

Mental Health Commission
Minutes of Meeting on 22nd January 2016
11:00 – 15:30
Held at: St Martin's House, Dublin 4

Present:

Commission Members	Initials
Mary Keys	MK
Ned Kelly	NK
Catherine O'Rorke	COR
John Saunders (Chairman from 11.50)	JS
Yvonne O'Neill	YON
Xavier Flanagan	XF
Pauline Gill	PG
Michael Byrne (Chairman until 11.50)	MB
Mary O'Hanlon	MOH
Maeve Doyle	MD

Apologies:	
Patricia O'Sullivan Lacy	POSL
Colette Nolan	CN

Absent:	
John Redican	JR

Executive in Attendance:	
Patricia Gilheaney Chief Executive	PCG
Ray Mooney Secretary to the Commission	RM

In Attendance	
David Hickey (for Item 1.4.3)	DH
Rosemary Smyth (for Item 1.10)	RS

The Chairman advised that he would be unavoidably late attending the meeting, in accordance with Standing Orders, the Members present agreed that MB would chair the meeting until such time as JS arrived.

Action:

1. Adoption of the Minutes of Commission meeting held on 11th December 2015

The Minutes of the meeting held on 11th December 2015 were approved subject to a re-wording of Item 2.5 in Chairman's Business to be confirmed at the next meeting.

Proposed by MK and seconded by PG.

2.5 Post of Inspector of Mental Health Services

2.5 Members were notified of the interview board on 18/11/2015 by the Chairman. Members' views regarding the inclusion of a subject expert and service user representation were received and considered by the Chairman and Chief Executive. Membership of the interview board comprised of the Chairman who is one of the Ministerial appointees to the Commission representative of voluntary bodies promoting the interests of persons suffering from mental illness; an external Chief Executive in a health care regulatory authority; external Director, HR & Organisation Development and the Chief Executive.

It was clarified that the contract for the post of Inspector of Mental Health Services as approved by the Departments of Health and Public Expenditure and Reform is specific to the role of Inspector and therefore is not a consultant contract nor analogous to same.

Members were informed that the recruitment process is in accordance with the process agreed at the Commission meeting on 18/2/2015. On this basis, it was agreed that the Chairman would inform the reserve candidate that they would now progress to the next stage of the recruitment process.

a) Matters Arising

PCG advised that the Commission's Strategic Plan had been sent to the Department of Health and an acknowledgement received. PCG also advised that approval had been received from the Department for the extension of the secondment for a number of the Assistant Inspectors as the period of secondment had not commenced as early as initially planned.

It was agreed to defer the Chairman's Business and Items 1.4.3 and 1.5.3 of the Chief Executive's report until JS arrived.

3 Chief Executive's Report

PCG updated the meeting on the matters referred to in Part One of her report with particular reference to:

1.5.4 Assistant Inspector (Social Worker 0.4 WTE)

The Commission has been notified that this Assistant Inspector will be retiring at the end of January 2016. In addition correspondence was received from the Assistant Inspector (Service User) to advise that they were resigning with effect from 19th February 2016 to take up a post in the HSE. PCG advised that inspections are not scheduled to start until later in the year. Following discussion it was agreed to defer seeking sanction for the replacement of these posts pending the report from the Organisation Review which is due to report in April.

1.6 Business Plan Review Year end position 2015

PCG referred Members to the appended Report and invited comments.

1.7 DOH / MHC Governance Meeting December 2015

At this meeting the Department had no governance issues to raise with the Commission. PCG advised the meeting that there was no update in relation to the Advanced Decision Making (Capacity) Act 2015 as set out in the correspondence with the Dept contained in the meeting papers.

1.8 Draft Strategic Plan 2016-2018

A response from the Minister remains outstanding

1.14 Meeting with Legal Aid Board 12.01.16

In response to a query regarding training PCG advised that the LAB received information on the MHC training programme for Legal Representatives which has been provided to the Law Society. The LAB indicated that they would be in favour of replicating same.

JS and CoR joined the meeting at 11.51 and 11.53 respectively.

PART TWO

2.1 Section 26, Mental Health Act 2001

PCG provided Members with an overview of recent matters which referred in particular to Section 26 of the 2001 Act and advised that the Commission had sought legal opinion on the issue which DH would now present to the meeting. Chairman welcomed DH who briefed Members on the issues relating to Section 26. He summarised the legal advice received on the matter which was circulated on a confidential basis. PCG advised that the Executive is in agreement with the advices received.

In the discussion which followed, PCG indicated that the numbers of patients on Section 26 leave was not known at this time nor was it known what contact these patients had with the Approved Centre during the time they are on this leave.

<p>Information on this matter has been sought from the HSE and is awaited.</p> <p>Following discussion it was agreed that the Commission would proceed with options (c) and (d) as set out in the advice received. DH left the meeting.</p> <p>MB handed over the chairing of the remainder of the meeting to JS.</p>	<p>PCG</p>
<p>1.10 <u>Mental Health (Amendment) Act 2015</u></p> <p>JS welcomed RS to the meeting where she outlined the work required and completed to date as a result of the new legislation which was signed by the President on the 25th December, 2015. RS advised that a decision had been taken to update the Rules with respect to best international practice and to remove sections which were deemed to be overly prescriptive in accordance with the extensive prior work carried out by the Legislation Committee. The Code of Practice for voluntary patients has also been revised along with the information provided to the public. RS stated that the updates would be available in time to meet the commencement date of 15th February 2016 as advised by Department of Health.</p> <p>In the discussion that ensued it was noted that a key issue would be the communication of the changes made to all mental health service providers in the short timeframe. It was noted that the information would be available electronically for services to download in advance of the new forms being printed and circulated.</p> <p>The changes were agreed following a proposal by XF which was seconded by MK.</p> <p>RS left the meeting.</p> <p>2.2 Management Accounts for month ending November 2015</p> <p>Members reviewed the November management accounts. Agreed following a proposal by MB which was seconded by PB.</p> <p>Break for lunch</p>	<p>PCG</p>
<p>2 Chairman's Business and matters for mention</p> <p>2.1 Inspection Reports</p> <p>Chairman referred Members to the inspection reports provided. The summary section of the inspection reports were discussed and the Inspector will be requested to consider how this may be enhanced.</p> <p>Members welcomed the corrective and preventative action process (CAPA) which was now included as part of the inspection process. PCG advised that this has also assisted in identifying where draft reports might not have included full information on a particular service prior to publication. A Member raised queries in relation to three reports. PCG will notify the A/Inspector of same.</p> <p>With regard to the general presentation of the reports, Members requested the Inspector to consider using the present tense when providing a description of the service under inspection. PCG advised that the Inspectorate have a style guide regarding appropriate writing style for reports. Members were of the view that the upcoming review of the inspection process would provide the opportunity to</p>	<p>PCG</p> <p>PCG</p>

confirm that services feedback and comments were considered and incorporated into the final inspection reports as appropriate.

2.2 Inspector of Mental Health Services Recruitment

Chairman informed Members that the process for candidate number one had not been completed and provided the reason for same.

Chairman advised that he had had a number of meetings with PCG on this matter and legal advice was also sought. As a result, he requested that the candidate be informed of the Commission position and the Executive were to proceed with the next stage in the process for the reserve candidate in line with the decision made at the December 2015 Commission meeting.

Chairman confirmed that a letter was issued to candidate number one by Mazars on behalf of the Commission. A reply has been received requesting the Commission to re-consider its position.

In the discussion which followed Members were advised of the steps which had been taken and the reason for same. Members noted the position. Chairman proposed and the Commission agreed that the application of the second candidate was now progress to the next stage.

2.3 Two day meeting confirmation 2016

Chairman confirmed that the dates for this meeting are the 19th and 20th May 2016. Following discussion the Executive was requested to arrange the meeting in a Midlands location.

2.4 Review of MHC Committees/Working Groups and alignment to Strategic Plan

Chairman provided Members with the background to this matter and discussion ensured. It was agreed that were possible these meetings will convene on the same day as Commission meetings. It was noted that the Audit Committee would be an exception as there were external members on this Committee. It was agreed to hold the Legislation Committee meeting on the morning of the February, April, June and September meetings with the Governance Committee meeting on the morning of the March meeting (scheduled for April 1st 2016).

4 Consideration of Reports

4.1 Draft Business Plan 2016

PCG presented the Draft Business Plan for 2016 and outlined the key elements and possible constraints that applied to its implementation. In the discussion which followed it was agreed to include specific reference to committee support, capacity and succession planning and remove the graphic representations in the draft.

Following a proposal by YoN which was seconded by MD the Business Plan was adopted.

5 Reports of Committees

5.1 Audit Committee

PCG

PCG

<p>NK updated the Members on the work of the Audit Committee since the last Commission meeting advising that the Terms of Reference had been reviewed and a self- assessment process is underway. PCG advised that since the meeting one of the external members of the Audit Committee had indicated their intention to resign at the end of 2016.</p> <p>5.2 Legislation Committee MK advised that the Committee had met prior to today’s meeting and she provided the Members with an update.</p> <p>6 A.O. B. RM asked those Members who had not yet returned their declarations in relation to the Standards in Public Office to please do so prior to the end of January 2016.</p> <p>7. Date of next meeting The next meeting will be held on 26th February 2016. Further to a query in relation to the agreed date for the March meeting on 1st April, Members will be requested to indicate their availability to attend on 1st April at the next meeting.</p>	<p>PCG</p>
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Item No.		Person Responsible	Timeframe
CE Report Part Two Item 2.1	Re: Section 26, Mental Health Act 2001 : MHC to proceed with advice options C & D	PCG	Immediately
CE Report Part One 1.10	Re: Mental Health Amendment Act 2015 – communication of changes to services and associated documentation	PCG	In advance of commencement date of 15.02.16
Chair’s Business Item 2.1	Re: Inspection Reports: (i) enhancement of summary section (ii)	PCG to notify Inspector	Prior to next meeting
Chair’s Business Item 2.3	Re: Arrangements of location for Two-Day May Meeting	PCG	Prior to next meeting
Consideration of Reports 4.1	Re: Draft Business Plan – update as per Minutes	PCG	Immediately
Date of (March) Meeting)	Availability of Members re April 1 st Meeting	PCG	In advance of next meeting

Signed: 
John Saunders
Chairman

Date: 15/3/16