

Mental Health Commission Meeting
Minutes of Meeting held on 21 March 2019
Held at MHC Offices Waterloo Exchange, Waterloo Road, Dublin 4

Commission Members	Initials
Margo Wrigley	MW
Patrick Lynch	PL
Michael Drumm	MD
Niamh Cahill	NC
Aaron Galbraith	AG
Rowena Mulcahy	RM
Jim Lucey	JL
Ned Kelly	NK
Colette Nolan	CN
Tomas Murphy	TM

Apologies	Initials
John Saunders	JS
Xavier Flanagan	XF
Nicola Byrne	NB

Executive in Attendance	Initials
John Farrelly, CE	JF
Rosemary Smyth, Director Standards and Quality Assurance	RS
Susan Finnerty, Inspector of Mental Health Services	SF
Marina Duffy, Corporate Manager	MD
David Williams, Senior Communications Manager (in attendance for one item re CE Report)	DW
Orla Keane, Head of Legal Services – joined at the end of the meeting	OK
Simon Murtagh, Chief Operations Officer	SM

	11 – 15.30
	RM opened the meeting as Acting Chair on behalf of JS
	RM outlined the Matters for Decision for the meeting.
1	Declarations of Interests RM asked if any Member had any conflict of interest to declare. Declaration of Interests - Signed and Returned to the Corporate Manager
2	The Minutes of the Meeting on 21 February 2019 were agreed subject to some minor amendments. PL proposed approval of the Minutes and NK seconded same Decision 4 of 2019
3	Requirements relating to the 2016 Code of Governance

3.1 The Draft (unaudited) Annual Financial Statement (FS) 2018

PL advised the meeting that the draft Financial Statement incorporates the ARC's comments following its meeting of 04.03.19. He reviewed with Members the Notes to the Statements, which were provided at the request of the ARC, and the key areas.

PL advised that the ARC was recommending the FS18 to the Commission for approval.

Approval of FS18

Proposed by: JL

Seconded by: TM

Decision 5 of 2019

3.2 Draft Chairperson's Report to the Minister

The Draft Chairperson's Report to the Minister was considered. Discussion focused on the Commission's obligations under the Code of Practice (2016). It was agreed to issue the Report subject to the inclusion of a note regarding the timeline of the C&AG Audit of the Commission for 2018.

Proposed by: JL Seconded by: TM

Decision 6 of 2019

3.3 Report from Deloitte on Review of Effectiveness of Internal Controls

It was noted that the IFC Audit is an important part of the Annual Control Process. PL provided an update to Members on the meeting which took place with the Internal Auditors (ARC 04.03.19). He outlined the main areas of the Report. He also referred to the maturity assessment of the organisation and advised that this will be an area of focus for 2019.

There was a discussion in relation to the basis on which the Chair, on behalf of the Commission, signs the Annual Statement of Internal Controls. It was noted that while the Chief Executive provides the relevant assurances to the Commission, he will set out for the Commission, the Assurance Framework that is in place and which forms the basis of his assurances to the Commission.

3.4 Annual Report of the Audit & Risk Committee 2018

PL provided a brief outline of the ARC Annual Report 2018. The work that the ARC undertakes and the extent to which this assists the Commission was commended. The Chair, on behalf of all the Members, thanked the ARC and its Chair, PL, and asked PL to extend the Members' appreciation to the External Members of the ARC.

4 **Revised Draft Budget for 2019 and Revised Draft Business Plan 2019**

It was noted that the MHC had not received formal notification of its allocation for 2019. PL advised that the members of the ARC had agreed to make themselves available in advance of the MHC meeting if the

	<p>allocation had been confirmed but in the absence of confirmation of the allocation, a meeting of the ARC had not been convened and accordingly the ARC had not examined the budget in detail. The CE provided an update regarding the policy for the development and management of the Budget and approval in the absence of the formal notification of our allocation.</p> <p>It was noted that a Governance meeting will take place with the Department of Health on 25.03.19 and the issue of the delayed allocation will be raised.</p> <p>It was agreed that (1) on receipt of formal notification of the allocation, if the allocation necessitates any change to the budget, it will be brought back to the Commission and (2) a paper re DSS costs for 2019 will be brought back to the next meeting.</p> <p>During the course of discussion on the budget an issue arose regarding certain costs in relation to mental health tribunals. This gave rise to further discussions on a number of related areas including the experiences of services users, the role of legal representatives and the involvement of patient advocates. Reference was made to the study funded by the Commission and published in 2017 titled "a prospective evaluation of the operation and effects of the Mental Health Act 2001 on service users and health professionals" and it was agreed to circulate the link to the report following the meeting. The opportunity to open the meeting up to this discussion was welcomed.</p> <p>The Revised Draft Budget 2019 was approved. Proposed by MW. Seconded by TM. Decision 7 of 2019</p> <p>Revised Draft Business Plan 2019</p> <p>The Draft Business Plan was approved subject to any amendment that may be required based on the receipt of formal notification of the MHC's allocation. It was agreed that only SMT Members should be named as 'action leads' in the Plan.</p> <p>As with the budget, if the formal allocation has any impact on the Business Plan, it will be brought back to the Commission.</p> <p>Draft Revised Business Plan Approved subject to the said proviso</p> <p>Proposed by CN. Seconded by PL.</p> <p>Decision 8 of 2019</p>
5	<p>Risk Management</p> <p>The Risk Summary Report and Risk Register were reviewed.</p>
6	<p>Committee Updates</p> <p>Audit & Risk Committee</p> <p>The Chair of the ARC advised that a number of items had already been dealt with in the meeting</p>

proceedings i.e. Financial Statement 2018, Internal Audit & Risk Management.

In providing his report to the Meeting, he updated Members that TM was in attendance at the last ARC meeting and the Chair was now proposing to formalise his membership to the ARC.

Proposed by PL.
Seconded by MD.
Decision 9 of 2019

The Chair of the ARC (PL) also provided an update to the meeting on the following:-

- (1) Annual Meeting with the C&AG 04.03.19 - No specific issues from the 2017 Audit
- (2) Quarterly Financial Reporting - ARC Review monthly variance reports
- (3) ARC Work Plan provided for Members information
- (4) Draft Charter for ARC

PL advised that the ARC is also acting as a Finance Committee and proposed changing the name of the Committee to FARC (Finance, Audit & Risk Committee). The draft Charter and the Committee name change was approved by the Members.

Proposed by JL.
Seconded by MW.

Decision 10 of 2019

(5) PL advised that the ARC had approved the Protected Disclosure Policies at its last meeting and it was agreed these would now be circulated.

CE advised that a presentation on the policies could be facilitated if requested.

Quality Improvement Committee

The Chair, MW, advised that a meeting of the Committee had taken place that morning immediately prior to the meeting of the Commission. She provided an update on the work of the Quality Improvement Committee to-date.

The Committee is working in collaboration with UCD on its current project. Ethical approval has been received and a literature review is being completed.

Legislation Committee

The Chair, RM, advised that there had been no scheduled meeting of the Legislation Committee since the last meeting of the Commission nor had there been any communication from the Executive concerning any development on legislative matters in the intervening period. A meeting of the Committee is scheduled to take place on 29.04.19

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Chairman's Business

The new COO, SM, was welcomed to the Commission by Members.

The CE provided an update on feedback to-date subsequent to the Commission's Strategy launch. He advised that local events are taking place in Cork and Galway. The CE will confirm details to Members.

MHC Duty to Public

An open discussion took place on the Commission's Role and Duty to the Public and people who use mental health and decision support services. This issue is fundamental and it was agreed that opportunities should be provided so that matters could be raised and the issue discussed by the Members on a regular basis. It was proposed to look at how this can be tabled on the meeting Agenda going forward. It was agreed that the Executive will bring a proposal back to the Commission for consideration.

Draft Code of Conduct

CE provided outline to approach in developing the Code of Conduct which encompassed the feedback/comments received. CE thanked the Head of Legal for her work on this document.

The draft Code of Conduct as presented was agreed.

Proposed by MD.

Seconded by NK.

Decision 11 of 2019

Draft List of Reserved Functions

A general discussion took place with a focus on Part 5 of the Reserved Functions. The document as presented was agreed subject to two minor amendments in part 5

Proposed by NC.

Seconded by NK.

Decision 12 of 2019

Draft Delegations Document

A draft will be circulated to the Members prior to the next meeting.

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Inspector of MHS Physical Health Report

SF provided the background to the report and made a presentation to the Members.

A detailed discussion took place on the findings of the Report. Systematic and budgetary issues were highlighted as well as the need for a change in the culture and perception of services. RM referred to the report highlighting again the necessity to include provision for parity between mental and physical health in the General Scheme of the Bill to amend the Mental Health Act, 2001 which the DoH is currently drafting.

The Members agreed that the report should issue formally to relevant stakeholders including the HSE and that the level of concern that the Commission has in relation to the findings should be expressed. In addition, the HSE is to be informed that this is the first of a number of themed reports being published.

The Members expressed their thanks to the Inspector and her team on their work on these reports.

Report of the Chief Executive

The CE referred to four items in particular from his March Report i.e.

- (1) Introduction to DW – Senior Communications Manager
- (2) Establishment and work of the cost oversight group pertaining to the DSS
- (3) ICT proposal – DSS
- (4) BP Contract re DSS – detail of extension

The Senior Communications Manager, DW, joined the meeting and provided an overview on activity in February and March including the launch of the Strategy for 2019 - 2022. He advised members that the MHC will be active in reaching out to stakeholders over the coming months. He also highlighted the development of the new Communications Strategy which is a key action in Business Plan 2019.

DW left the meeting.

DSS Executive Report

The DSS Executive Report was noted for information.

MHT Executive Report

There was one item for decision namely approval of the proposal regarding the Legal Aid Scheme. RM advised that at the last meeting it had been agreed that the Head of Legal Services would revert to Counsel to clarify his advice on one outstanding issue. OK was not present at the meeting at that time and in the absence of clarification on the outstanding issue, the matter would be deferred to the next meeting

The MHT Executive Report was noted for information.

S&QA Executive Report

The S&QA Report was noted for information.

Inspectorate Executive Report

Discussion took place on a number of recent inspection reports and service non-compliances.

RS and SF advised the meeting that a presentation will be made at the April meeting which will provide a 3 year data overview on compliance in services.

Legal Matters

OK joined the meeting and provided a brief update on a number of Legal Matters.

The meeting closed. The next meeting is scheduled for 18 April 2019.

ACTION LOG			
No	Action	Person Responsible	Status
1	Issue Financial Statements with draft Chairperson Report to the Minister in line with COP16. The Report must include a note re the timing of the C&AG External Audit 2018.	CE / Board Secretary	In progress
2	Budget 2019 – paper re DSS costs 2019 to be brought to April Commission meeting	CE/COO	In progress
3	Business Plan 2019 – update ‘action leads’ to SMT members only	CE / COO	In progress
4	Circulate link to Research Programme Grant Scheme project undertaken by Professor Colm McDonald	Board Secretary	Complete
5	Provision of Protected Disclosures Policies to Members i.e. make available in Commission Sharepoint area	Board Secretary	Complete
6	Proposal re meeting agenda item focused on MHC duty to public / service users	CE	April meeting
7	Circulate draft Delegation document	Board Secretary	April meeting
8	Note from the Chief Executive in relation to the method of assurance regarding Internal Controls.	CE	April Meeting

Dated:

18/04/19

Signed:

Patrick Lyson

By the Chair

