJE and principally relate to the fact that certain work cannot be done without a number of the external dependencies being addressed and that spending any money on ICT, without a clear commitment on the overall funding would be an imprudent use of public funds.

JS noted that the Commission Members needed to sign off on the position paper and thereafter make a public statement on the position paper. The proposal is that the Commission's position on the DSS's implementation needs to be finalised and that the targeted implementation date cannot now be met.

TM proposed and MW approved the decision.

#### **Decision 31 of 2019**

It was also agreed that an invitation would be extended to Minister Flanagan to attend a forthcoming Commission meeting.

#### DSS

In addition to the above, AF noted that the DSS are revisiting the project plan to see what work can now be done in accordance with the allocation and the current status of the external dependencies. She also noted that the Comms work is ongoing.

#### Corporate Operations

CIS Report: PL noted that a report on the CIS project was sought at the FARC meeting due to a number of issues. SM provided the Members with a brief summary based on the report provided and addressed the queries raised. The Members noted that they were satisfied with the response of the Executive and that they should be kept updated of events until the Project is completed in March / April 2020.

Monthly management accounts: The DSS under spend was noted, the reasons for which had been referred to earlier in the meeting. PL raised the overspend on agency costs and the under spend on wages and requested further clarity on these variances, which were provided to the satisfaction of the members.

#### MHT Report

In reply to a question, OK noted that the issue of the legal aid scheme is with the DOH. The MHC and the DOH met on 16 August following which certain extracts from our external legal advice were provided to the DOH and the matter is now with their legal advisor. The DOH has noted that it is not a priority for

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|   | their legal team due to issues with Brexit. In relation to the funding while the DOH has not provided the MHC with any assurances they have noted that the amount involved should not present any issues.  |
| 6 | <p><b>Risk Management</b></p> <p>SM noted that there were no issues of note since the last meeting. In reply to a question, it was confirmed that the DSS issue had been placed on the risk register.</p>  |
| 7 | <p><b>Committee Updates</b></p> <p>Legislation Committee – RM addressed the Members on the work being done in relation to the Heads of Bill to amend the 2001 Act. She noted that the Heads as received from the DOH were not as advanced as we would have hoped and that a lot of work is required in relation to each Part. She noted for example that considerable time had been spent on Part 1 – the definitions sections – as it was critical to get these correct as they are the foundation of the Act. RM and OK noted that the MHC had written to the DOH in relation to certain issues and that members of the MHC have met with the DOH about these matters. There was general agreement that contributing to the revised Act was an opportunity for the Commission to guide mental health legislation for the benefit of all stakeholders, in particular service users. It was noted that while every effort would be made to furnish the MHC’s submission on the draft Heads of Bills to the DOH by the end of January 2020 that may mean that there are certain matters which may have to be deferred beyond that date for example review of the new Part relating to Children which was only received at the end of August. It was also noted that dedicated time would need to be set aside at the two day Commission meeting in January to sign off on the submission to the DOH.</p> <p>Working Group – MW noted that the WG met that morning and that a draft report on “Access to acute mental health beds in Ireland” will be sent to the SMT and then brought to the Commission in January for review and approval.</p> |
| 8 | <p><b>AOB</b></p> <p><b>Next Meeting – 21 November 2019 at 10.30</b></p>   |

| <b>ACTION LOG</b> |   |                    |          |
|-------------------|---|--------------------|----------|
| No                | Action  | Person Responsible | Status   |
| 1                 | Letter to Minister Daly                                   | JS                 | Complete |
| 2                 | Finalise Position Paper on DSS and issue public statement | JF /AF             | On Hold  |
| 3                 | Letter to Minister Flanagan                               | JS                 | Complete |

Dated:

19/12/17

Signed:



By the Chair