



mental welfare
commission for scotland

Information pack



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Foreword

Dear applicant

Thank you for your interest in the Mental Welfare Commission.

This is a critical time for a new Chief Executive to lead and develop our role in protecting and promoting the human rights of people with mental illness, learning disabilities, dementia and related conditions.

You will have a great opportunity to shape not only the Commission's future role, but to also influence Scottish mental health and incapacity law. The legislation that is central to our work is almost 20 years old and is currently under review. This brings the potential for major examination of what is working and what might be improved in our laws, taking account of changes in society and in the environment in which we operate. The Commission's Chief Executive is expected to work closely with the review team as they seek to create modern, forward looking legislation for Scotland.

While upgrading the Acts is important, it is critical that we keep a strong connection with what is happening now for people across Scotland. On the pressures on services, the changing needs of the population and the ways our current laws are being used and adhered to. We listen to professionals and to people with lived experience. Our Chief Executive and senior management team play a key role in highlighting deficiencies in care and treatment when we find them, and calling for change. You will be comfortable with leading the organisation as it undertakes this role, while you will be equally effective in developing strong relationships with government, health and social care authorities and others.

This is a key role, with much opportunity for an individual with the experience and drive to make a real difference. If you believe you have what it takes, I urge you to make your application.

Best wishes

Sandy Riddell, Chair

Job Description

Job Purpose

To lead the Commission through the review of mental health and incapacity legislation, and other policy reviews, and to position the organisation as a key player in promoting the rights and welfare of individuals receiving care and treatment and making recommendations to improve services.

To lead the executive team in implementing the strategic and business plans, developing and adapting the way in which the organisation and its staff work.

To influence and challenge all key stakeholders to ensure individuals know their rights, are empowered to participate in decision making about their care and treatment and are supported to choose the lives they want to live.

To ensure the Commission achieves a significant public and professional profile and is able to influence and challenge policy and practice.

To lead and implement the organisational values and embed a culture of learning, development and improvement.

To lead, on behalf of the Commission, the work with the Scottish Government on the future role of the National Confidential Forum.

Dimensions

Much of the Commission's work is at the complex interface between the individual's rights, the law and ethics and the care the person is receiving. The Commission works across the continuum of health and social care and plays a key role in influencing public policy.

This post has a Scotland wide remit, including influencing and negotiating with key people within the Scottish Government, NHS bodies, local authorities, health and social care partnerships, and voluntary and other organisations, to influence improvement in services and to better ensure the safeguarding of individuals. There is a key role to promote human rights in mental health and learning disability care.

As well as a knowledge of mental health and incapacity legislation, the post holder should be familiar with related UK and European legislation and international human rights policy developments. There are opportunities to make occasional contributions to these through international journals, conferences and engagement with international (UN, Council of Europe) committees, including through the Commission's role in the UK National Preventive Mechanism.

The post holder is the accountable officer for the National Confidential Forum (NCF) which is established, through legislation, as a committee of the Commission. The Commission provides corporate services for the NCF. The NCF Head reports to the Commission Chair and the Forum

is operationally independent from the Commission. It is anticipated that the relationship with the Forum may change within the next two years.

Revenue budget for Commission

2019/20 £4 million (and £0.8 million for NCF)

Reporting Relationships

The Chief Executive reports to the Chair of the Commission.

The Chief Executive currently has five direct reports in the executive team: Head of Corporate Services and four Executive Directors (Social Work, Engagement and Participation, Nursing and Medical).

There is a small flexible complement of staff currently 66 headcount, 55.5 wte at the Commission based in Edinburgh.

There are six staff and five Forum members (public appointments) at the NCF based in Glasgow.

Role of the Mental Welfare Commission for Scotland

The Commission protects and promotes the human rights of people with mental illness, learning disabilities, dementia and related conditions.

The Commission aims to be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

The Commission duties are set out primarily in the Mental Health (Care and Treatment) (Scotland) Act 2003 (MHCT Act) and the Adults with Incapacity (Scotland) Act 2000 (AWI Act).

Key Result Areas

1. Lead the strategic development of the Commission, as determined by the Board, to ensure that it carries out effectively its functions of safeguarding the welfare and human rights of individuals.
2. Participate in the reviews of mental health and incapacity legislation and other relevant policy reviews to ensure that empowerment, participation and the rights and welfare of individuals are at the heart of any proposed changes.
3. Provide leadership of the Commission to ensure the credibility and influence of its role in contributing to national and, occasionally, international policy developments in the mental health, learning disability and human rights fields.

4. Protect individuals' human rights by influencing and challenging service providers and policy makers, so as to ensure that the rights of those with mental illness, learning disability and related conditions are respected and promoted.
5. As Accountable Officer under the Public Finance and Accountability (Scotland) Act 2000, be responsible for funds allocated to the Commission and the NCF, ensure that the Commission's resources are allocated through robust processes aimed at ensuring value for money and which meet the corporate governance requirements of public accountability.
6. Provide leadership and guidance in all of the Commission's work and ensure that investigations and visits are conducted in accordance with the Commission's procedures and that recommendations are appropriate, and are communicated and followed up effectively.
7. Write reports and good practice guides which are accessible to a wide audience, accord to the principles of the Acts and express the Commission's opinion.
8. Ensure effective communication with, and involvement of, all stakeholders to develop understanding and shared commitment to the welfare and human rights of individuals. This involves providing advice to Scottish Ministers on complex legal, ethical and care issues to promoting the rights of a vulnerable individual whose voice is not being heard.
9. Participate in the UK's National Preventative Mechanism for the United Nations Optional Protocol to the Convention against Torture (OPCAT) and give advice to Scottish Ministers and service managers about its implementation.
10. Demonstrate an accessible, visible presence so as to foster public confidence in the Commission's role, by addressing relevant conferences and seminars, contributing to consultation events and working effectively with news and social media.
11. Lead, direct, develop and manage the Commission's staff and services to create an open, supportive and productive organisational culture, and ensure that all aspects of the Commission's role are carried out efficiently and effectively.

12. National Confidential Forum

Lead an effective relationship with the Forum Head to ensure that high standards of corporate governance are in place which provide for openness and transparency in the delivery of the Forum's functions, and deliver any changes in the role of Forum made by the Scottish Government under the current or any future legislative framework.

Ensure operational independence of the Forum from the Commission's other functions and ensure any potential reputational risks to the Commission from the work of the NCF are minimised.

Assignment and Review of Work

The post holder leads the executive team in shaping and influencing the Commission's strategic framework, business plans and policy development which are ultimately approved by the Commission Board.

Review of performance is conducted at two levels – through the Board's review of the Commission's performance of the business plan and by individual performance appraisal undertaken by the Commission Chair.

Communications and Working Relationships

The Commission Chair and Board

Executive team

Scottish Government ministers, MSPs and officials, sponsor department and other policy area leads

Chief Executives and senior staff of NHS bodies, local authorities, health and social care partnerships, professional and voluntary organisations

Chief Executives and senior staff of national scrutiny, regulation and improvement organisations

People with lived experience of mental illness, learning disability, dementia and related conditions and their carers

Mental Health Tribunal for Scotland

Office of the Public Guardian

Most Challenging Part of the Job

The Commission aims to influence national policy development and local operational practices in the mental health and learning disability field by focussing on its role with the individual. It needs to have credibility with a range of stakeholders in order to do this. There are major challenges for the post holder in combining the remit of the safeguarding of individuals with the need to influence organisational practices to ensure individual rights and protection are upheld. Given that the Commission does not have authority to enforce change, the greatest challenge is to bring about change by influencing practice and behaviour.

Person Specification

Experience

Extensive experience of operating at senior management level and Board level experience.

Track record in organisational leadership and achievement.

Wide post-qualification experience in relevant field giving credibility with stakeholders in the mental health, learning disability and social care fields.

Education and training

Relevant professional qualifications e.g. health and social care, legal, psychiatry, nursing, social work, clinical psychology.

Evidence of continuing professional development.

Knowledge

Good understanding of the mental health agenda as well as knowledge of key Scottish mental health and incapacity legislation, social policy and good practice and human rights legislation.

Knowledge and understanding of the landscape of service provision in Scotland including the opportunities and challenges for health and social care integration.

Knowledge and understanding of the regulatory, scrutiny and improvement framework for mental health and learning disability services and how the Commission contributes to it.

Key performance outcomes

The following performance outcomes are being used to recruit into the role. Successful applicants will be assessed against all the performance indicators agreed in the performance development plan once established in the role.

Strategic leadership

Ability to provide leadership, a clear sense of purpose and direction to the Commission.

Ability to be both flexible and creative in leading the Commission through its continuing development and improvement.

Ability to obtain commitment to organisational values and improvement engendering a culture of ownership, commitment and quality across the Commission in responding to change and stakeholder needs.

The authority and credibility to influence and challenge legislative and policy changes and, in addition, to understand and promote legislative changes made by Scottish Government.

Operational leadership

Visible and energetic leadership of staff in implementing business and operational plans.

Ability to develop a workforce strategy to get the best from staff and to plan effectively for succession in key posts.

Ability to develop a culture where performance is managed consistently at individual, team and organisational level, and unfair or unhelpful behaviour and practices are effectively challenged.

Develop, motivate and coach the executive team to ensure their managerial and corporate responsibilities are met, their personal development is taken forward and they are personally accountable for their own areas of delivery.

Recognise the potential of all staff, planning investment for further development and fostering a learning and development culture.

Ability to write comprehensive reports and good practice guidance in terms which are easily understood, accord to the principles of the Acts and express the Commission's opinion.

Ability to maintain appropriate systems for corporate governance, financial sustainability and risk management.

Take personal accountability as the Accountable Officer for the funds allocated to the Commission and National Confidential Forum.

Relational leadership

Ability to act as the 'face of the Commission', and has the authority, presence and integrity to command the respect of, and influence, all stakeholders.

Ability to communicate with people with mental illness, learning disability and related conditions in a caring and empathetic manner and to explain their rights.

Well-developed public speaking skills with ability to communicate with ministers, present evidence at parliamentary committees and represent the Commission at conferences and events with a wide variety of stakeholders.

Ability to challenge assumptions and to generate enthusiasm for new ways of achieving improvements.

Impact and influence

Ability to set out a compelling vision for a societal shift, moving towards empowerment and making the rights, will and preference of the individual central to decisions about their care, treatment and welfare.

Ability to visualise, plan, and lead the Commission's drive to be the go to place for advice on areas where care and treatment, ethics and the law intersect.

Ability to assimilate and make sense of complex or conflicting information with clinical, legal and policy content and make sound decisions based on evidence and analysis.

Ability to develop meaningful but stretching recommendations from the Commission's visiting, monitoring and investigations work so that services respect and implement them.

Personal and professional credibility that promotes and enhances the organisation's reputation nationally and, to a lesser extent, internationally.

Employment Information

The following notes summarise the key points of the terms and conditions.

Full details will be provided with an offer of employment.

Headquarters	Thistle House, 91 Haymarket Terrace, Edinburgh, EH12 5HE.
Pay	<p>The pay for this post is subject to direction by the Scottish Government.</p> <p>The post is covered by the Scottish Government Public Sector Pay Policy for the remuneration of Senior Appointments for Chief Executives of Scottish Public Bodies.</p> <p>The salary scale set for the post falls within the parameters of the Scottish Chief Executive Pay Band 2.</p> <p>There is no non consolidated performance payment associated with this appointment.</p> <p>The salary scale is currently £101,079 - £111,846 per annum.</p> <p>It is anticipated that the starting salary will be in the lower quartile of the band.</p> <p>Any progression through the salary scale is subject to performance through the delivery of agreed objectives and will be subject to Scottish Government Pay Policy.</p>
Type of Contract	Open Ended
Manager	The post-holder reports to the Chair of the Board.
Hours of work	This post is full-time. Staff holding executive office should be prepared to work such hours as are necessary for the full performance of their duties and responsibilities. For pay purposes, the working week will be 37 hours per week.
Leave	<p>Annual Holidays The annual entitlement for full time posts is 25 days per year, rising to 30 days after 10 years' relevant service. (NHS and local authority service is counted as relevant service). Leave entitlement is pro-rata for part-time posts.</p> <p>General/Public Holidays Public and privilege holidays total 11.5 days per leave year, 6 of these are on set dates and the remainder can be taken as required.</p> <p>The public/privilege holiday entitlement is pro-rata to full time equivalent. The leave year runs from 1st April to 31st March.</p>
Superannuation	The appointment is superannuable under the NHS (Scotland) Superannuable Scheme, unless you opt out or are ineligible to join. Your remuneration will be subject to deduction of superannuable contributions in accordance with the scheme. Costs and contributions as well as benefits are available on the SPPA website: www.sppa.gov.uk
Travel	The post requires travel throughout Scotland and occasional travel within other parts of the UK and abroad.

Data protection	<p>The information you provide on the application form and any supplementary forms will be used to assist in the process of recruitment and selection in accordance with the Policy of the Mental Welfare Commission.</p> <p>If you are successful in your application the information you provide will be used for personnel and payroll purposes. By signing the declaration section of the application form it is understood that you consent to the use and storage of your personal information for the above stated purposes.</p>
Work outside the Commission	It is important to identify and minimise any conflicts of interest that could prevent staff from making fair and objective judgements, or could be perceived as doing so by service-users, practitioners and the public. Details are contained in the Commission's Conflict of Interest Policy.
Probationary period	The post requires a 6 months' probationary period.
Disclosure Scotland	There is a requirement to submit an application for a PVG Certificate covering Children and Adults.
Complaints	The Commission has a Complaints Policy. All applicants have access to it if they feel they have been unfairly treated during the recruitment and selection process. External applicants should direct any concerns to the Human Resources department and internal applicants have recourse to the Commission's Grievance Procedure.
Equal opportunities	The Commission is an equal opportunities employer.

