

Mental Health Commission
Minutes of Meeting held on 20 January 2017
10:30 – 16:00
Held in St Martin's House, Waterloo Road, Dublin

Present:

Commission Members	Initials
Maeve Doyle	MD
Ned Kelly	NK
Catherine O'Rorke	CoR
John Saunders	JS
Mary O'Hanlon	MoH
Xavier Flanagan	XF
Michael Byrne	MB
Pauline Gill	PG
Mary Keys	MK
Patricia O'Sullivan Lacy	PoSL
Yvonne O'Neill (joined the meeting at 12.30)	YoN
Colette Nolan	CN

Apologies: none	
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Absent:	
John Redican	JR

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

In Attendance	
Susan Finnerty for Item 2.2 Inspection Reports & 3.1	SF
Rosemary Smyth for Item 2.2 Inspection Reports & 3.1	RS

JS opened the meeting. He advised that YoN will be delayed and will join the meeting later. He outlined the proposed timetable of events for the visit of Ms Helen Mc Entee T.D., Minister of State with responsibility for mental health. PCG updated Members on the recent discussions with the Department of Health (DoH) regarding funding for the Decision Support Service (DSS). She informed Members that the Department of Justice and Equality had been in contact regarding an early date for the Steering Group Meeting that had been deferred in September 2016.

1 Minutes of meeting of 9.12.16

- (a) The minutes were agreed following a proposal from MK which was seconded by XF
- (b) Matters arising

(b) Matters arising:

Commission Membership

JS advised that the briefing paper which it is proposed to submit to the Minister for consideration is nearing completion.

Registration of approved centres

PCG advised that a proposal to refuse to register an approved centre has been issued by the Commission. The approved centre concerned has been notified of the right to make representations to the Commission within twenty- one days and the Commission will consider any representations submitted before a final decision is made.

2 Chairman's Business and Matter for Mention

2.1 Visit of Minister of State Ms Helen McEntee, T.D. Members identified the following areas that they would like to discuss with the Minister: the apparent discord between existing and proposed legislation in the areas of mental health and capacity; the frustration of the Commission in progressing the implementation of the Assisted Decision-Making (Capacity) Act 2015 with particular reference to the grading requested for the Director of the DSS given its unique role, funding and other key posts; membership of the new Commission in light of Members' experiences over the past five years.

Meeting adjourned to facilitate JS and PCG to greet Minister Mc Entee and Departmental officials on arrival at the Commission. Following introductions, the Minister was introduced to all staff. JS formally welcomed the Minister to the Commission meeting and thanked her for the opportunity to discuss a number of matters which were of concern to the Members and also for the opportunity to hear her views on mental health services in Ireland.

The Minister thanked the Members for the opportunity to meet with them thanked the Commission for its work in the area of mental health. The Minister advised that implementation of the Recommendations in the Review of the Mental Health Act 2001 Report had been delayed but that it was a priority to introduce some of the recommendations later this year recognising that parts of the legislation were now outdated.

JS

The Minister acknowledged she was aware that the Commission had received approval for a number of positions at the end of December including the post of Director of the DSS. She further advised that consideration is being given to appointments for the new Commission. On the matter of government policy on mental health, the Minister advised that although now over ten years old, Vision for Change (VFC) remains government policy. Referring to the recent review of VFC that had been commissioned by the DOH, the Minister stated that this report is expected towards the end of February and advised that it is anticipated this will provide some guidance on what is and is not working well at the moment. She welcomed the Commission's views on the report when it is received.

Action:

In response to the Minister's comments JS noted the changes that have taken place in the way mental health services are delivered noting that the move towards care in the community i.e. regulation of same is not within the remit of the Act. He also welcomed the upcoming report on VFC and requested that any new proposed update to the current legislation would be aligned with Vision for Change or any subsequent national policy. The Chair welcomed the Minister's invitation to respond to this. Members also expressed their disappointment at the approval which had been received for the Director of the DSS post as the Business Case submitted by the Commission had identified the post at a higher grade given the broad range of statutory functions and the unique nature of the post concerned. A discussion ensued and members expanded on the reasons for their views. The Minister invited the Commission to write to her in order that she could re-consider the matter.

JS

It was noted that the Steering Group for the DSS is due to meet in the next few weeks.

In the discussion on membership of the Commission Members advised that, at times it can be difficult to balance the fact that a person is a member of the Commission whilst in many instances being an employee of the services which are being regulated. Similarly the importance of having strong service user representation on the Commission was acknowledged. The Minister invited suggestions on how these issues might be addressed in the future and reference was made to the relevant recommendations in the Expert Group Report.

On the issue of staffing across mental health services it was widely acknowledged that there are significant difficulties arising from the reduction in in-patient beds, the recruitment moratorium, the ageing staffing profile in mental health services and the difficulties being experienced in recruiting specialist posts that are causing difficulties in maintaining and developing services. The DoH officials confirmed that they are aware of the staffing issues and are working towards addressing same.

In her concluding comments the Minister thanked the Members for meeting with her. The Minister and Departmental Officials left the meeting.

2.2 Inspection Reports

JS welcomed SF and RS to the meeting who provided a summary overview of five inspection reports contained in the meeting papers. This was followed by a general discussion relating to the findings in the reports and approved centre registration status.

NK absented himself from the discussion on St Stephens Unit, and re-joined when the discussion regarding this approved centre was completed.

YoN joined the meeting.

In the wider discussion which ensued it was noted that staffing was a key issue in many of the services as a result of which there was a high level of agency staff deployed. It was suggested that the costs of manning services in this way could be put to better use by directly employing many hundreds of staff directly. In concluding her presentation SF advised that the inspection reports in 2017 would include a summary of the findings for each inspection undertaken.

Correspondence

JS drew Members attention to the letter received from the DOH approving payment to external members of the Audit Committee. Following discussion it was agreed that payment would be offered to one of external members who is not in receipt of public sector salary in line with the approval received. The Commission Secretary was requested to correspond with the person concerned

2.4 Chief Executive's PMDS

JS advised that a PMDS meeting had been carried out as indicated at the December meeting. At the meeting a number of key risks were noted including the ongoing requirement for the CE to take on additional operational duties i.e. the Director of Mental Health Tribunals. JS noted that this position should improve in the near future given the recent sanction to proceed with the recruitment of the Director of Legal Services. Other issues that the Members should be aware of are succession planning in the Executive as a whole and the delay in receiving approval for posts. The Members wished to put on record their appreciation for the work done by PCG in her role as Chief Executive and her application to the position which on many occasions was over and above what would be expected of a person in this role.

JS advised that he had been invited to participate in an RTE radio programme dealing with mental health issues which was due to be broadcast next week.

Meeting adjourned for lunch

3. Chief Executive's Report

Part One

PCG presented Part One of her report and provided an update on the matters contained therein as follows:

1.5.2 T.R. v Mental Health Tribunal, HSE, the Attorney General and Ireland _ High Court 2016/469 JR

PCG advised that a Hearing date is awaited.

1.6 MHC Staffing Update

Action:

RM

PCG thanked the Members for their attendance at the meeting held with Senior officials from the DOH on 22nd December 2016. PCG advised that she received notification on 22 December 2015 of approval for the following positions:

Retention of 11 Assistant Inspectors and 2 Report Drafters to end December 2017; Head of Legal Services; Director of DSS (at PO 1 plus Director allowance).

PG advised that the recruitment campaign for the Head of Legal Services commenced today (20/01/17) with advertisements in the national press, public jobs.ie and a range of relevant websites with a closing date of 5th February 2017.

Following discussion on the grade of the Director of the DSS the Executive was requested to respond immediately to Minister's Mc Entee's invitation to write to her requesting a review and reconsideration of the Commission's request for approval for the post at the Grade submitted in the Commission Business Case.

1.7 Comptroller and Auditor General Audit of 2015 Financial Statements

PCG advised that JS, RM and PCG met with representative from the C&AG office on 21 December 2016 to provide additional information prior to the conclusion of the Audit. PCG provided Members with details of the meeting.

The signed financial statements 2015 were submitted to the C&AG on 22 December 2016.

Members' attention was drawn to the Balanced Score Card and RM provided an overview of the report.

PCG advised that the Draft Annual Report 2016 will be available to the Commission for consideration in May 2017.

Part Two

2.1 Management Accounts for month ending 30 November 2016

RM presented the November Management Accounts. The November Management Accounts were approved following a proposal from PoSL which was seconded by CoR.

4 Consideration of Reports

No reports for consideration at this meeting.

5 Reports of Committees

5.1 Legislation Committee

PCG advised that a meeting of the Legislation Committee will take place later today.

Signed: _____

John Saunders
Chairman

Date: _____

20/3/17

Item No.		Person Responsible	Timeframe	
1. Matters Arising December meeting	Re: Briefing Paper re Commission Membership, also covers item until Chairman's Business & issues regarding membership of Commission	JS	For February meeting	
Chair's Business Item 2.3	Correspondence from DOH re payment to external Audit Committee Member – RM to write to member regarding same	RM	Prior to February meeting	