

**Mental Health Commission Meeting**  
**Minutes of Meeting held on 21 June 2018 at 11 am**  
**Held at Waterloo Exchange, Waterloo Road, Dublin 4**

<b>Commission Members</b>	<b>Initials</b>
John Saunders	JS
Patrick Lynch	PL
Michael Drumm	MD
Ned Kelly	NK
Niamh Cahill	NC
Xavier Flanagan	XF
Margo Wrigley	MW
Rowena Mulcahy	RM
Colette Nolan	CN

<b>Apologies</b>	<b>Initials</b>
Jim Lucey	JL
Catherine O'Rorke	COR
Aaron Galbraith	AG
Nicola Byrne	NB

<b>Executive in Attendance</b>	<b>Initials</b>
Rosemary Smyth, Interim CE	RS
Orla Keane, Secretary to the Commission and Head of Legal Services	OK
Aine Flynn, Director DSS	AF

<b>Agenda Item No</b>	
1	Declarations of Interests - Signed and Returned to the Secretary.
2	<p>Minutes of Meeting on 17.5.18</p> <p>There were a number of proposed amendments to the draft Minutes.            OK and RS provided an update on the Action Log items.</p> <p><b>Decision 34 of 2018</b>            NC proposed approval of the Minutes and XF seconded same.</p>
3	<p><b>Chair's Business</b></p> <ol style="list-style-type: none"> <li>1. Chief Executive (CE) substantive post – The Chair noted that the process was progressing and it was hoped it would be completed by the end of July.</li> <li>2. Meeting with Minister Daly – It was noted that this has been moved to 27 September.</li> </ol>

3. Media – Various matters were referred to including the Ombudsman for Children’s Report.
  4. Annual Report – This has been finalised and sent to the Department of Health (DOH) for approval. It was noted that it would be published on 24 July. There would not be a formal launch but instead there would be a series of media interviews.
  5. Joint Committee on the future of Mental Health – The Chair confirmed that he together with the Interim CE, NK and MW attended at the Committee on 20 June. There was lengthy discussion on the matter. Disappointment was expressed at the knowledge of the Committee of the MHC and its functions. It was noted that the profile of the MHC needs to be addressed and how best that might be achieved is something that should be discussed at the meeting in the afternoon. The Chair noted that the Chair of the Committee had said she would write to the MHC. However, the Chair took the view that the MHC should be proactive and write to her on the key issues for the MHC.
- Arising from the discussion, concerns were also expressed about the fact that there is no longer a dedicated National Director for Mental Health within the HSE. It was noted that other agencies such as HIQA have regular meetings with the HSE. The MHC did have similar meetings but they fell away. It was agreed that new lines of communication needed to be opened with the HSE – the Director General’s office and the New National Director, David Walsh – and other relevant organisations. The Executive is to progress this.
6. Strategic Plan – This will be dealt with in the afternoon session.

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#### **Executive Reports**

##### Director of DSS

The Director presented a number of documents to include her Monthly report and the documents recently sent to the various Government Departments. A number of the members raised queries in relation to the DSS Project and specifically the management structure - how matters were being planned, progressed, dealt with if not progressed and who was signing off on matters. The view was that the documents from the contractor did not provide a cohesive plan. PL outlined the concerns raised at the meeting of the ARC on 11.06.18, which were addressed in his report and the draft ARC Minutes.

It was explained that the full SMT sit on the Project Board. There had been one meeting to date where issues were flagged and the date for the second meeting is to be confirmed. JS noted that the CE who sits on the Project Board is responsible to the Commission.

Both NC and PL said that there a high level report should be presented to the Commission clearly identifying the risks (red / amber / green); the document should set out what was to be done in the last month, and if not done why and the remedial actions, what is to be done in the next month, where are the key risks and what is being done to address them. It was agreed that this would be provided.

It was also noted that there are a number of external dependencies, which are outside of the control of the MHC. Certain Members proposed that the current Inter Departmental Steering Group should be the ultimate Governors of the Project. After further discussion, it was agreed that the Executive should write to the other Members of the External Steering Group setting out that this was raised at the ARC as a risk issue, the Chair of the ARC brought the matter to the Board with the result that they decided that the Inter Departmental Steering Group need to act as the overall Governors for the DSS given the number of external dependencies for the Project.

The Director, at the end of the meeting, presented the DSS logo for approval. AF explained the basis for the design of the logo – two hands linking together as one to form a hexagon. The hands represent the partnership between the DSS and the relevant person and the message is one of strength, support and solidarity with the relevant person as the central concern. The colours are the MHC's corporate colours. After some discussion, it was agreed that inclusion of the MHC logo under the DSS logo was confusing and should be removed. However, it was agreed that reference to the MHC should appear on the relevant document – letterhead, business card etc. AF agreed to post for the next meeting the final agreed logo.

#### **Decision 35 of 2018**

**PL proposed approval of the DSS logo with amendments and RM seconded same.**

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

OK confirmed this was read only.

#### Report of the Inspector

OK confirmed that this was read only.

PL noted that an issue had been raised at the ARC in relation to the draft Inspection Report by the Internal Auditors. He referred to his Report and the draft ARC Minutes. He noted that concerns were expressed on a number of issues to include the fact that inspection reports were not completed within the MHC's own timelines. OK noted that she sent a detailed note to the relevant persons on the Inspection Team following the ARC setting out the concerns, she has followed up with the Internal Auditor and RS has been working with the Inspection team in relation to an action plan. This includes a review of the policy and the work programme. The Inspector will be in attendance at the Commission meeting in July and she will update Members on progress.

#### Legal and MHT

OK noted that there were no matters for decision but brought their attention to the following matters –

1. IF case – she referred to her recent email and noted that the Appeal had been filed. She said this would be kept under review and she would report back on any relevant issues that might arise.
2. AB case – OK referred the Members to the emails sent to them and that the MHC had been pressing the DOH to progress this but certain matters were outside of their control. RM and MD thought reply from 11 June to the DOH was very good.
3. LAB – OK noted that this related to the transfer of the Legal Aid Board. Discussions have been ongoing since 2011. The MHC thought progress had been made but from a meeting on 18 April this does not now appear to be the case. The MHC is considering its position and seeking Counsel's opinion on the matter, which we would hope to have by the end of September.
4. DEASP – OK noted that this was not in her report. She noted the issue arose out of a recent Supreme Court case (PC –v- the Minister for Social Protection). The decision struck down a practice whereby certain prisoners were being deprived of social welfare payments. OK noted that the DOH had contacted us to state that the proposals being put forward by DEASP to address the Supreme Court decision might impact on payments received by detained patients under the Mental Health Act. OK said that we have drafted reply asking for more information and stating that any proposals that payments to patients detained under the 2001 Act might be impacted, must be vehemently opposed and we are seeking assurance from the DOH that this will be done.

#### HR – Corporate Services

RS dealt with this as part of the CE's report.

CE's Report

RS noted that in relation to HR, only one of the 32 posts for which we obtained sanction last year is vacant. She did note that 5 key posts had to be re-advertised. RS also noted that a huge amount of time and effort was required from the Executive in relation to these recruitments. She noted in relation to the vacant post, which relates to HR position, the criteria were reviewed and amended and has been re-advertised. She also noted that due to issues with IT, which would come up under Risk, that we sought and have obtained sanction for a more Senior IT post.

RS noted that we have decided to extend our financial providers contract for 12 months. It was thought there may be an issue with the figures paid but on further review there is not.

RS referred to the correspondence with Lois Bridges' solicitors arising from the MHC's press statement. It was noted that there had been no reply to our letter on 12 June. RS also noted the procedures followed by the Inspector / S&QA to relation to the Report, the engagement of the external expert and correspondence on the conditions. Fair procedures were applied at each stage.

Matters for Decisions –

1. April and May 2018 Management Accounts

PL suggested that the Members review the May Accounts being the most up to date. PL noted two issues: the first related to Agency and he said that this was €104K over spend. He understood that if anything was €60K over spend that a Note was to come to the Board to explain why? RS explained that the Agency spend was greater than anticipated due to 5 posts not been filled during the recent recruitment campaign and that other posts had been to be filled due to maternity leave; and the second issue related to the MHT costs. OK noted that when the SMT met with Crowleys in April the costs were on target so she does not know the reason for this. She noted that it might be due to an incorrect allocation of costs relating to Circuit Court appeals but she was not certain. It was agreed that Executive would speak to Crowleys and a Note would be presented to the next meeting on these issues and in the future the key variances (top 5 or so) would form part of a Note with the Accounts to assist the Members in relation to their decision to approve the accounts or not. Therefore, the decision to approve was deferred to the next meeting.

2. Amendment to the Procurement Policy

The Members discussed and agreed the proposal to increase the thresholds at certain levels. However, certain amendments were requested to be made to the document to make it clearer in terms of what is required to go to the Board. It was agreed a revised document would be circulated and agreed by the Members.

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Risk Management

PL asked OK to present on the matter. OK noted that the new risk review system further to the approval of the new Policies commenced in May 2018. The SMT met on 30 May and undertook a full review of the Register as per the Policies. The Register was brought to the ARC on 11 June. They provided a number of comments. The Register was updated following that meeting for the Commission meeting.

OK referred to the matters addressed since the ARC. PL specifically referred to the discussion at the ARC re the DSS. OK noted that an additional Risk had been added in relation to the DSS. The Members provided a number of comments. OK is to update the Register based on the comments.

9	<p><b>Committees (dealt with before the Risk at the meeting)</b></p> <p><b>Audit and Risk Committee (ARC)</b> – PL presented his report. He noted that a number of issues had been addressed earlier in the meeting.</p> <ol style="list-style-type: none"> <li>1. Member of the ARC: PL noted that Joe Campbell had resigned from the ARC. The Chair requested that a letter be issued to him thanking him for his contribution to date. PL said that he had a proposal to fill the vacant position. OK noted that before the vacancy is filled the Members should query the competencies that require to be filled and if the person proposed addresses same. It was discussed and agreed that the person proposed would be suitable. OK suggested and the Members agreed that the relevant person’s CV be obtained and presented at the next meeting for approval.</li> <li>2. Resources: PL said the ARC expressed concern that the lack of resources was being raised repeatedly as a reason why certain work could not be done. While it accepts that there were particular challenges, it was noted that a number of posts have been filled over the past year. RS said in reply that there was a historical lack of resources and this is confirmed by the Mazars report. She said that since July of last year a lot of work has been done to address this as outlined - 32 posts advertised, 5 of the senior posts had to be re-advertised as not filled and now all but one post not filled (AP for HR). As per the above, one further post has been sanctioned (AP for IT). RS noted that by the first week in August it is expected that all persons will be in post save for the AP for HR and IT. The Executive therefore expect that by year end there will be a real and practical impact on the organisation. The issue of resources being a risk should be reduced on the Risk Register and eliminated in certain areas. RS did note that we are working on a joint Corporate Spine for the MHC to address the additional requirements for the DSS. This should go to the DOH shortly. OK queried if the additional internal audit on resources in October is required. PL said the ARC would consider the issue at the meeting in September and that the focus of the Audit might be re considered.</li> <li>3. GDPR: This was discussed in relation to the Risk Register and generally. The fact that we are not fully compliant is an issue. RS noted that OK had, as an addition to her other roles, taken this on and done a lot of work to date. OK noted that the Compliance Manager commenced on 13 June and that we had also engaged an additional resource to assist him. OK has met with him and the additional resource twice. A plan of action is being put in place and the GDPR is his key focus.</li> <li>4. Draft Internal Audits reports: As above.</li> <li>5. ICT Review: PL noted that the ARC reviewed the draft Report and acknowledged it was a very good risk assessment. They noted the actions that are being taken by the Senior Management Team. They noted the high level of risk being carried by the Commission in relation to ICT, agreed that it should be raised at the Commission meeting and be kept under constant review. RS and OK noted the actions taken (meetings with key providers, reports requested from same, weekly /daily updates from the IT Manager, went to tender for IT input on one key issue and review done with report awaited, request for sanction and sanction from the DOH for a Senior IT Manger at AP level).</li> <li>6. DSS: As above</li> </ol> <p>PL raised a practical issue that the Members cannot open the links to Sharepoint on the emails they receive. OK said she would look into the matter.</p> <p><b>Legislation Committee</b> – There was no scheduled meeting of the Committee since the last Commission meeting.</p>
	Next Meeting 19 July at 11.00 – 1.30 am.

<b>ACTION LOG</b>			
<b>No</b>	<b>Action</b>	<b>Person Responsible</b>	<b>Status</b>
1	MHC to write to the Joint Oireachtas Committee further to attendance on 20 June 2018	Chair / Interim CE	In progress
2	MHC to write to Interim DG of the HSE to request a meeting.	Executive	Done
3	The Inspector to update the Commission in relation to the status of inspections further to the comments from the ARC and Commission.	Inspector	Will be brought to the 19 July meeting
4	Note to be provided in relation to the April and May Management Accounts to explain the top five variance (to include the Agency and MHT variance)	Executive and Crowleys	Done
5	Note to accompany each set of Management Accounts addressing the top 5 (or so) variances	Executive and Crowleys	Ongoing
6	Appendix to Procurement Policy to be circulated	Executive	Will be brought to 19 July meeting
7	Update the Risk Register	Secretary	Done
8	Letter to be issued to Joe Campbell on behalf of the Chair	Secretary	Done
9	PL to provide CV of proposed new Member of the ARC	PL / Secretary	Done
10	IT issue for Members re not being able to open links on email to Sharepoint	Secretary	Done

**Dated: 19 July 2018**

**Signed:**



**By the Chair**