

Mental Health Commission
Minutes of Meeting held on 30 May 2017
10:30 – 14:30
Held in Waterloo Exchange, Waterloo Road, Dublin

Present:

Commission Members	Arrive	Depart	Initials
John Saunders	10.30	14.30	JS
Catherine O'Rorke	10.30	14:30	CoR
Xavier Flanagan	11.20	14:30	XF
Margot Wrigley	10.28	14:30	MW
Nicola Byrne	10.45	14:30	NB

Apologies:	
Colette Nolan	CN
Patrick Lynch	PL
Aaron Galbraith	AB
James Lucey	JL
Michael Drumm	MD

Executive in Attendance:	
Patricia Gilheaney Chief Executive	PCG
Ray Mooney from Item 3.1 when appointed as Secretary to the Commission	RM

In Attendance	
Susan Finnerty for Item 4 Executive Reports	SF
Rosemary Smyth for Item 4 Executive Reports	RS
Orla Keane for Item 4 Executive Reports	OK

Action:

1. JC opened the meeting by welcoming the Members to the first business meeting of the new Mental Health Commission. He then requested Members to complete the Declaration of Interest document for the meeting.
2. Minutes of Commission meeting held on 24 March 2017 deferred until next meeting

Matters Arising:-

C&AG letter brought to Members attention for information.

3. Chairman's Business

3.1 Appointment of Secretary to the Commission

JS advised of the requirement for the Commission to appoint a Secretary in accordance with the Code of Practice for the Governance of State Agencies. He circulated information in relation to a staff member of the Commission who he considered suitable for the role. Following a proposal from Co'R which was seconded by XF, RM was appointed Secretary to the Mental Health Commission.

JS advised that the Induction Programme will be repeated for new Members and those who missed the programme first time.

3.2 Schedule of Commission meetings for June – December 2017

JS advised that, arising from the Members' discussion at the induction days, it was apparent that there was no particular day that suited everyone for holding a meeting. He was therefore suggesting that the meeting days would be rotated until year end when Members would again consider this matter for 2018. Following discussion it was agreed that Commission meetings would be held on Monday 3 July, Tuesday 5 September, Wednesday 4 October, Thursday 9 November and Friday 1 December.

3.3 Working Group on Code of Practice for the Governance of State Bodies 2016

JS provided the background to the revised Code of Practice for the Governance of State Bodies 2016 (The Code). PCG advised that a Gap Analysis is underway and is almost complete. When the report is received, it will need to be reviewed to ensure that it covers all the activities of the Commission. JS requested Members to indicate their willingness to participate in this review in conjunction with himself and a nominee from the Executive. Co'R and MW advised of their availability for this task.

**Decision
02-2017**

3.4 Strategic Plan (2016- 2018) Priorities and Chairman's Key Areas

JS outlined the key areas that the Commission will be addressing in the current year. The primary one of these would be to carry out the statutory functions assigned to the Commission under the Mental Health Act 2001. He also advised that the Commission would continue to work towards establishing the Decision Support Service as set out in the Assisted Decision-Making (Capacity) Act 2015. He noted that the latter would be facilitated with the recruitment of the Director of the Decision Support Service which is currently underway.

JS noted that the implementation of the recommendations in the review of the Mental Health Act 2001 had been limited to date to matters relating to ECT. He indicated that the Commission would be seeking to have the remaining recommendations implemented as soon as practicable as these do not appear to be a priority for Government at the moment. PCG advised that the Dept of Health has been in contact with the Dept of Justice & Equality on the legislative changes that will be required for the deprivation of liberty legislation.

Executive Reports

Director of Decision Support Service

PCG provided Members with an update on the Decision Support Service including details of the recruitment of the Director and related matters. PCG also advised that the Dept of Justice & Equality staff member currently seconded to the Commission will shortly be returning to their post.

Director of Standards & Quality Assurance

RS presented an update on the work of the Standards & Quality Assurance Division in which she advised that there are currently a total of 49 conditions attached to Approved Centres across the country. RS advised that Approved Centres with conditions attached are required to provide regular updates to the Commission. RS also provided details on the on-going activity relating to compliance and monitoring and advised that the reported reasons for non-compliance were now recorded and followed up on. Details were also given on the recent collaborative work with HIQA and the up-coming work plan for the Division.

Inspector of Mental Health Services (Summary Review)

SF gave details of the inspections carried out to date and advised that eight reports will be ready to go to the relevant mental health services later this week. Details were given of the three year plan for the inspection of 24-hour supervised residences and of the level of engagement with service users.

Action:

Head of Legal Services

OK updated the meeting on activity in the Mental Health Tribunals Division. Information was also provided on the limited opportunity for audit of tribunal decisions which she proposed to discuss with the Legal Aid Board. OK also indicated that she would be reviewing the current KPIs with a view to updating them as appropriate.

Director of Corporate Services

RM updated Members on the core actions associated with the Corporate Services Team for the period Jan – May 2017. He also advised Members of the actions which have been taken to date in relation to staffing of the Commission.

Chief Executive

PCG summarised key issues around staffing which are affecting a number of areas of the Commission's activities. PCG advised that, despite on-going discussions with the Dept of Health on this issue, a substantive response for approval of posts submitted in February remains outstanding. PCG advised that the Mental Health Unit were provided with regular updates on the issue of critical staffing at regular governance meetings and in correspondence.

JS confirmed that the Executive has been in regular contact with the Dept of Health on staffing for some time and that the last Commission had been asked to take a more proactive role in this area. This had led to a meeting with senior Departmental officials at the end of 2016 to re-enforce the Executive's view on this matter.

In the discussion which followed it was noted that, although the Commission had submitted the Organisation Review report to the Dept of Health in February, no sanction had yet been received to recruit for any of those requested posts. Members were also advised that sanction was also awaited to fill permanent posts in the Commission which had fallen vacant due to staff obtaining promotional posts to other agencies/organisations. It was suggested that further direct action by the Commission may be required in the near future.

Chief Executive's Report**Annual Report 2016**

PCG set out the process which was undertaken to bring the draft Annual Report before the Commission today for approval. JS advised that the Chairman's Forward traditionally echoed the findings of the Annual Report but that he welcomed Members' views on any particular issue(s) they wished to draw to his attention in the next couple of days. The draft Annual Report was approved subject to minor corrections following a proposal by XF which was seconded by NB.

Action:**Decision**

Inspector's Report 2016

Action:

SF presented the Inspector of Mental Health Services Report 2016 and outlined key activities and engagement with mental health services throughout the year. Information was highlighted in relation to individual care planning, levels of service user involvement and staffing. It was noted that non-compliance levels are particularly high on staff training and maintenance whilst staffing with overtime and agency were widespread. It was also noted that while 25% of approved centres used seclusion, 85% of these were non-compliant in its use for a number of reasons. SF also advised that some approved centres do not use seclusion at all.

In relation to Children and Adolescent Mental Health Services (CAMHS) SF advised of an overall decrease in admission of children to adult units from 96 to 68. SF also advised that in 2016, eight CAMHS beds were not in service and that some areas of the country do not have a 24 hour CAMHS team. There are plans to meet the CAMHS management in 2017.

In relation to supervised residences, the Inspectorate continue to seek clarification on the numbers of these and the number of residents living there as the information received to date does not correspond to figures supplied previously by the HSE.

In the discussion which followed the presentation, it was noted that there was an overall difficulty with staffing levels, the state of cleanliness of buildings was not at an acceptable level, the apparent lack of focus on recovery in many approved centres and the difficulty in the Inspectorate obtaining training records for consultant psychiatrists and other health professionals.

Members welcomed the good service user initiatives which had been introduced in some areas, the fact that many approved centres were working towards compliance and the reduction of child admissions to adult units.

PCG advised that the Commission would be in a position to meet the statutory requirement to submit the Annual Report before 30th June 2017 however due to a number of factors the Annual Report itself would not be launched until 7th July 2017 with a press conference here in the Commission.

2 Submission to Seanad Public Consultation Committee re Mental Health (Amendment) Bill 2016.

PCG set out the background to this document and outlined the details for Members' information. Following a proposal from CoR which was seconded by XF it was agreed to submit the document.

3 Judgment of Mr Justice Binchy in TR and the Clinical Director of St Loman's Hospital, the HSE, the Minister for Health, the Attorney General Ireland respondents and MHC and Irish Human Rights and Equality Commission Notice Parties.

PCG advised that this matter was before the Court yesterday and that following some changes, the written judgement will issue in the next week. PCG advised that the Court had expressed the view that the Mental Health

Decision

Act 2001 was not compatible with international legislation when 12 month renewal orders were issued.

In the ensuing discussion it was clarified that the proposed declaration of incompatibility would not have any negative impact on the current operation of the legislation. PCG advised that the Office of the Attorney General was reviewing this matter in light of this and other similar provisions in other legislation. Members noted that one of the key issues in this court case was the lack of provision of follow up services to the person concerned.

Decision

Following a proposal from NB which was seconded by MW it was agreed the Commission would not lodge an appeal to this decision.

4 MHC Management Accounts

RM presented the Management Accounts for February, 2017 which were approved following a proposal from CoR that was seconded by MW.

Decision

RM presented the Management Accounts for March 2017 which were approved following a proposal from NB that was seconded by XF.

Decision

RM presented the Management Accounts for April 2017 which were approved following a proposal from CoR that was seconded by MW.

Decision

5 Risk Management

RM presented the most recent Risk Register which had been reviewed by the senior management team on 16 May 2017 and provided background information on a number of the major risks which the Commission now faces. RM advised that the lack of appropriate staffing levels across the Commission is seriously inhibiting the on-going functioning of the Commission. PCG advised that the Dept of Health was aware of this situation as previously indicated and that it was a matter that she is seriously concerned about. PCG acknowledged that Members had expressed their concern on the issue during their recent induction process. Arising from the ensuing discussion, it was agreed that the Commission would issue an invitation for the Minister of State with responsibility for Mental Health to attend the next Commission meeting on July 3 2017.

JS

6 Committee Reports

JS advised that as this was the first Commission meeting there were no reports from Committees as none had yet been established. He advised that, traditionally, the Commission has had two standing Committees, Audit and Risk Committee and the Legislation Committee. It was open for Members to form other Committees as they saw fit for a particular purpose.

All

JS advised of the requirement to have a number of external members of the Audit and Risk Committee and he suggested that those people who had served on previous committees would be approached to seek their interest in serving on the new committee.

JS requested that any person who wished to put themselves forward to serve on either of these Committees would do so by advising the Secretary of this.

<p>JS also advised that he was aware that not all positions on the Commission had been filled yet and that there would be the opportunity for the newly appointed members to participate.</p> <p>7 External Reports</p> <p>JS advised that there were no external reports</p> <p>8 AOB</p> <p>JS advised that there was no matter for AOB and declared the meeting closed. Members to meet again on 3 July 2017.</p>	Action:
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Item No.		Person Responsible	Timeframe
Item 5 Risk Management	Invitation to issue to Minister Helen McEntee to meet with Commission Members	JS	Following on from meeting
Item 6 Committees	Request regarding Committee Membership to issue to Members for their consideration	All	Responses in advance of next meeting

Signed: 

**John Saunders
Chairman**

Date: 3/7/17