

**Mental Health Commission Meeting
Minutes of Meeting held on 18 February 2021
Held by way of MS Teams
10.00am – 2.00pm**

Commission Members	Initials
John Saunders	JS
Rowena Mulcahy	RM
Dr Michael Drumm	MD
Nicola Byrne	NB
Dr Margo Wrigley	MW
Jack Nagle	JN
Colette Nolan	CN
Dr John Hillery	JH
Patrick Lynch	PL
Tómas Murphy	TM
Ned Kelly	NK

Executive in Attendance	Initials
John Farrelly, Chief Executive	JF
Orla Keane, Secretary to the Commission, Head of Legal / Division Lead for MHT	OK
Dr Susan Finnerty, Inspector of Mental Health Services	SF
Gary Kiernan, Director of Regulation	GK
Áine Flynn, Director DSS	AF
Jenna Goodwin, Corporate Governance Manager	JG

No.	Matter	Action Required By
1	Private Session of the Commission The Commission held a short private session without the Executive present and discussed the annual Self-Assessment of the Commission.	
2	Declarations of Interests – To be signed and returned by email.	JG
3	The Minutes of the meeting held on 21 January 2021 were agreed. Decision 4 JN proposed approval of the minutes and NB seconded same.	
4	Chairperson's Business The Chair informed the Members of the following – 1. Two new Members have been appointed to the Commission this week; Dr John Cox who is a GP operating in Co. Wexford and Ms Fionn Fitzpatrick who is the manager of the Gateway Project. Both will attend the next Commission meeting.	

	<p>2. It is proposed and agreed to move the main Commission meeting to 25 March and to have a session with the IPA on the review of the Risk Management Process on 18 March (10am-12pm).</p> <p>3. The Suite of Corporate Governance Documents are being updated and shall be circulated to the Members for review and comment the week of 1 March. It was noted that these are the key governance documents for the MHC and therefore all comments from the Members are welcome. The comments and further revised drafts shall be discussed at the March Commission meeting.</p>	
5	<p>Chief Executive and Executive Reports</p> <p><u>CE's Report</u></p> <p>It was noted that the Risk Management review process by the IPA is underway and that the setting of the risk appetite statement will be discussed at the meeting on 18 March. The CE further noted that as per the Business Plan, it is envisaged that this area will be digitised and linked to the Strategic Plan and Business Plan.</p> <p>A Leadership Training initiative is currently being rolled out to senior staff other than the senior leadership team (APs, certain HEOs and the assistant inspectors) to ensure that there is leadership in all relevant areas in the organisation and that the organisation does not become critically dependent on a small number of staff.</p> <p>It was noted that the "Work Well" campaign for staff is working well and in reply to questions from the Members, OK provided examples of how it was working to ensure the wellbeing of all employees.</p> <p>In response to a query, it was noted that work on the ICT strategy is currently ongoing and that an update will be provided at the March FARC meeting with the strategy to be presented at the June FARC meeting in advance of being submitted to the Commission.</p> <p>The agreement with the HSE to provide the Covid-19 vaccination for the inspectorate team and the panel members was discussed. In response to a query raised by a member, it was confirmed that vaccinations of persons either employed or engaged on contracts for service by the Commission had been, and would continue to be, carried out strictly in accordance with the HSE vaccination rollout programme. It was also noted that the return to face-to-face tribunals as soon as is possible would be important for the patients. In that regard, it was noted that discussions had commenced with the HSE on the return of the panel members to approved centres on a phased basis (ICPs, then LRs and thereafter the full MHT).</p> <p><u>RMT Report</u></p> <p>SF noted that the 2021 inspections began this week; it had been intended to start last week however the two approved centres who were scheduled for inspections had cases of Covid-19.</p> <p>SF noted that her work on the Forensic report had commenced - the literature review has been started, the visit to Cloverhill has been deferred due to Covid-19 and meetings with relevant external parties were being arranged.</p> <p>It was also noted that the regulatory management team is organising a tender process for the review of regulatory process including report production.</p> <p>GK noted the following:</p>	

- The information in the report is presented in a new format which will be used going forward. The new format adopts suggestions from the Members.
- The team is continuing to monitor conditions applied to centres on a monthly basis to ensure they are still relevant and should continue to be applied. Two conditions were removed last month.
- There were 7 new enforcement actions in January and these related primarily to ongoing issues regarding premises.
- Development work is proceeding well in relation to standards and quality projects.
- There are currently 100 suspected cases of Covid-19 across approved centres.
- Confirmation has been received that patients over 65 living in approved centres have been vaccinated and this continues to be monitored in relation to the second dose.

The Members welcomed the revised format of the report and noted that the section of the report showing the breakdown of the number of beds is very helpful especially in relation to children and adolescents. It was further noted that 20.6 acute beds per 100,000 is very low in the context of other jurisdictions. Although it appears that there are 98 beds available for children and adolescents, 26 of these are private so may not be available to everyone.

Inspector's Report on Premises

SF presented her Report on the Physical Environments in Mental Health Inpatient Units and provided insights into how inpatient units complied with Regulation 22, the history of this issue and international comparisons in this area.

A discussion took place on the contents of the report and the following was noted:

- It was agreed that some of these issues are historical and while there should be conformance on every issue, the issue of cleanliness is particularly alarming. In response to this, SF noted that in most units there is a cleaning schedule and cleaning staff but the issue of governance and supervision arises in relation to who is responsible for overseeing the cleaning function and ensure units are clean. It was agreed by the Members that there needed to be zero tolerance on this issue. JN referred to the meeting with Minister Butler where she gave her full support for a zero-tolerance policy around issues of uncleanliness in approved centres. It was further agreed by the Members that there should be no confusion in approved centres as to who is responsible and that no excuses shall be accepted in this regard.
- In response to a query, SF noted that the new approved centres are clean and that staff take pride in their premises.
- Funding was also raised as an issue given that the building standards of acute units have changed in favour of single rooms, especially given the need for patients to have their own private and clean space. It was further noted that there is a lack of funding for simple, regular maintenance for approved centres, but this is vital to maintaining upkeep. It was agreed that this report needed to get some priority from government and these areas need to be funded. It was noted again that this is a further example of lack of parity of esteem between physical health and mental health.
- Overcrowding in units was also noted to an issue with little space for patients to move around. SF noted that this contributes to the other problems.

Chair

Chair

It was agreed that the Chair of the Commission would write to the Chair of the HSE in relation to the Report while also including the other issues mentioned by the CE to the HSE last year (seclusion, restraint and care-planning) and to state that this supplementary information is being provided to the HSE to assist them over and above what was in the 2019 Annual Report.

	<p>It was further noted that the Minister of State for Mental Health and Older People, Mary Butler T.D. should also receive a copy of the Report given the commitment she gave to ensuring cleanliness in approved centres at the Commission Meeting in November 2020. It was agreed that the Chair of the Commission would write to the Minister of State.</p> <p><u>DSS</u> AF noted that the report had been provided as per the revised format dealing with the 6 key pillars of the project and the milestones for commencement. AF noted that there had been a lack of clarity concerning the DCEDIY's position on the commencement date but that it has been agreed that the deadline is 1 July 2022.</p> <p>AF noted that the ICT project is meeting its deadline and the project charter for block 2 of the project has been signed. There are 29 sub projects ongoing, which do not relate to ICT. The critical milestones have been highlighted in yellow as requested.</p> <p>The RAG status of the regulatory framework was red but given the positive communications with DCEDIY, this has been changed to amber. Sanction has now been received to recruit a new management layer for the DSS and this will begin shortly.</p>	
6	<p>Strategic Plan Review – Midterm Review JF presented the midterm review of the current Strategic Plan, which is due to end at the end of 2022. He outlined the work which had been completed towards addressing the MHC's strategic goals in 2019/2020. A discussion took place in relation to the document and the Members agreed that the document was comprehensive and gave a good summary as to where the organisation is in terms of implementation of its Strategic Plan.</p>	
7	<p>Committee Updates – Legislation Committee RM noted that a written report has been furnished as part of the papers in relation to which she provided a brief summary.</p> <p>It was agreed that the terms of reference of the Committee would be presented for approval at the next Commission meeting as the incorrect draft had been included in the Commission papers.</p> <p>RM noted that a further submission is to be made to the DOH with regards to the Heads of Bill to amend the 2001 Act. Most of these are of a procedural nature and the Committee agreed to recommend approval of the amendments to the Commission as set out in the Memo provided. Following discussion, the Members approved the amendments as set out in the Memo and its submission to the DOH.</p> <p>Decision 5 JS proposed the submission and NB seconded same.</p> <p>In response to a query on the status of the Heads of Bill, OK noted that the HSE had until mid-February to provide comments on the Heads of Bill. Following that, the DOH will seek legal advice on the draft bill.</p> <p>RM advised that due to her current workload, she would be stepping down as Chair of the Committee. The Chair thanked her for her contribution to the Committee and the huge amount of work completed during her term. The vacancy will be addressed in the coming weeks.</p>	

8	<p>Stakeholder Initiative Presentation by the Alzheimer’s Society of Ireland</p> <p>Ms Jacinta Dixon, Dr Helen Rochford Brennan and Clodagh Whelan gave a presentation to the Commission focusing on dementia and who it affects, a human rights approach to dementia, comments on the Assisted Decision Making and Capacity Act 2015 and the work of the Irish Dementia Working Group. Ms Dixon and Dr Rochford Brennan shared their own experiences of living with the dementia.</p> <p>Following the presentation, the Members thanked them for their meaningful and insightful presentation. In response to a query from JF as to the one piece of advice they could give to the MHC in setting up the DSS, the presenters noted that they listen to those directly impacted and allow them speak for themselves as their rights are the same as everyone else’s and should be upheld. It was noted that from the MHC / DSS’s perspective, anyone who receives a diagnosis retains their rights and the DSS’s aim is to ensure people maintain their own autonomy.</p>	
9	<p>Next Meeting – 25/03/2021 at 10:00am</p>	

ACTION LOG			
No	Action	Person Responsible	Status
1.	Chair of the Commission will write to the Chair of the HSE in relation to the Premises Report.	Chair	Done
2.	Chair of the Commission will write to the Minister of State for Older People in relation to the Premises Report.	Chair	Done
3.	Update on ICT Strategy to be provided at the March Commission meeting.	COO	

Dated: 25 March 2021



Signed:
By the Chair