

**Mental Health Commission Meeting**  
**Minutes of Meeting held on 21 February 2019**  
**Held at The Royal Irish Academy, Dawson Street, Dublin.**

<b>Commission Members</b>	<b>Initials</b>
John Saunders	JS
Patrick Lynch	PL
Michael Drumm	MD
Niamh Cahill	NC
Aaron Galbraith	AG
Rowena Mulcahy	RM
Nicola Byrne	NB
Jim Lucey	JL
Ned Kelly	NK
Colette Nolan	CN
Tomas Murphy	TM

<b>Apologies</b>	<b>Initials</b>
Xavier Flanagan	XF
Margo Wrigley	MW

<b>Executive in Attendance</b>	<b>Initials</b>
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
Michael Maxwell, Finance Manager	MM
Blathnaid O'Shea, Paralegal	BOS

	<b>12:30-15:00</b>
1	Declarations of Interests - Signed and Returned to the Secretary.
2	The Minutes of the Meeting on 16/17 January 2019 were agreed subject to certain minor amendments. NB proposed approval of the Minutes and RM seconded same <b>Decision 2 of 2019</b>
3	<b>Chair's Business</b>  1. The Chair introduced and welcomed Tomas Murphy, the newest Commission Member. 2. Strategy Plan Launch – The Chair discussed the launch of the MHC Strategy Plan 2019-2022. It was agreed that the launch was a success and there was a good turnout. It was further agreed that an effort should be made at the next two launches in Cork and Galway to include members

of the public/service users and that provision should be made for those attending to ask questions from the floor.

3. MHT Panel Member Information Sessions – The Chair noted that there are three information sessions being held in Dublin, Cork and Athlone, and confirmed that he would be attending two of these. He encouraged other Commission Members to do so as well. OK will distribute the list of information sessions for information.
4. New Format for Commission Papers – The Chair asked for comments on the proposal; the Members advised that the papers should be paginated, indexed, links from index to relevant sections and there should be a clear list of what decisions are for approval. It was noted that the tracking document for the Business Plan would be posted as a separate excel document. The new papers would be in place for the March or April meeting.
5. 2016 Code of Conduct Compliance – OK noted that an update would be circulated to all next week.
6. Governance Documents –
  - 6.1 Draft Code of Conduct;
  - 6.2 Reserved FunctionsThe Chair noted that these were for review and comment before next meeting. Members provided some preliminary feedback. The Chair asked the members to provide written comments and feedback to the CE/OK. The revised documents will be presented at the March meeting for approval.
  - 6.3 Draft Delegations document to be presented at the March meeting for review and comment before the April meeting.

4

#### Executive Reports

##### CE's Report

MHC ORG Chart – The CE noted that while recruitment is ongoing the organisation chart is in flux - 'as is' vs 'to be'. CE also noted that a staff directory is also being produced. It was noted that the HR report recorded that there are currently seven agency workers within the MHC. The CE noted the reason for same (3 of which relate to the CIS Project) and it is hoped this figure will be reduced over the next few months.

Tracking Document for the Business Plan - The CE noted we are working on this document and that it will show the Members the status of all work at the end of each quarter.

Procurement – The CE noted that SQA had gone to tender for a review of documents within the current MHC regulatory framework (codes, rules etc.) and a review of comparable international jurisdictions.

DSS – The CE noted that the Oversight and Assurance group had its first meeting on 11.2.19, which went well. The group had no concerns and offered advice on a number of matters. It was noted that while the group was only going to meet 4 times a year, it was agreed that it would meet prior to any tender for ICT. The group also recommended that the TOR for the IDSG be amended to change it from a steering group to an implementation group with the same core membership at the top. It was suggested that this should help in moving on some of the external dependencies.

MHC DSS Management Accounts – It was noted that this was for review. There was then a discussion regarding when accounts are for information, review and/or decision. It was noted that the MM had spoken to our external advisers and that a note was being prepared for the ARC. It was agreed this would also come to the next Commission meeting.

HSE – It was noted that RS /OK are due to meet with the HSE in March, twice a year thereafter and would report back to the Commission on those meetings.

CE's Report / Reporting to the CE – The Members queried if the CE was satisfied to be getting eight or more direct reports. He noted that the corporate services matters would now be addressed by the new COO and this would mean 5 direct reports from each Division Lead which was in order. On the issue of Risk it was noted that this should be addressed as part of the CE's report. The CE noted that the issue of Risk would now be dealt with by the new COO who would be taking on the role of CRO.

New Format of Commission Papers – This is addressed above. NB proposed the amendment and RM seconded it.

#### Head of Legal

OK gave an update of the upcoming prosecution (and decisions made), the work done for the case, the exchanges with the DOH (copies of which would be provided to the Members). OK advised that the sentencing hearing is listed for Monday 25 February. The Members noted the prosecution and its significance. Discussion was commenced on the approach to be adopted in the future. It was agreed this could be discussed further at the next meeting.

#### Report from the Legislation Committee

OK and RM gave a general overview of the matters discussed at the recent meeting. There were three issues for decision arising from that meeting as follows

1. Further Reply from DJE re MHC's Key observations on the 2015 Act that had been submitted in May 2018 – AF and OK gave a summary of the matter. It was agreed that the MHC had set out its position clearly but could not take the matter any further with the DJE /AG's office. The Members agreed with the Committee's recommendation that the process should not be stalled by seeking yet further clarification and that one final letter summarising the issues and the practical reasons why they need to be addressed should be sent to the DJE. NB proposed recommendation of the proposal and NC seconded same. **Decision 3 of 2019.**
2. Draft position paper on DSS Fees – RM gave background. The matter was discussed. It was agreed that it was premature to make submissions on the fees to be levied by the DSS and that the MHC should ask the DJE to set out its policy position in writing and then thereafter the budget requirements before doing so. AF to progress and report back.
3. Legal Aid Scheme Update – RM and OK gave background. It was agreed that OK would revert to Counsel on one issue and update Members at the next meeting.

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

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

[RS noted an issue had been raised in relation to children presenting with mental health issues to children's hospitals. She said they were actively addressing the matter and would report back at a later stage when investigations have been advanced.]

#### Director of the Decision Support Service

	<p>AF gave update of the progress of DSS. AF noted that the previously advised revised timeline for the DSS being operational - Q4 2020 – is contingent on a number of factors i.e. funding, ICT and various other external dependencies. She noted that the Inter Departmental Steering Group has somewhat exhausted its purpose and, as noted by the CE, the O&amp;AG has recommended that it move to an implementation group. The CE noted it might be beneficial for the Members to see the minutes of these meetings.</p> <p>AF also advised that the tendering of ICT is to begin soon but subject to approval by DJE/DEPER/O&amp;AG, she further advised that the ICT system that the Irish Naturalisation and Immigration Service (INIS) has is excellent and that she will be going on a site visit to INIS to see if it would be appropriate for DSS.</p> <p>The Members queried the format of the report and requested if the dashboard/targets for DSS could be presented in a different format for the next meeting; if it might be more useful to show total project and the impact of things happening this quarter to the project as a whole; clearer colour coding on the dashboard; and that the Members need the original deadline, information on any changes and why.</p>
5	<p><b>Risk Management</b></p> <p>Revised Risk Register will go to the ARC and then the Commission at next meeting. There was some discussion on how some of the risk is categorised; operational vs reputational.</p>
6	<p><b>Committee Updates</b></p> <p><b>Audit and Risk Committee (ARC)</b> - There was no scheduled meeting of the Committee since the last Commission meeting.</p> <p><b>Legislation Committee</b> – Legislative Committee meeting was held on 11 January 2019. Update was dealt with in the Legal Update.</p> <p><b>Quality Improvement Group</b> – No update.</p>
7	<p><b>Close of Meeting:</b> The Members have tabled the MHC’s duty to the public, how the voice of the patient/service user could be given further consideration and how to go about bringing the person who is the subject/beneficiary to the act to centre stage, for the next meeting.</p> <p>Next Meeting on 21 March 2019.</p>


<b>ACTION LOG</b>			
No	Action	Person Responsible	Status
1	Update draft Code of Conduct with comments from the Members	CE/OK	Done
2	Update draft Reserved Functions with comments from the Members	CE/OK	Done
3	Update formatting of DSS Exec Report/Dashboard	AF	In progress
4	Final Letter to be issued by AF to DJE re MHC’s Key Observations on the 2015 Act	AF/OK	In progress
5	AF to follow up with DJE and get confirmation in writing re the DJE’s policy position on the charging of fees.	AF	In progress

6	OK to follow up with Counsel on query relating to the Legal Aid Scheme	OK	Done
---	--	----	------

Dated: 10/24/19

Signed:

By the Chair

A handwritten signature in black ink, appearing to be "M. D. O.", written over the "Signed:" and "By the Chair" labels.

