

# AD HOC JOINT COMMITTEE TO CONSIDER THE MENTAL CAPACITY BILL

## MINUTES OF PROCEEDINGS

**Monday, 19 October 2015**  
**Room 30, Parliament Buildings**

**Present:** Mr Alastair Ross MLA (Chairperson)  
Mr Patsy McGlone MLA (Deputy Chairperson)  
Mrs Pam Cameron MLA  
Mrs Jo-Anne Dobson MLA  
Mr Alex Easton MLA  
Mr Paul Frew MLA  
Mr Seán Lynch MLA  
Mr Kieran McCarthy MLA  
Mr Raymond McCartney MLA  
Ms Rosie McCorley MLA  
Mr Neil Somerville MLA

**In Attendance:** Dr Kathryn Aiken (Clerk)  
Ms Elaine Farrell (Assistant Clerk)  
Ms Marianne Doherty (Clerical Officer)  
Mr Colin Pidgeon (Research Officer) for agenda item 8

*The meeting commenced at 12.08 pm in closed session. Mr McGlone took the Chair.*

*The following Members were in attendance: Mrs Cameron, Mr Easton, Mr Frew and Mr Lynch*

### **1. Committee deliberations on Part 12 of the Mental Capacity Bill**

The Committee discussed the evidence received to date on Part 12 of the Bill and agreed to write to the Department on a number of issues.

*Agreed:* The Committee agreed to commission research on the extension of the disregard provision to cover a period of treatment.

*Agreed:* The Committee agreed to write to the RQIA regarding the statistics on 16 & 17 year olds detained in adult psychiatric wards.

*Agreed:* The Committee agreed to write to the Department of Education NI to seek confirmation of what type of provision exists for children who are absent from school due to receiving treatment under the Mental Health (NI) Order 1986.

*12.19 p.m. Ms McCorley joined the meeting.*

*12.24 p.m. Mr Ross joined the meeting and took the chair.*

*12.46 p.m. Mr McCarthy joined the meeting.*

## **2. Follow up on Part 2 (clause 9-34) of the Mental Capacity Bill**

*Noted:* The Committee noted correspondence from the Department regarding the delay to the response to Part 2 of the Bill due to no ministerial clearance.

## **3. Initial Committee Deliberations on Part 10 of the Bill.**

*12.48 p.m. Mr Somerville joined the meeting.*

*Agreed:* The Committee agreed to seek legal advice on aspects of Part 10 of the Bill.

*The meeting moved into open session at 12.55 p.m.*

## **4. Apologies**

None.

## **5. Chairperson's Business**

None.

## **6. Draft Minutes of the meeting on Monday 12 October 2015**

The minutes of the Committee meeting on Monday 12 October 2015 were agreed.

## **7. Forward Work Programme**

*Noted:* The Committee noted the Forward Work Programme.

## **8. Briefing from RaISe**

The Research Officer joined the meeting at 12.56 p.m. and briefed the Committee on his paper on "DoJ's Recurring Costs". The Research Officer agreed to provide further information on the OPG in England.

*12.56 p.m. Mr Frew left the meeting.*

*12.57 p.m. Mr Easton left the meeting.*

*1.06 p.m. Mr McCartney joined the meeting.*

*1.28 p.m. Mr Lynch left the meeting.*

*1.30p.m. Mr McCarthy and Ms McCorley left the meeting.*

*1.33 p.m. Ms McCorley re-joined the meeting.*

*1.35 p.m. Mr McGlone left the meeting.*

*1.37 p.m. Ms McCorley left the meeting.*

**9. Background papers**

*Noted:* The Committee noted the background papers in respect of the Mental Capacity Bill.

**10. Evidence session on Parts 6, 7, 8, 11, 13, 14 & 15 of the Mental Capacity Bill**

The following witnesses joined the meeting at 1.39 p.m. to speak on Parts 6, 7, 8, 11, 13, 14, & 15 of the Bill. This was followed by a question and answer session.

Colin Caughey, NIHRC  
Bernadette Hamilton, NI Approved Social Worker Training Programme  
John Mackell, Commissioner for Older People  
Delia McCartan, Southern HSCT  
Sean McFarland, Law Centre  
Alastair Rankin, Law Society NI  
Natalie Whelehan, NICCY

*1.45 p.m. Mr Lynch re-joined the meeting.*

*1.51 p.m. Mr McCarthy re-joined the meeting.*

*1.58 p.m. Ms McCorley re-joined the meeting.*

*2.24 p.m. Mrs Dobson joined the meeting.*

*2.45 p.m. Mr McCarthy left the meeting.*

*2.46 p.m. Mrs Dobson left the meeting.*

*2.48 p.m. Mr McGlone re-joined the meeting.*

*2.50 p.m. Mrs Dobson re-joined the meeting.*

*2.55 p.m. Mr McCartney left the meeting.*

*2.56 p.m. Mrs Dobson left the meeting.*

*3.00 p.m. Mr McCartney re-joined the meeting.*

*3.01 p.m. Mr McGlone left the meeting.*

The following Departmental officials joined the meeting at 3.04 p.m. and participated in a question and answer session.

Lisa Trueman, DHSSPS  
Clare Irvine, DOJ  
Peter Luney, NI Court Service  
Gillian McClearn, NI Court Service

*3.08 p.m. Mr Frew left the meeting.*

*3.31 p.m. The meeting was suspended.*

*3.43 p.m. The meeting resumed with the following Members in attendance: Mrs Cameron, Mr Lynch, Mr McCartney, Ms McCorley and Mr Ross.*

*Agreed:* The Committee agreed to write to the Department on a number of issues regarding Parts 7, 13, & 15 of the Mental Capacity Bill.

**11. Any Other Business**

None.

**12. Date, Time and Place of Next Meeting**

The next Committee meeting will be on Monday, 2 November 2015 at 12pm in Room 30, Parliament Buildings.

*The Chairperson adjourned the meeting at 3.49 pm.*

Signed: \_\_\_\_\_  
*Chairperson*

Date: \_\_\_\_\_