

Mental Health Commission
Minutes of Meeting on 21 October 2016
11:00 – 16:00
Held in St Martin's House, Waterloo Road, Dublin

Present:

Commission Members	Initials
Maeve Doyle	MD
Pauline Gill	PG
Catherine O'Rorke	CoR
John Saunders	JS
Yvonne O'Neill	YoN
Mary O'Hanlon	MoH
Xavier Flanagan	XF
Michael Byrne	MB
Colette Nolan	CN

Apologies:	
Ned Kelly	NK
Mary Keys	MK
Patricia O'Sullivan Lacy	PoSL

Absent:	
John Redican	JR

Executive in Attendance:	
Patricia Gilheaney Chief Executive	PCG
Ray Mooney Secretary to the Commission	RM

In Attendance	
Moling Ryan for Item 2.1	MR

JS opened the meeting and welcomed Members.

Action:

1. Minutes of Commission meeting held on 23rd September 2016

The Minutes of the meeting held on 23rd September 2016 were approved following a proposal from MD which was seconded by XF.

a) Matters Arising

None

2 Chairman's Business and matters for mention

2.1 Board Self-Assessment Report Presentation by Dr Moling Ryan.

JS advised that this item was scheduled for 2.30pm this afternoon.

2.2 Inspection Reports for October Commission Meeting

JS invited comments from Members on the inspection reports contained in the meeting papers. It was noted that the rate of non-compliance was higher in the Jonathan Swift Unit in 2016 than it had been in 2015.

2.3 Confirmation of Minister of State Ms Helen McEntee T.D. attendance at December 2016 Commission meeting.

JS advised that the Minister of State has confirmed that she will attend the December Commission meeting at 10am. Members discussed a number of areas that they wish to raise with the Minister including the review of the 2001 Act, update on Vision for Change, Government's vision for mental health services, the organisational review of the Commission, staffing for mental health services in general, the mental health tribunal panels term of office and the proposed report from the current Commission on issues which it has identified during its term of office. It was agreed that a concise briefing paper would be prepared setting out these areas and provided to the Minister prior to the meeting in December.

JS/PCG

3 Chief Executive's Report

Part 1

1.0 Regulatory Enforcement

The need for Members to absent themselves from the meeting when a mental health service in their part of the country was under discussion was raised. It was discussed and agreed that a Member need only absent themselves from the meeting if they were directly involved in the management of that particular service.

PCG updated Members on the information presented in her report and advised that an application for registration has now been received in respect of the Alzheimer's Unit, St John's Hospital, Sligo.

1.3.2 Current Enforcement Actions of Note

MB absented himself from the meeting for this item

PCG updated members on the representations received from the HSE in relation to the proposal to remove the Department of Psychiatry (DoP) Portlaoise, Midland Regional Hospital from the Register of Approved Centres., The representations received included a detailed, comprehensive plan of actions which have been taken

and others which are being implemented to address the areas of non-compliance identified by the Inspectorate. Following consideration of the representations received it has been decided not to proceed with removal of the approved centre from the Register at this time and a period of three months will be provided for the service to complete all required actions. The service will be required to attend a Regulatory Compliance Meeting at the end of January 2017. Service users' experience of the unit was discussed and it was noted that the 2016 unannounced inspection was due to take place before year end. Members requested that particular emphasis be placed on the service user experience during the course of that inspection.

MB joined the meeting

1.6.2 T.R. v. Mental Health Tribunal, HSE, the Attorney General and Ireland – High Court 2016/469 JR

PCG updated the meeting on this particular case.

1.7 2016 MHT Panels Recruitment

PCG advised that the extent of work remaining to be done by the Corporate Services team and the Standards and Quality Assurance team regarding contracts for service and training in relation to having the new tribunal panels in place by 1st November was proving to be particularly challenging within the short time- frame remaining. However, processes have been put in place and it is expected that these challenges will be overcome in time to meet the deadline.

1.8 MHC Staffing Update

Response awaited from the Dept of Health.

1.9 Organisational Review

Following discussion it was agreed to convene an additional Commission meeting on 18th November 2016 to consider the Mazars report which will be available for Members' review prior to this date.

1.10 Comptroller and Auditor General Audit of 2015 Financial Statements

PCG advised that there is no update on this matter.

1.11 Establishment of Decision Support Service (DSS) in the MHC

PCG informed members she had contacted the Department for an update regarding a date for the deferred Steering Group Meeting. The Department indicated that it may have a difficulty with the post of Director at Assistant Secretary level and advised that it was being reviewed within the Department. PCG provided details of the original proposal by the Department of Justice and Equality regarding the Director post and noted that there has been no reduction in the statutory functions of the post holder since the proposal was developed. Following discussion on this matter the Commission agreed that due to the wide range of skills and competencies that the person in this role would be required to possess, the Commission would not be prepared to consider appointing a person to this role unless it was at least at Assistant Secretary level which was what was proposed in the original document from the Dept of Justice and Equality. It was noted that the Act provides that it is the Commission who determines the terms and conditions of the post with the approval of the Ministers for Health and Public Service and Reform.

Action:

PCG

It was further agreed that PCG would write to the Dept of Health to advise them of this decision. This letter would also be copied to Dept of Justice and Equality for information. Furthermore the letter would contain a request to the Dept of Health for a meeting at which this matter could be resolved. Members also wished to re-iterate their position that the Commission would not be in a position to commence the steps for the introduction of the Decision Support Service until the resources which have been sought previously by the Commission are in place.

1.12 Seminar facilitated by Professor Colm McDonald, Research Grant Scheme Awardee

CN briefed Members in relation to the above event which was held in Galway and outlined some of the issues which had been raised. One of the key issues related to the number of people who are subject to a recommendation for involuntary admission that are not involuntarily admitted and the dearth of information that is available on this situation. Collection and analysis of this information by the MHC would require additional resources and legislative change.

1.15 Code of Practice for the Governance of State Agencies

PCG advised that at the last meeting Members had requested that contact be made with the IPA regarding training for Commission members in relation to the provisions of the Code which became operational from 1 September 2016. PCG circulated a draft proposal for governance training for Members' consideration. Following discussion it was agreed to proceed with the training at 10am on the morning of 18th November 2016 with a consideration of the Organisational Review Report by Mazars in the afternoon.

PART TWO

2.1 Research

2.2 Management Accounts for month ending 30th September 2016

The management Accounts for September 2016 were not available for Members consideration and will be available for the next meeting.

Balanced Score Card Reporting

PCG referred Members to the report in the meeting papers.

4. Consideration of Reports

None

5. Reports of Committees (PCG not in attendance for this item)

JS updated the Members on the meeting of the Governance Advisory Committee which had taken place this morning. JS advised that the appraisal process for the Chief Executive had been considered at the meeting and arising from those discussions it was the Committee's proposal that the appraisal should be carried out in the same manner as last year. Members' view were sought on this and following discussion it was agreed unanimously that the process would be carried out as in 2015 by the same Members who were thanked for their work on this matter. JS also

confirmed that the new external Audit Committee member will take up the position in 2017 when the current external member's resignation comes into effect in December 2016.

Action:

6. A.O.B.

December Commission Meeting

Members were advised that the December meeting is scheduled for the 9th December with the Minister attending at 10am. Following discussion it was agreed that the Members would attend the Christmas dinner on the 8th December and arrangements for this were agreed. Details of venue to be confirmed at a later date.

7. Date of Next Meeting

An additional meeting of the Commission will convene on 18 November 2016. There will be two items on the agenda, IPA Governance Training commencing at 10am, followed by a presentation by Mazars of the Organisational Review Report.

2.1 Board Self-Assessment Report Presentation by Dr Moling Ryan

JS introduced MR to the meeting and outlined the work which he has carried out in collating the responses to Members' replies to the 2016 Board self-assessment. He also advised that in preparing his report he was in no way influenced by discussions he had with JS or PCG.

In his introduction, MR outlined that governance is a keystone in the work of any board. He went on to highlight the particular challenges faced by Members who might be perceived as having been nominated by a particular professional body or group who were now required to put these aside and allow experiences to inform their contributions to the Board without seeking to dominate or unduly influence any decisions the Board itself might make. MR advised the meeting that in reviewing the 2014 and 2016 self-assessment responses, he found that Members were conscious of this.

In the discussion which followed his presentation MR welcomed the up-coming training which was planned in relation to the new Code of Practice and the formation of the Governance Advisory Committee. It was also noted that the very specific role and functions of the Commission are not always clear to people until they become part of the Commission. This has been an issue for some Members in the past. MR advised that at the Governance Advisory Committee it had been suggested that the final report would contain references to a number of areas that the Commission had addressed over the past couple of years and might focus on in the future. In conclusion, JS on behalf of the Members, thanked MR for his report which will be completed adding that it will be a useful guide to the new Members who are to be appointed in 2017 and it will also be used to brief the Dept of Health to assist in their selection of nominees for the new Commission.

Item No.		Person Responsible	Timeframe
Chair's Business Item 2.3	Preparation of Briefing Paper in advance of visit by Minister of State	JS/PCG	Prior to December meeting
CE Report Item 1.11	Re: DSS – PCG to write to DoH re grade of Director of DSS	PCG	Following on from meeting
CE Report Item 2.1	Board Self-Assessment Report – finalisation of same	JS/PCG	December

Signed: 
John Saunders
Chairman

Date: 9/12/16