

Mental Health Commission
Minutes of Meeting held on 3 July 2017
11.00 – 14:00
Held in Waterloo Exchange, Waterloo Road, Dublin

Present:

Commission Members	Arrive	Depart	Initials
John Saunders	11.00	14.30	JS
Catherine O'Rorke	11.00	14.30	CoR
James Lucey	11.00	14.30	JL
Margot Wrigley	11.00	14.30	MW
Nicola Byrne	11.00	14.30	NB
Colette Nolan	11.10	14.30	CN
Patrick Lynch	11.00	14.30	PL
Aaron Galbraith	11.00	14.30	AB
Michael Drumm	11.05	14.30	MD

Apologies:

Xavier Flanagan	XF
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Executive in Attendance:

Patricia Gilheaney	Chief Executive	PCG
Ray Mooney	Secretary to the Commission	RM
Orla Keane	from Item 3	OK
Susan Finnerty	for Item 4 Executive Reports	SF
Rosemary Smyth	for Item 4 Executive Reports	RS

<p>1. JC opened the meeting and requested Members to complete the Declaration of Interest document for this meeting.</p>	<p>Action:</p>
<p>2. CoR proposed the Minutes of the Commission meeting held on 30 May 2017 be adopted. This was seconded by NB and approved.</p>	<p>Decision 9-2017</p>
<p>JS advised that as there was no quorum present at the last meeting to approve the Minutes of the meeting held on 24 March 2017, these Minutes now needed to be adopted. CoR proposed the Minutes of the 24 March 2017 meeting be adopted. This was seconded by MW and approved.</p>	<p>Decision 01-2017</p>
<p>3. Chairman's Business JS informed Members that RM had advised him he was retiring from the Commission on 1 September 2017. JS advised that as the Commission was required to have a Secretary in place he was proposing OK for the position of Secretary to the Mental Health Commission. JS also suggested that OK would join today's meeting as an observer. This was seconded by PL and approved. OK joined the meeting</p>	<p>Decision 11-2017</p>
<p>3.1 Visit of Minister Helen McEntee JS advised that following the recent re-assignment of Ministerial responsibilities a formal invitation will now issue to Minister Jim Daly to meet the Members at the September meeting. JS also advised that he would also be seeking a meeting with the Minister before then to discuss a number of issues that are of concern to the Members. In response to JS's request for any Member who wished to attend MW indicated that she would be available.</p>	<p>JS</p>
<p>3.2 Publication of Annual Report 2016 JS gave details of the launch of the Annual Report on Friday 7 July 2017 in the Commission offices and advised that all were invited to attend.</p>	
<p>3.3 Membership of (1) Audit & Risk Committee (2) Legislation Committee JS informed the meeting that the PAS assessment of applications for two of the remaining three Commission positions is due to take place on 13 July 2017. He further advised that it is expected that the remaining appointment to the Commission will be made in the coming weeks.</p>	
<p>With regard to the current requirement to have a quorum of five people present at meetings JS advised that as the full complement of Members has not yet been appointed it was proving difficult to have a quorum at meetings. He was therefore proposing that the quorum for meetings should be 25% of the committee membership plus one. This proposal was seconded by AG and agreed.</p>	<p>Decision 12-2017</p>
<p>JS invited any of the Members present to indicate if they wished to join either of these two committees. It was noted that CoR, PL and CN had expressed an interest in membership of the Audit and Risk Committee.</p>	

JL also indicated his willingness to join the Audit & Risk Committee which was agreed.

RM advised that AG and XF expressed an interest in membership of the Legislation Committee. It was noted that as there are three new members to be appointed a decision regarding membership of the Committee would be deferred to the September meeting.

JS asked Members to give consideration to the appointment of Chairpersons for the two Committees and advised that he would be reverting to this later in today's meeting.

3.4 Strategic Priorities

JS noted that the Government had stated that the review of the Mental Health Act was a priority yet he could not see it listed on any government programme. He was therefore suggesting that the meeting the Commission is seeking with the Minister in advance of the September meeting would focus on a number of specific agenda items. JS advised that he would prepare a number of items for the agenda for this meeting and invited members to contribute. The items for discussion with the Minister will include the review of the Mental Health Act 2001; the ability of the Commission to fulfil its statutory mandate under the Mental Health Act 2001 given the current resources available; the requirement for resources to put in place the necessary infrastructure to enable the establishment of the Decision Support Service under the Assisted Decision-Making (Capacity) Act 2015.

4. Executive Reports

Director of Corporate Services

RM referred Members to the updated Business Plan in the meeting papers detailing Corporate Services activities since the May 2017 meeting. He advised that due to an operational issue in the Mental Health Tribunals Division, a proposal would be submitted to the Audit & Risk Committee to change the current internal audit plan so that processes in that area would be reviewed in Q3 with the planned audit for that time deferred to early 2018.

Head of Legal Services

OK provided an update on the current legal actions involving the Commission. Members were also advised of an operational issue which had been identified and the actions which had been taken by the Commission to address the matter. OK indicated that as there is potential exposure to litigation and, the Commission's insurers have been made aware of the matter. OK also advised that the Commission has contacted the Law Society and the Data Protection Commissioner and has sent a report to both bodies on the matter.

Action:

JS/PCG

RM

<p>PCG advised that interviews for the project manager will take place tomorrow and that a submission for staffing of the DSS has been submitted to the Dept of Health. PCG also advised that the Commission did not have any resources to deal with the DSS. The Commission has been advised that the Dept of Justice & Equality are not in a position to replace the sole current resource who is a secondee from the Department of Justice and Equality whose term with the Commission expires at the end of July.</p> <p>PCG wished to draw Members' attention to a number of concerns in addition to staffing and financial resources in relation to the DSS implementation. These included the twin reporting role to two different government departments, Department of Justice & Equality who deal with policy matters and Department of Health who deal with resource matters. Mixed messages are coming from these Departments regarding implementation of the Assisted Decision-Making (Capacity) Act 2015. PCG advised that this would need to be clarified as soon as possible given the imminent appointment of the Director and the fact that the Commission itself is responsible for both the DSS and its current remit regarding mental health services. In the discussion which followed it was agreed that these issues would be raised in discussion with the Minister at the up-coming meeting.</p>	<p>Action</p>
<p>Appointment of Chairperson of the Audit & Risk Committee And the Legislation Committee</p> <p>JS reminded Members of the need for the Commission to make this appointment as discussed earlier today. He proposed PL for the position. This was seconded by CoR and agreed.</p>	<p>JS/PCG</p>
<p>It was also agreed to re-visit the appointment of the chairperson and membership of the Legislation Committee when the remaining Members are appointed to the Commission.</p>	<p>Decision 14-2017</p>
<p>Executive Report of Chief Executive</p> <p>PCG referred Members to Part 1 of the report and provided an update on the request for additional staff which had been discussed with the Department of Health. PCG advised that, following further consideration at SMT an updated costed business case for staff was submitted.. A reply from the Dept of Health is awaited on the up-dated submission.</p>	
<p>2.24 MHC Management Accounts</p> <p>RM presented the Management Accounts for May 2017 which were approved following a proposal from CoR that was seconded by PL.</p>	<p>Decision 15-2017</p>
<p>5 Risk Management</p> <p>PCG referred Members to the current Risk Register which had been reviewed by the senior management team on 27 June 2017 and provided background information on a number of the additional major</p>	

5 CS Executive Report	Amendment to Internal Audit Schedule for MHTs – proposal to Audit & Risk Committee	RM	Audit & Risk Committee Agenda
5 DSS Update	Progress appointment offer of Director of DSS	PCG	Follow the completion of all verification requirements
5 DSS Update	Issues pertaining to the establishment of the DSS to be raised with Minister of State at planned meeting	JS/PCG	Meeting with Minister
5 Risk Management	Duties of SMT Member who is leaving post being allocated on a temporary basis across the SMT members	PCG	September
5 Risk Management	Review of Risk Register and provision of further information on actions and controls	PCG Audit & Risk Committee	September/October

Signed:


 John Saunders
 Chairman

Date:

5/9/17