

Mental Health Commission Meeting¹
Minutes of Meeting held on 15 November 2018 at 11am
Held at Waterloo Exchange, Waterloo Road, Dublin 4

Commission Members	Initials
John Saunders	JS
Patrick Lynch	PL
Michael Drumm	MD
Ned Kelly	NK
Jim Lucey	JL
Rowena Mulcahy	RM
Nicola Byrne	NB
Margo Wrigley	MW

Apologies	Initials
Niamh Cahill	NC
Colette Nolan	CN
Aaron Galbraith	AG
Xavier Flanagan	XL

Executive in Attendance	Initials
John Farrelly, CE	JF
Susan Finnerty, Inspector	SF
Rosemary Smyth, Director Standards and Quality Assurance	RS
Kate Frowein, HEO Standards and Quality Assurance	KF
Orla Keane, Secretary to the Commission, Head of Legal Services / Division Lead for MHT	OK
Aine Flynn, Director DSS	AF
Jack Nagle, Alpha Healthcare	JN

Agenda Item No	
	<p>Strategic Plan</p> <p>From 11am to 12 noon, the Members, the SMT and SP Steer Co met to discuss a draft of the Strategic Plan (SP). The SP shall be agreed at the December meeting.</p> <p>It was agreed that the Provider and the Executive would do the following –</p> <ol style="list-style-type: none"> 1. Make amendments to the SP as agreed. These would be the only issues checked at the next meeting. 2. Options for the Title of the SP to be presented at the next meeting. 3. The Design would be progressed. 4. Details for the launch would be considered.

¹ DJE =Department of Justice, DOH = Department of Health.

Furthermore, at the next meeting the draft Business Plan for the MHC / DSS would be presented. Work has commenced on this.	
1	Declarations of Interests - Signed and Returned to the Secretary.
2	The Minutes of the Meeting on 15.10.18 were agreed. RM proposed approval of the Minutes and NB seconded same Decision 55 of 2018
3	<p>Chair's Business</p> <ol style="list-style-type: none"> 1. Welcome to the new Chief Executive. 2. Commission Member Vacancy – Matter with the Minister and it is hoped person will be confirmed before Christmas. 3. Membership of the ARC and Legislation Committee – Chair noted that there were no volunteers. It was agreed that the ARC would review the issue at its meeting on 30.11.18. The Legislation Committee would consider co-opting an external Member and review their quorum requirements. 4. December Meeting – It will commence at 10.30 and finish at 1.30. There will then be a lunch for the Members. OK to provide schedule of proposed dates for 2019 meetings.
4	<p>Executive Reports</p> <p><u>Inspector of Mental Health Services (Inspector)</u></p> <p>The Inspector presented her quarterly report. She outlined the work done year to date. On the <u>Rehab and Recovery</u> work, she has nearly completed all of her meetings. She will then do her report and do a comparison to the findings in 2011 when this report was last done. In summary it would appear there are not enough teams and Vision for Change does not address all of the support workers / teams required to carry out this work.</p> <p>In relation to the <u>Physical Health Review</u>, she noted that people in mental health services are falling between the different services. She said there is a concern that person with mental health issues are not being treated with parity as regards their physical health needs.</p> <p>In relation to the 24 hour residences, she noted as per previous meetings that the findings for residences in one catchment area are collated and published together to see if themes or concerns exist. She noted that there is no consistency in these services. Budget appears to me an issue and there is a pull between disability versus mental health services. The Chair noted that people with mental health issues died significantly younger than those without and a lot of this was down to the provision of physical care.</p> <p>The Inspector then moved to a summary of the reports to date and the key issues -</p> <p>Safety (<i>safe processes, training, premises, medication management, risk management</i>) Appropriate care and treatment (<i>ICP, therapies, general health monitoring</i>) Responsiveness (<i>information, complaints, recreation, food</i>) Dignity, privacy and autonomy (<i>restrictive practices, privacy in premises, searches, CCTV, confidentiality of records, physical restraint, seclusion</i>)</p> <p>On safety the key areas of non-compliance include – mandatory training, premises and safety medication management. The Members asked were these systemic issues as a whole or specific to certain areas only. SF noted that in relation to the mandatory training this was system wide due to staff shortages and the others were more area specific. She added that the safety medication management issues were</p>

completely unacceptable as they are standards issue for doctors and nurses to know when they are being trained. On safety in premises, while there is ongoing concern, this is improving, albeit slower than one would want.

On care and treatment – SF said the main issue is the ICPs but she did refer to other issues. The issue re ICPs is an ongoing issue. The Members questioned if that is the case what can be actively done by the MHC or others to address this. SF said she would consider this as part of the 2019 Plan.

On the issue of Dignity, privacy and autonomy - SF noted that the three key issues were privacy in the approved centre, restraint and confidentiality. SF provided examples of issues that arose at inspection, which they have highlighted as unacceptable.

SF and the Members had a Q&A in relation to her Report. They asked for clarify on the stats in her report which was provided; it was noted that SF and the new CE should consult on the Plan for 2019; it was noted that there is no National Policy on Rehab Services and that this is a barrier to progress in this area, it is just about the Consultants, it is about the entire multi-disciplinary team.

Director of DSS

The CE addressed the Members in relation to the DSS. It was noted that the information sought by the Members at the last meeting was provided. The CE said that after discussion over the last few weeks there are certain changes he would like to make to the Governance Structures for the DSS which would provide additional assurance. After further discussion it was agreed that he and the Director would present an Updated Plan to the Members at its next meeting.

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

RS and KR presented the final version of the National Standards for Safeguarding Adults. RS explained the background to the project and the benefit to the public. She noted that the MHC and HIQA agreed to amend the Safeguards to adhere to any future legislation. KF had prepared short presentation in which she outlined the development process, stakeholder engagement (which was very good), 79 submissions received from the public consultation (44 from organisations and 35 from individuals), the types of focus groups conducted and the sectors represented, the positive message and the limitations (namely the fact that there are a number of similar processed ongoing at the moment with the HSE and the legislature). RS and KF noted that if implemented the Standards will have a very positive impact on people using services. The Members commenced RS and KF on the work done.

MW proposed approval the Standards for approval and NK seconded same
Decision 56 of 2018

Mental Health Tribunals (MHT)

OK noted that her Report was read only.

Legal

OK noted that her Report was read only.

She provided the Members with a brief outline on the facts of the case which was in the media over the last week. She noted that the MHC is very clear that a patient has both a constitutional right and a right under the 2001 Act to appoint their own solicitor. She also said that the MHC's processes are in order but that the MHT team would look to see if some additional measures could be added to strengthen the

position. It was agreed that a Notice should be issued to all Panel Members confirming the patient's legal right to appoint their own solicitor and that this be confirmed at the next training session of the Panels.

OK noted that the Legislation Committee had met that morning. There were four issues for review and recommendation, which were then to be brought to the Commission. One issue has been deferred to the next meeting as it requires further consideration and the Members took the view that the other issue had been dealt with adequately by the Executive and did not require any further action.

In relation to the remaining two issues -

1. DJE's reply to the MHC's Submission from May 2015 - In summary OK, with the assistance of RM, noted that the Reply was not satisfactory. It was noted that the issues raised are fundamental to the operation of the DSS and must be clarified before Regulations or Codes can be finalised. The Legislation Committee recommended a letter be sent setting out the concerns of the MHC and seeking more information from the DJE. OK / AF would draft the letter, it would be reviewed by the LC and issued by JF. The Members agreed that this must be done as clarity as to the legislative basis for the DSS is essential.
2. DOH's letter to DJE re Sections 92 and 105 of the 2015 Act – After Discussion on the matter, JF noted that on the basis that he will be looking at revisions to the overall Governance Structure for the DSS, that this issue will also have to be addressed. He will address this with both Departments. It was agreed to leave with JF to progress.

CE's Report

JF noted that he would be reviewing the format of the reporting to the Members and would present a proposal to them when agreed.

JF referred to the SRFT for the Communications Tender. He said that he had gone with a lower value tender proposal due to the fact that personnel had been sanctioned by the DOH for this area. JF noted that when these persons are in post a Communications Strategy shall be developed.

JF referred to the Management Accounts. He noted that he had checked and that they did not in fact have to come to the Members for Approval each month. The Members do have to approve the Quarterly Accounts. Therefore, from December onwards the Management Accounts will be presented for information only.

October Management Accounts – JL proposed approval of the Accounts and PL seconded same.

Decision 57 of 2018

PL noted that clarity had to be provided to the Members on that the financial matters that had to be referred to them for review and approval. It was noted that contract above €250,000 had to go to the Members for approval and that variances above €[60,000] in a contract had to go to the Members for approval. A Note would be provided to them at the next meeting to confirm this.

PL requested again that significant variances be addressed in the report to the Members. He noted that this links in with the Budget planning process at the beginning of each year.

8

Risk Management

It was noted that the Risk Report and Risk Register will be reviewed in November at the quarterly meeting and an updated Report and Register will be submitted to the ARC on 30 November and the December Commission meeting. There was a discussion on the DSS Risks. It was agreed they would be

	<p>It was noted that the Risk Report and Risk Register will be reviewed in November at the quarterly meeting and an updated Report and Register will be submitted to the ARC on 30 November and the December Commission meeting. There was a discussion on the DSS Risks. It was agreed they would be reviewed at the next meeting in conjunction with an overall review of the Risk Register and the Risks which should appear on the Corporate Risk Register as opposed to the Divisional Risks. It was agreed that this would be discussed at the ARC on 30 November and the next Commission meeting in December.</p>
9	<p>Committees (dealt with before the Risk at the meeting)</p> <p>Audit and Risk Committee (ARC) – There was no scheduled meeting of the Committee since the last Commission meeting.</p> <p>Legislation Committee – The issues were dealt with by the Chair of the Committee as part of the Legal Report above. RM added that due to the volume of issues ongoing at the moment that the Legislation Committee have agreed to meet every two months, they would review the quorum for their meetings and they would look at suitable external members to join the Committee.</p> <p>Quality Improvement Committee – No update.</p>
	Next Meeting 13 December at 10.30.

ACTION LOG			
No	Action	Person Responsible	Status
1	Final SP to be presented for approval	Alpha / Executive	In progress
	Draft Business Plan presented for comment and approval	Alpha / Executive	In progress
2	Proposal re new format of reporting to the Members	CE	In progress
3	Proposal on Action to be taken re lack of compliance with Regulation on ICPs	Inspector	January 2019
4	The Legislation Committee to revert on co-opting an external Member and a review of their quorum requirements.	Legislation Committee/ Head of Legal	January 2019
5	List of Proposed Commission meeting dates for 2019	Secretary	In progress.
6	Letter to be sent by CE to DJE re Advice from AG on reply to MHC Submissions	CE/ Director of the DSS / Head of Legal	In progress
7	Progress review of MHC Legal Aid Scheme and revert with proposal to the Members	Head of Legal / Executive	January 2019
8	DSS – Revised Governance Structure to be presented for review and approval (this will include the recent issues in the letter from the DOH to the DJE re Sections 95 and 102 of the 2015 Act)	CE / Director for the DSS	
9	Short Note confirming the financial matters to be referred to the Members eg contract over a certain	CE/ Director of Corporate Services	In progress

	value of contract / overspend on contract with links to the relevant policies		
10	Risk Policies / Register to be reviewed and amended Policies and Register to be presented to first meeting of ARC and thereafter the Members in 2019	CRO/ Executive	February / March 2019

Dated: 13 December 2018

Signed:

By the Chair

A handwritten signature in black ink, appearing to be 'M. de la...', written over a horizontal line.