

Mental Health Commission Meeting
Minutes of Meeting held on 18 October 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
Niamh Cahill	NC
Xavier Flanagan	XF
Rowena Mulcahy	RM
Nicola Byrne	NB
Margo Wrigley	MW
Colette Nolan	CN
Aaron Galbraith	AG

Apologies	Initials
Jim Lucey	JL

Executive in Attendance	Initials
Rosemary Smyth, Interim CE	RS
Orla Keane, Secretary to the Commission and Head of Legal Services / Division Lead for MHT	OK
Aine Flynn, Director DSS	AF
David Lynch and Claudia Carr, Bearing Point	DL and CC

Agenda Item No	
1	Declarations of Interests - Signed and Returned to the Secretary.
2	The Minutes of the Meeting on 20.9.18 were approved, subject to certain amendments. NB proposed approval of the Minutes and NK seconded same Decision 49 of 2018
3	Chair's Business <ol style="list-style-type: none"> 1. Commission Member Vacancy – Matter with the Minister and in progress. 2. Meeting with Minister Daly – RS and MW gave a summary of the meeting. RS noted that a Minute of the Meeting was done and agreed by those who attended from the MHC. The draft was sent to the Department of Health (DOH) for agreement and has also been circulated to the Members. It was proposed that the MHC should meet more frequently with the Minister however it was noted that the Minister only has these meetings once a year with each agency within his remit. Overall, both the MHC and the DOH thought the meeting went well.

	<ol style="list-style-type: none"> 3. Meeting with the College of Psychiatrists – A number of issues were discussed; one related to the high turnover of Consultant Psychiatrists (CPs) within the HSE and that locums required training on the 2001 Act as amended. The MHC is to liaise with the College about arranging training in the New Year. 4. Strategic Plan – This is in progress and a draft will be presented at the November meeting. 5. Additional issue – The Report from the Joint Committee on the Future of Mental Health was published on 17.10.18. A copy was sent to the Members. JS and RS attended the launch. It was noted that while there were a few positive issues in the Report, that overall it was not a very detailed analysis. It was noted that the Joint Committee has sought to continue its work. The Members agreed that if this request is granted, the specific work to be done needs to be clearer and there needs to be more in depth analysis. JS noted that a reply /statement would be issued on behalf of the MHC.
4	<p>Executive Reports</p> <p><u>Director of DSS</u></p> <p>The Members had a preliminary discussion and it was noted that the following issues needed to be discussed –</p> <ol style="list-style-type: none"> 1. BP’s costs to date, 2. How the Project is being managed internally and externally, and 3. The issues in relation to the 2018 Budget and if there has been a reply from the Departments. <p>DL and CC from BP then joined the meeting. CC gave a short presentation to the Members supported by a summary document entitled “DSS Implementation Project Overview”.</p> <p>As part of this CC highlighted a number of matters to include – BP had advised and were recommending a DPER Peer Review (as had the MHC) in relation to the ICT Project but the issue has not been progressed by the Department of Justice (DJE). CC also noted that if the systems are not fully automated that this will require more staff and result in more risk. Reference was also made to the fact that the first phase of the Codes of Practice are due to go out to Public Consultation early in 2019 but a number of issues are outstanding from the DJE such as the advice from the AG and the Regulations. If these matters are not addressed then the Codes cannot go out. The reason the first phase needs to go out in time is because the recruitment of the Panels is dependent on this. OK and RS noted that we are hoping that PAS will assist with the recruitment of those Panels. CC noted that the Project is currently “red” in terms of overall risks.</p> <p>There then followed a Q&A session – a summary of the discussion is as follows -</p> <ol style="list-style-type: none"> 1. CC confirmed that Peer Review for the ICT Project would address Budget, Cost, Resources and Risk. 2. It was noted that expected users of the services in the first few years is difficult to forecast and the numbers are based on the data collated. MW suggested a few sources to BP. 3. CC outlined BP’s work (this includes Scoping of Project, Planning, and Project Management to ensure things happen in time, Design on Services, HR ICT, Technical input, Quality Assurance and Business Process advice). CC said that more detail can be provided if required by the Members. PL said the documents presented are difficult to follow. DL noted that there is a very detailed Project Plan and Terms of Reference for the Project Board. The detail of the daily/ weekly matters are reported to AF and then the higher level issues are addressed with the SMT at the Project Board. The Members sought clarity on a number of matters which BP agreed to provide.

4. The issue of BP's contract was raised. It was noted that it was not a fixed price contract and the reasons for same are clear (ie the number of variables / unknowns). The Members noted that the MHC has to track work done against the costs.
5. CC noted that Phase 1 of the Project is complete.

It was agreed the following would be provided for the next meeting –

1. A short document from BP setting out clearly what specific work has been done to date in each work stream with a separate note on the costs associated with this work.
2. A short document on the Deliverables to date and the Deliverables to the end of the Project highlighting the status (red, amber or green) and what has been done to address any risk issues.

JS explained that the reason all of this information is being sought is that the MHC will be subject to scrutiny from a number of external sources and must be able to stand over all of its decisions.

NB noted that the MHC are dependent on a number of external stakeholders and if those issues are not progressing, which it appears to be the case, then the MHC needs to be proactive otherwise the Risks will escalate. PL and NC agreed and said that the IDSG has the overall governance for this Project and should be taking action on all of the matters not being addressed. The Members acknowledged that the Executive has produced an External Dependencies Document for the DJE and DOH, which has resulted in certain progress. It was agreed that the issue of Governance needs to be clearly addressed at the forthcoming meeting with the Departments.

CC and DL then left the meeting.

AF then proceeded to address the Members in relation to her reports – a summary of the discussion is as follows -

1. It was agreed that the Governance by the IDSG needs to be addressed as a matter of priority. AF did note that some progress has been made on the External Dependencies but not to the extent required.
2. It was noted that the Project will not be able to meet its target date of Q1 2020 due to various delays, some internal and some external.
3. MHC must get the DJE and DPER together to progress the ICT issue asap. AF said that DPER has said the DJE must take the lead on this. AF is in constant communication with the relevant parties on the matter.
4. It was noted that certain matters had not progressed as quickly as expected by the SMT and examples of same were provided. While the Members noted that a number of the Executive are dedicating a large amount of time to the DSS, they said that the SMT need to keep under close review the work done by the Executive and BP on the Project to ensure it is being done effectively and efficiently.
5. Concern was raised on the time that a DPER Review of the ICT Project might take, given the work that this requires., A clear timeline needs to be outlined and how that might impact on the overall timeline of the Project.
6. OK outlined to the Members the work done in relation to BP's costs. A sub group has met to discuss and agree the bills for July, August and September. Two of the three have been agreed. In addition a meeting was arranged to agree a new approach for agreeing costs going forward, with the input of Internal Auditors. A cap has been put on the total costs to be incurred between now and 31.12.18.
7. AF also highlighted another issue in relation to the Project which relates to the DSS having ownership and/ or control over a "relevant person's" money or property in certain cases. OK and AF noted that if the DSS has to do this directly that will require a lot of additional work, cost and legislative amendment.

The following was agreed –

1. The two documents referred to above are to be provided.
2. Communication must improve.
3. The Executive is to pursue the meeting with the Departments on the Budget.
4. The Executive is to address the Governance of the Project with the Departments.
5. The Executive is to notify the Departments that the Project will not be able to meet its target date.
6. CC or Jack Nagle (JN) should attend the Commission meetings with AF in the future to present an update on the deliverable and to address specific queries that the Members may have.

CN noted that these new services are required for all of the people of Ireland, in particular some very vulnerable people, and the State needs to be reminded of who is at the centre of all this work.

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

Legal and MHT

1. IF case – OK noted that as of that morning the Supreme Court had approved our application to appeal.
2. New Private Members Bill re Capacity of 16/17 olds to consent to mental health treatment - OK noted that she had provided it to the Members. OK also noted that it was one of the Recommendations of the Expert Review Group. She gave a brief summary. The Members welcomed the Bill.
3. GDPR – OK noted that we had met with the DJE and the office of the Data Protection Commissioner in relation to the DSS and that a Data Protection Impact Assessment requires to be done which is a lot more extensive than originally thought. A proposal for a preliminary review of the work to be done was brought to SMT (and notified to the ARC). It is agreed that the MHC's Internal Auditors shall do a scoping exercise on the overall work required to be done and this will be brought to the ARC / Commission. The cost could be €200k or more which was not included in the Budget Estimates sent to the DJE.
4. Mental Health (Renewal Orders) Act 2018 - OK noted that the first phase was in progress in that all Orders had to be made by 11.59 on Friday 12.10.18. OK said there were a few queries / issues all of which had been addressed. All MHTS on the Replacement Renewal Orders must be reviewed by cob on 1.11.18. Thereafter, we shall progress the second phase in relation to the Additional Reviews with guidance to All the Panel Members and emails to the Approved Centres. OK noted the huge work the MHT team had done on this matter, which was supported by RS. The Members asked OK to pass on their appreciation for this work to the MHT team.

CE's Report

RS gave a brief overview of the Action Items from the last meeting.

RS then gave a brief overview of the current HR position, the recent posts advertised and the additional posts to be advertised next week (these are for the DSS and to enhance the Corporate Services to support the DSS).

RS then referred to the correspondence we had received in relation to Government Strategy on Communications. She noted that we had spoken to some other organisations and views differed. We had issued a reply stating that the MHC is an independent state agency, therefore, it would not be appropriate for it to use a central Government logo and we should have our own clear identity. A copy of the letter and reply has been made available to the Members.

	<p>RS then turned to the Management Accounts. She noted that two sets of Accounts and the Revised Budget were not approved at the last meeting as additional notes on key items were sought. The Members noted that the additional notes provided were very helpful. PL had queried the additional figures in relation to the MHTs. OK noted that these were our best estimates and had been agreed with the DOH. It was requested that a line item / note should be inserted in relation to BPs ongoing costs – what has been invoiced, paid and agreed on a SoW.</p> <p>Finally, RS noted that while we have an indication from the DOH of our Budget for 2019, we will not formally know our Budget until January 2019. It was also noted that we are hoping to obtain more money in relation to the DSS but this may not change.</p> <p>July Accounts – NB proposed approval of the Accounts and NK seconded same. Decision 50 of 2018</p> <p>August Accounts – MW proposed approval of the Accounts and NC seconded same. Decision 51 of 2018</p> <p>September Accounts – MD proposed approval of the Accounts and NK seconded same. Decision 52 of 2018</p> <p>Revised Budget - NK proposed approval of the Accounts and MD seconded same. Decision 53 of 2018</p>
8	<p>Risk Management</p> <p>PL (who had left the meeting at this point) requested via the Chair that the Risks related to the DSS be reviewed and what was being done in relation to the Business Continuity. OK noted that this was being addressed in relation to the Audit Plan for 2019 and it would be raised with the new CE as an immediate action point. NC also raised a query in relation to the settlement of the Consultants contract cases. OK noted that there would be no cost to the MHC now or going forward.</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. The Chair noted again that he was seeking another Member to sit on the ARC. He requested that a further email would be issued to all with replies by cob on 26.11.18.</p> <p>Legislation Committee – There was no scheduled meeting of the Committee since the last Commission meeting. The Chair noted that this Committee was also seeking another Member to sit on it. He requested that an email would be issued to All with replies by cob on 26.11.18.</p> <p>Quality Improvement Committee – MW as Chair presented the Terms of Reference (TOR) and gave a brief summary. These were agreed. MD proposed approval of the TOR and RM seconded same. Decision 54 of 2018</p>
	<p>Next Meeting 15 November - time to be confirmed.</p>

ACTION LOG			
No	Action	Person Responsible	Status
1	MHC to Agree with DOH Note of meeting with the Minister	RS	In progress
2	MHC to liaise with College of Psychiatrists re training for CPs in the New Year	OK/RS	In progress.
3	Email to go to Members seeking volunteers to sit on the ARC and the Legislation Committee.	OK	Email sent. No replies.
4	It was requested that a line item / note should be inserted in the Management Accounts in relation to BPs ongoing costs – what has been invoiced, paid and agreed on a SoW.	Director of Corporate Services / Finance Manager	Ongoing / November + December meetings
5	Two documents are to be provided – <ol style="list-style-type: none"> 1. A short document from BP setting out clearly what specific work has been done to date in each work stream with a separate note on the costs associated with this work, and 2. A short document on the Deliverables to date and the Deliverables to the end of the Project highlighting the status (red, amber or green) and what has been done to address any risk issues. <ol style="list-style-type: none"> 1. In addition the following is to be done–The communication must improve. 2. The Executive is to pursue the meeting with the Departments on the Budget. 3. The Executive is to address the Governance of the Project with the Departments. 4. Notify the Departments that the Project will not be able to meet its target date. 5. CC or Jack Nagle (JN) should attend the Commission meetings with AF in the future to address specific queries that the Members may have. 	AF/ SMT	Ongoing
6	Note on BP costs to date / what is paid / what is not paid and what has been provisionally agreed to year end	Finance Manager / Director of Corporate Services / SMT	

Dated: 15 November 2018

Signed:

By the Chair

