

**MENTAL HEALTH & LEARNING DISABILITY REVIEW
(NORTHERN IRELAND)**

**33rd STEERING COMMITTEE MEETING
TUESDAY, 10 JANUARY 2006 AT 10.00am
STORMONT HOTEL, BELFAST**

Present:

Professor Roy McClelland (Chairing)
Dr Diana Patterson
Rev Trevor Williams
Mr Brendan Mullen
Mrs Marie Crossin
Mrs Siobhan Bogues
Dr John Owens
Dr David Cameron
Mr Glenn Houston
Mr Roy Keenan
Mr Michael Kelly

Dr Paschal McKeown
Mrs Mary O'Boyle
Mr Patrick Convery
DI Gary Mullan
Master Brian Hall
Dr Oliver Shanks
Dr Fred Browne
Mr Leslie Frew
Ms Eileen Sherrard
Mrs Maureen McCartney
Miss Vikki Greenwood

Apologies:

Professor David Bamford
Mrs Moira Davren
Professor Alan Ferguson
Mrs Maureen Ferris
Dr John Hunter
Miss Joanne McDonald
Mr Bill Halliday
Mr Nevin Ringland

Mr Colin Beck
Mr Brian Dornan
Mr Martin Daly
Mrs Martha McClelland
Mr Mark Timoney
Professor Geoff Shepherd
Mrs Marion Nicholls

In Attendance:

Lady Christine Eames

Dr Maria McGinnity

Welcome, Introduction and Apologies

- 1 Professor McClelland welcomed everyone to the thirty third meeting of the Committee and noted the apologies received.
- 2 He especially welcomed Lady Eames and offered the Committee's congratulations on her award of an OBE in the New Year's Honours List.

- 3 He advised that Professor Bamford remained ill and continued to receive treatment.

Chairman's Communications

- 4 Professor McClelland reminded members that paper **SC 6/06** had been issued for information. It detailed forthcoming Review meetings and events for the rest of January.
- 5 In this context, he reported that NIAMH had established links with all the local political parties and he had attended a meeting with representatives of each of these in December, which NIAMH had facilitated. As a result, he had set up a meeting with the Official Unionist Party on 19 January. In addition, Carmel Hanna would be leading on the production of an all-party statement on the Review, probably around the end of February, once each had "got up to speed" on the work. The expectation from this was that there could then be Parliamentary Questions tabled for Ministers on the Government's plans for implementation.
- 6 The draft Strategic Priorities paper was being used as the basis for such meetings. The forthcoming edition of the Review's Newsletter would also be helpful, as it would briefly detail the current position with each Committee's work.
- 7 Efforts were continuing to arrange a meeting with the Minister, Shaun Woodward.

Note of the Last Meeting (Paper SC 1/06)

- 8 The note was agreed as drafted.

Matters Arising

(a) Communication and Influencing Strategy

- 9 In addition to the actions outlined above, members stressed that it was important that the Permanent Secretaries of other Departments were brought up to date, now that the Political Parties were becoming involved. Professor McClelland agreed to raise the possibility of presenting a paper to the Permanent Secretaries' Group with DHSSPS.
- 10 As regards the Newsletter, Rev Trevor Williams would input, as necessary. Sam Simpson would be involved in the press coverage of the forthcoming publication of the Alcohol and Substance Misuse report.

(b) Workforce Issues

- 11 The DHSSPS revised paper was awaited. It was expected later this month. Professor McClelland will meet with Joyce Cairns when it is received.

(c) Draft Budget 2005 (Paper SC 2/06)

- 12 Professor McClelland reminded members that this subject had been discussed at the last meeting and that he had written to Dr Andrew McCormick (as in SC 2/06) expressing the Review's concerns on the absence of any mention of the Review in Mr Hill's October letter to the HPSS. No response had yet been received.

(d) Autistic Spectrum Disorder

- 13 Professor McClelland advised that Arlene Cassidy had responded to his reply to her letter of 1 November, and he had since spoken to her. He had explained that the Review had not yet settled its position on organisational arrangements at Departmental or provider level. There would be some further refinements to the paper in this respect, so the Review had still to finalise its report. This could hopefully be done in the not too distant future.
- 14 He also advised that a seminar on ASD was being arranged by the NI Section of the Royal College of Psychiatrists and he would be pursuing user and carer input to this.

(e) Strategic Priorities Report

- 15 Members were advised that some internal consultations on this report were ongoing. As part of this, Larry Blaney and Seamus Logan from the Needs and Resources Working Committee had been invited to submit their views. A meeting had been held with them the previous day. The report needed to clearly spell out what was needed in the first 3 years of implementation.
- 16 The Convenors will look at this again at their next meeting and a further/final draft will then come back to the Steering Committee in February.
- 17 Members agreed that it was crucial to get this right. The document was not a summary of the Review: it was the key developments needed to implement it. A wide range of people/organisations needed to see the finished product, including Ministers, possibly the Secretary of State, Departments, Board and Trust Chairmen, local politicians and the voluntary sector.
- 18 It was proposed, therefore, that once all the reports were out for consultation the Review would host a conference on its key themes, with Convenors making presentations. This would allow for local media attention to be focused on the work of the Review, which had to be seen as a single reform process.

Draft Human Rights and Equality Consultation Report (Paper SC 3/06)

- 19 Lady Christine Eames thanked Roy Keenan and Sean Ferrin for their continuing support for the Group and in the preparation of its draft report. Since the Committee had discussed the initial draft in September, the Group had further developed the document until they now saw it as a “pre-final” consultation version. This work had included discussions with the Mental Health Carers’ Reference Group, whose detailed comments had been fully considered, with many suggestions accepted; incorporating changes as a result of Steering Committee members’ comments; and some general re-drafting and editing. The aim was to complete the work on some chapters which were still not finalised, and consider the comments from the Experts by Experience at the Group’s next meeting on 17 January.
- 20 More generally, she stressed her concerns at the human rights and equality issues potentially arising because services to those with a mental health problem or a learning disability were piecemeal: there was no uniformity of provision across Northern Ireland. Some of the report’s recommendations also had resource implications: and there was concern in the Group on the need for equity in resource allocation across the 4 Health and Social Services Board areas.
- 21 She also emphasised the centrality of the Group’s work to the Review as a whole. Her Group was examining specific issues, but it was important that the recommendations and conclusions on these accorded with those emerging from Working Committees. The report would aim to reinforce and supplement these other reports, but also be a stand-alone document in its own right.
- 22 With the Committee’s agreement, the Group planned to issue the report for consultation in late February, but she and they were open to continuing comments and suggestions from members. Two general points had still to be considered as to how best they could be incorporated:
- the increased demand for services as a result of over 30 years of conflict in Northern Ireland; and
 - performance indicators.
- 23 Professor McClelland thanked Lady Eames for her full introduction to the report and asked members for comments. The first point raised was the overlap in content between the chapter and annex on Capacity. Christine Eames explained that this was primarily because the papers on this subject were not finalised and it was an attempt to let members see what the report would look like as a whole, and also the issues which this chapter would cover. There should also be some recommendations in the final version of the chapter.
- 24 Members also highlighted the overlap between this Group’s work and that of the Legal Issues Committee, especially in relation to the draft Framework paper, discussion on which was the meeting’s next agenda item. Professor McClelland pointed out that the Legal Issues Sub Groups were currently reviewing their work to date in light of this draft Framework, and it looked like the Human Rights and Equality Group would also have to do this, especially in relation to

the recommendations on Involuntary Detention and Representation at Mental Health Review Tribunals. Most of these read as “Group” rather than “Review” recommendations; but it could be possible to re-draft them in more general, higher-level terms and to reflect the proposals in the Framework paper. Members did, however, agree with all the proposed recommendations, noting that some would have direct and/or indirect resource implications (eg 4 & 5).

- 25 The proposed consultation exercise was also raised, and whether this could go ahead as the Group wished, since the work on the Framework paper was not finalised. Christine Eames stressed her desire to consult on the report as quickly as possible. It was suggested that a possibility was that this could go ahead as a fore-runner to the consultation on the Legal Issues Committee’s report. However, some members also suggested that the proposals in the Framework document were so radical that some preparatory work might be needed to test the ground and “sell” them with professionals etc. So the timing and content of the consultation on the Legal Issues Committee’s report could not yet be determined.
- 26 Lady Eames was also reluctant to omit some of the recommendations on Involuntary Detention and Representation at Review Tribunals, which was also suggested as a possible way ahead, if the Group was to proceed to consult on its report. Her feeling was that this would devalue the document and the enormous amount of time and discussion given to the issues by the Group’s members.
- 27 As a first step to resolving these issues, therefore, Dr McGinnity agreed to attend the Group’s meeting on 17 January. She would give a presentation on and discuss the Framework document with its members, with the aim that Lady Eames would come back to the next Steering Committee meeting with proposals for a way forward.

Draft Framework for Future Legislation (Paper SC 4/06)

- 28 Dr McGinnity said that she welcomed the opportunity to speak to the Committee on the important work on which she was leading, as Chair of Legal Issues Sub Group 1, to develop this high-level, core paper for the Legal Issues Committee’s report and for the Review as a whole. The paper was not finalised, but she had already discussed it with the Convenors and the Legal Issues Committee in December. The aim was to complete the outstanding work on it as quickly as possible, and the Steering Committee members’ contributions to and support for its proposals were essential.
- 29 She introduced the paper with a PowerPoint presentation (**Paper SC 7/06**) a copy of which was tabled. This covered:
 - the remit of the Legal Issues Committee;
 - how its work was being taken forward;
 - what the current legislation covered;
 - the drivers for change;

- the purposes of mental health and capacity legislation and the increasing interfaces between them;
 - how the Framework was being developed;
 - the Principles base for it;
 - its key proposals; and
 - the work still outstanding.
- 30 In summary, she stressed that the aim was for non-discriminatory legislation which benefited from the experience of mental health and capacity legislation in the rest of the UK and internationally. The Framework covered a full range and gradation of health and welfare situations, specified thresholds and the least intervention required, with proportionate protections. Its focus moved away from diagnostic category, to the effect of a mental disorder on a person at a particular time – so, for example, personality disorder was not specifically mentioned.
- 31 Nor did the paper propose one piece of legislation. Rather, it aimed for a coherence across legislation, with common principles, standards and protections. She welcomed members’ comments, including written responses after the meeting.
- 32 Professor McClelland thanked Dr McGinnity for her helpful presentation and for her work on the Framework paper. Members’ general reaction was supportive and they considered that the paper was well-presented. It was recognised to be a challenging task: and “selling” the proposals could be equality challenging. It was suggested that part of the continuing work could entail testing the proposals against real life situations to see how they could be operated. Similarly, it was important to clarify how the proposals fitted in with the provisions of the criminal justice system. For the Legal Issues Committee, the issue was how best to present the proposals and the other work done by its Sub Group in a consultation report.
- 33 It was also recognised that not everyone would agree with the proposals when they were issued for consultation; and that it was essential that there was discussion with those who were expressing concerns, to clarify the proposals and get a way forward. The timing of the consultation on the proposals was, therefore, crucial. Another issue was whether it was right for the Review to leave open in the paper the option of one or more pieces of legislation. So the form and detail of the proposals, their place in the full Legal Issues Committee’s report and how much “selling” of them might be necessary still needed some further thought. However, it was recognised that this process could not run on indefinitely: the Review did need to come to an end. Decisions would also be needed on this work’s inter-connection with the draft Human Rights and Equality report.
- 34 Members agreed therefore, that the initial tasks were to finalise the Framework paper, while at the same time harmonising the draft Human Rights and Equality report with it. Members would hear a report on the latter at their next meeting.

Implementation of Review (Paper SC 5/06)

- 35 Siobhan Bagues elaborated on the content of this paper, saying that Review members were not yet in a position to respond to stakeholders' questions on what was happening with the reports which had been completed. The Steering Committee needed clarity on the Department's plans on these and on implementation of the Review as a whole. Others added that nothing had yet appeared in Priorities for Action since the Review had begun, which implied it was not having an impact.
- 36 Leslie Frew said he was not yet in a position to give a definitive response on behalf of DHSSPS, but his aim was to implement the Review as a single entity, giving an initial overall Government response. The staging of the publication of the reports presented some difficulties, but he was aiming for a Ministerial response, which would achieve maximum impact, once the Department's implementation plans were settled. The fact that the Review was now nearing completion was adding momentum to this: so he hoped this Government response could be publicised in the not too distant future.
- 37 He also agreed to attend the Learning Disability Committee meeting on 30 January, when implementation was an agenda item.
- 38 Members asked that consideration be given to the Department "going live" before the summer.
- 39 Members also suggested that the forthcoming Newsletter should reflect the fact that the Review was nearing completion and the feeling of "impatience" on the lack of detail on implementation plans.

Reports from Working Committees

Alcohol and Substance Misuse

- 40 Dr Patterson advised that her report and Executive Summary were with the printers for final proofing. Publication was planned for February.

Child and Adolescent Mental Health

- 41 A meeting of this Committee was being held that same day to consider the consultation comments, with the aim of presenting the final report to the February Steering Committee.

Dementia and Mental Health Issues of Older People

- 42 The next Committee meeting had been arranged for 1 February 2006 with the aim of presenting a first draft report for that month's Steering Committee.

Forensic Services

- 43 Work was ongoing on the draft report with the aim of having the consultation version available for the next meeting.

Legal Issues

- 44 The 4 Sub Groups have to complete the review of their work to date in light of the draft Framework paper. The next meeting of the full Committee was scheduled for 10 February 2006.

Needs and Resources

- 45 The Committee was currently working on the costings of the Alcohol and Substance Misuse report.

Mental Health Promotion

- 46 The next meeting was on 16 January 2006, to discuss the consultation comments received. They aim to present a final report at the February meeting.

Social Justice and Citizenship

- 47 The Promoting Social Inclusion Group was working to present its draft consultation report at the next meeting.

Date of the Next Meeting

- 48 The next meeting will take place on **Tuesday, 31 January 2006 at 10.00am in the Park Plaza Hotel, Belfast International Airport, Belfast.**