

Mental Health Commission Meeting¹
Minutes of Meeting held on 13 December 2018 at 10.30am
Held at Waterloo Exchange, Waterloo Road, Dublin 4

| Commission Members | Initials |
|---------------------------|-----------------|
| John Saunders | JS |
| Patrick Lynch | PL |
| Michael Drumm | MD |
| Niamh Cahill | NC |
| Xavier Flanagan | XL |
| Rowena Mulcahy | RM |
| Nicola Byrne | NB |
| Margo Wrigley | MW |

| Apologies | Initials |
|------------------|-----------------|
| Ned Kelly | NK |
| Colette Nolan | CN |
| Aaron Galbraith | AG |
| Jim Lucey | JL |

| Executive in Attendance | Initials |
|---|-----------------|
| John Farrelly, CE | JF |
| Susan Finnerty, Inspector | SF |
| Rosemary Smyth, Director Standards and Quality Assurance | RS |
| Orla Keane, Secretary to the Commission, Head of Legal Services / Division Lead for MHT | OK |
| Aine Flynn, Director DSS | AF |
| Claudia Carr, Bearing Point | CC |
| Frank Meldon, Senior ICT Manager | FM |

| Agenda Item No | |
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| | <p>Strategic Plan</p> <p>From 10.30 to 11.10, the Members and the SMT met to finalise the Strategic Plan (SP). The SP was agreed subject to the following –</p> <ol style="list-style-type: none"> 1. Cover Sheet would be amended to include comments from the Members. 2. The Introduction would be amended to include NC's comments. 3. Strategic Objective 3 would be reviewed again in relation to the issue of public awareness. 4. Strategic Objective 4 would be amended to include references to openness and transparency. 5. The text underneath each of Strategic Objective 4 and 5 would be reversed. <p>It was noted that further work would need to be done on the design and formatting.</p> |

¹ DJE =Department of Justice, DOH = Department of Health. IDSG for the DSS = Inter Departmental Steering Group for the DSS

In relation to the launch of the SP it was agreed –

1. The SP would be launched in Dublin in Quarter 1 2019 and include a series of town hall meetings in Cork, Galway and/or Sligo.
2. A defined Communications Plan would be prepared.
3. All stakeholders would be contacted in relation to the SP and its launch.

The draft Business Plan for the MHC was not presented but will be presented at the January meeting.

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| 1 | Declarations of Interests - Signed and Returned to the Secretary. |
| 2 | The Minutes of the Meeting on 15.11.18 were agreed subject to certain amendments. PL proposed approval of the Minutes and NB seconded same Decision 58 of 2018 |
| 3 | Chair's Business <ol style="list-style-type: none">1. Meetings Dates for 2019 – These were circulated and agreed subject to there being no meeting in August.2. Two day meeting in January – It was noted that this would take place on 16/17 January. The Agenda has to be confirmed; the details shall be circulated as soon as possible.3. Commission Member Vacancy – No update on same. It was noted that all Commission Members in the future should be appointed via PAS and that the Chair would write to the Minister about same.4. Board Self-Assessment – It was agreed that this should be completed and returned to OK by cob on 4.1.19. A table collating the findings would be prepared and discussed by the Board at its meeting in January.5. Additional Item - Letter from HSE OTs re MHS; SF is dealing with this. |
| 4 | Executive Reports <u>CE's Report</u> JF referred to his report. He briefly referred to HR and noted the stat which the HR Manager had provided for 2018. NC requested an organisational chart be provided to the Members. JF also referred to the fact that HR could benefit from some shared services with other agencies and that we are looking into same. JS noted that the C&AG were going to commence their audit in May 2019 for 2018 and asked was this going to be subcontracted out. OK confirmed it was. JF had FM present an update on ICT to Members which included overall ICT Strategy and a proposed roadmap. (It was noted that FM would be leaving the following week so the post would be vacant again.) There was also a discussion on moving to the Cloud (Government provider –v- a Private provider). It was noted that the MHT team would be moving to the cloud for one of its services at the end of January 2019. JF noted in relation to the Budget for 2019 that all of the SMT were reviewing the expenditure of their team as against the draft Business Plan. There would be a meeting in early January to finalise same for presentation to the Commission at its January meeting. JF noted that he had requested an external person, Tom O'Regan from DPER, to sit on the Project Board for the CIS in an advisory capacity. |

In relation to the matters for Decision, OK noted –

1. Bank Mandates – these were agreed subject to one amendment. MD proposed approval and XF seconded same.
Decision 59 of 2018
2. Financial Statements for 2017 – It was noted that very few queries were raised and they were all of a minor nature. XF proposed approval and NB seconded same.
Decision 60 of 2018
3. Quarterly Accounts – A query was raised on same and further to discussion it was agreed that they should be deferred to the January meeting for review and approval.

Director of the Decision Support Service

AF made a presentation to the Board (it was noted that the slides in their pack had been updated and would be provided after the meeting). AF noted that the slides were accompanied by two more detailed papers.

AF also noted that the new date for the DSS commencement is Quarter 4 2020 based on the budget for 2018. This shall be communicated to the relevant parties. JF noted that if the Departments want it to happen sooner, then further funding will have to be provided in 2019. JF also noted that a fully costed plan for the next five years has been prepared (a summary of which is in the slides provided) and it will be copied to the Departments further to the IDSG meeting next week.

AF brought the Members through the slides and in particular the proposed new Oversight and Assurance Group (O&AG), which would include external persons who would be there in an advisory and not a decision making capacity. Terms of Reference would be produced for that group by AF and JF. AF explained the new structure to which the Members had some queries. The Members noted that while the Director does have certain statutory obligations under the 2015 Act, she reports to the CE who in turn is responsible to and reports to the Commission. They requested that this be made clear in the documentation.

AF also referred to the Bios of the members of the Oversight and Assurance Group. There was a discussion on the membership of the Group; it was noted that the group has a service user, governance, ICT, staff resource and customer services representative on it. It was queried whether further service groups should be represented or not. JF said they would consider this.

After detailed discussion the proposal as presented was agreed and the following was noted –

1. The CE is responsible to the Board for the project.
2. The O&AG would be reviewed in terms of an additional member for services users.
3. The Costs Group, which the CE will sit on, shall report to the SMT and to the Commission.
4. The O&AG, which the CE shall chair, shall report to the SMT and to the Commission (and not to the Commission directly).
5. The O&AG and the Costs Group are there to support the CE in his role.
6. A plan of action in relation to all stakeholders shall be put in place (i.e. HSE, private services, GPs, solicitors, accountants bank etc.) so everyone will be ready when the DSS becomes operational. AF noted that she has started work on the Communications Plan but a lot more work needs to be done.
7. The Project Manager will transition from Bearing Point to a MHC person over the next 12 months.
8. It was confirmed that the Proposal has been aligned to the SP and the Business Plan for the DSS for 2019.
9. A Sub Committee of the Board may be required in relation to the DSS.

Inspector of Mental Health Services (Inspector) (Read only)

Report of the Director of Standards and Quality Assurance (S&QA) (Read Only)

Mental Health Tribunals (MHT)

OK noted that audit work was done during 2018 on compliance by Panel Members on various issues. She noted that the issuing of Notices on SMC (the secure messaging system) and subsequent audits seems to have worked in terms of addressing any issues of non-compliance. There was a short discussion by some of the members in relation to this issue. OK noted that they would be carrying out similar audits in relation to the Approved Centres in 2019.

Legal

OK noted the following –

1. IF case – Case before the Supreme Court this morning for directions. A date might be fixed for before Easter.
2. PM case – JR against a decision of an MHT withdrawn by patient after the case was heard and before decision was delivered.
3. Possible Prosecution – OK noted that a summons might be issued against an Approved Centre before the end of December. She said that details will be provided to the Members as soon as is appropriate.

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Risk Management

PL referred to the updated Risk Register and Risk summary report. He noted that there would be a review of the Risk process in the New Year given that the new process is in place for over 12 months. The update will be brought to the ARC in March and, he as Chair will then update, with any comments from the ARC, the Commission meeting in March.

PL noted that the risks relating to the DSS have been revised further to comment from the ARC but they shall need to be reviewed again in the New Year in light of the proposals referred to earlier in the meeting.

PL also requested and it was agreed that Risk be dealt with as the first item at the March meeting so there can be a full review of the Risk Register.

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Committees (dealt with before the Risk at the meeting)

Audit and Risk Committee (ARC) – PL referred to his report to the Chair and noted the following –

1. GDPR Audit – The ARC were satisfied with the outcome of same and that the various recommendations have been incorporated in the overall GDPR plan.
2. CIS – The ARC requested a report on this for their next meeting.
3. 2019 Audits – The ARC have confirmed these save for one which the CE is to discuss with Deloitte in relation to the overall Regulatory Process.
4. Finance Policies – PL said the ARC wanted clarity on what Policies should come to them for review and recommendation to the Commission. OK noted that this was in hand and a note would be produced for both the ARC and Commission.
5. Internal Audit Charter – PL noted that there had been a discrepancy in it which has now been addressed. This was formally put to the Members for approval.

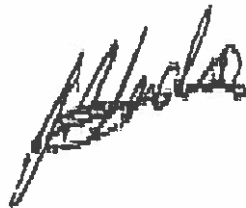
RM proposed approval of the document and MD seconded same

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| | <p>Decision 61 of 2018</p> <p>Legislation Committee – There was no scheduled meeting of the Committee since the last Commission meeting.</p> <p>Quality Improvement Group – MW noted that there was no update as the Group did not get a chance to meet in December. Further to a query from JF, JS noted that this Group was not a formal group required by the 2016 Code or the MHC's Code of Governance. It is an ad hoc group established further to a discussion by the Commission members at its two day meeting in January 2018. JF noted that as the MHC was a not a healthcare provider but a regulator would it be more appropriate to have a Regulatory Committee to which the Quality Improvement Group could be incorporated. The Members agreed that this would seem appropriate and that there should be a discussion on same at the January meeting.</p> |
| | Next Meeting on 17 January 2019. |

| ACTION LOG | | | |
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| No | Action | Person Responsible | Status |
| 1 | SP to be finalised. Final version to be circulated to the Members and full plan re launch to be presented at January meeting. | Executive | In progress |
| 2 | Details of January meeting to be confirmed asap. | Chair / CE | In progress |
| 3 | CE to liaise with DOH re appointment of future Commission Members via PAS. | CE | To be done |
| 4 | Members Self-Assessment to be completed and results presented to the January meeting. | Members / OK | 4.1.19 |
| 5 | Organisational Chart to be provided to the Members. | CE / HR | To be done |
| 6 | Draft Business Plan and revised Draft Budget to be presented for comment and approval at the January meeting. | Executive / Crowleys | 11.1.19 |
| 7 | DSS Proposal – point outlined above to be addressed. | CE / AF / BP | In progress |
| 8 | Proposal re new Regulatory Committee for MHC. | JF | 11.1.19 |

Dated: 17 January 2019

Signed:



By the Chair : John Saunders