

MENTAL HEALTH AND LEARNING DISABILITY REPORT JULY 2009

This briefing note sets out the work currently being undertaken within the Mental Health and Learning Disability Team.

1. Serious Adverse Incidents Review

Following the transfer of the functions from the Mental Health Commission, the RQIA initiated a desktop review of those files maintained by the Commission pertaining to Serious Adverse Incidents (SAI's). RQIA officers scrutinised these files and identified a number of cases which although closed, lacked adequate explanation or had information outstanding. At present there are 127 live cases currently under investigation. Following additional information received from Trusts 26 files have been closed. 48 new cases have been reported since 1 April 2009. and these are being reviewed by the Serious Adverse Incidents Review (SAIR) Team.

In August 2007, guidance was issued to Trusts on the reporting of SAI's. Initial findings from the review indicate that Trusts have failed to comply with this guidance. In particular, significant failings were identified in relation to the timescales for reporting SAI's to the Commission (RQIA) and delays in reviews taking place and the lack of multidisciplinary membership of review teams. There were also few robust recommendations arising out of investigations.

The key findings and recommendations of this review will be set out in a report to be produced in July 2009.

2. Monitoring of errors in prescribed forms and guardianship applications

On 1 April 2009, the RQIA introduced a database to monitor the accuracy of detention forms and guardianship applications being received from Trusts. The Commission had no formal procedure in place to capture this information.

Since 1 April 2009, the Mental Health and Learning Disability Team reviewed a total of 2290 forms.

- April - 571
- May - 840
- June - 879
- Total - 2290

It was noted that a number of errors have been identified on forms and a significant number were not copied to the RQIA immediately as is required

under the Mental Health (Northern Ireland) Order 1986. In some instances, the late submission of forms meant that patients had been improperly detained because the timescales for Trusts to amend the forms (where this is permitted) had expired.

Trust Chief Executives have been informed of these significant failings and the issue is being raised during ongoing meetings with each Trust.

3. Meetings with Trust Directors

At present the Director of Operations and members of the Mental Health and Learning Disability Team are meeting with Trust Directors, Assistant Directors and senior members of staff within each Trust area. The aim of these meetings is to provide an update on the work to date of the Mental Health and Learning Disability Team and to provide feedback on each Trusts performance in relation to:

- Errors on applications, recommendations and reports received from Trusts.
- Serious adverse incident reporting
- Inspection programme
- Open surgeries
- C&SCG reviews
- Expert advisory panel
- Quarterly returns (patient monies, ASW registers, U18 admissions)
- Changes to appointment/reappointment of Part II Doctors
- Training requirements e.g. medical records staff, medical staff
- Transfers between jurisdictions

These meetings will enable us to identify any additional issues that need to be addressed in the immediate post transfer period.

It is anticipated that these meetings will happen on a quarterly basis to provide feedback and improve communication in relation to the work of the Mental Health and Learning Disability Team.

4. Mental health surgeries

During July and August 2009 the RQIA will pilot open surgeries within each Trust area where Mental Health Officers of the RQIA will meet detained service users.

The dates are as follows:

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| ▪ Shannon Unit | 23 July 2009 |
| ▪ Mater | 24 July 2009 |
| ▪ Bluestone Unit, Craigavon | 28 July 2009 |
| ▪ Downshire Hospital | 30 July 2009 |
| ▪ Holywell (PICU) | 4 August 2009 |
| ▪ Tyrone & Fermanagh | 5 August 2009 |

The pilot will provide RQIA with an opportunity to evaluate this process and refine its approach to engaging with patients detained under the Mental Health (Northern Ireland) Order 1986.

The full programme of open surgeries will commence in October 2009 when RQIA Officers will be available in all Trusts on an ongoing basis.

5. Guardianship Panel

The Guardianship Panel has met on 2 occasions. The Panel is chaired by a Mental Health Officer with support from 2 social work sessional officers.

Since transfer of functions on 1 April 2009 there have been 12 new applications for guardianship and 13 renewals.

In total there are 62 guardianship files. These are being reviewed by the Guardianship Panel with a view to providing new guidance to Trusts to enhance good practice in relation to guardianship.

6. Medical Panel

The Medical Panel has met on one occasion. The main issues relate to the appointment of Part II and Part IV Doctors and in particular training requirements to ensure they are competent to practice. An updated training schedule has been identified and it is anticipated that this will be delivered in 2009/10.

A re-examination of the detention forms has been highlighted as another piece of work as the layout and format of these forms has not been reviewed since 1986. The use of electronic transfer for these forms has been identified as a possible way forward.

Issues in relation to capacity, consent to treatment and Clozapine therapy are also being addressed. It is anticipated that the Medical Panel will meet 4 times yearly.

7. Governance review

During 2009/10, the Mental Health and Learning Disability Team will undertake a clinical and social care governance review examining the care provided by Child and Adolescent Mental Health (CAMH) services. A range of relevant topics for review were highlighted through engagement with HSC Trusts in advance of the transfer. The agreed prioritisation criteria were then used to inform our decision making and prioritise which topics to be reviewed.

This review will consider not only the number of children and young people being admitted to adult mental health wards but will also examine CAMH

services provided within the community and in the regional CAMH unit at Donard in Knockbracken Healthcare Park.

At this time, a project initiation document is under development and it is expected that the review will commence in autumn 2009.

8. Expert Advisory Panel

As part of the transfer of functions from the Commission, it was agreed by the Project Board, that an Expert Advisory Panel would be constituted. The aim is to provide advice and guidance to the Board of the RQIA and its Senior Management Team on strategic and operational matters post transfer and on the existing and emerging mental health and learning disability legislation as it applies to the RQIA and the services it regulates.

A project plan to populate the Expert Advisory Panel has been agreed and a competency framework developed which ensures that the requirements of section 75 of the Northern Ireland Disability Discrimination (NI) Order 2006 are complied with.

A project initiation document has been developed and it is anticipated that the first meeting of the panel will be early December 2009.

9. Prison Healthcare

During April 2009, Her Majesty's Inspectorate of Prison (HMIP) circulated the draft report of the unannounced Inspection to HMP Maghaberry (carried out in January 2009) for comments. The final report has been delayed and was not issued in June as originally anticipated.

RQIA will monitor the implementation of the recommendations contained in the report which relate to prison healthcare when it becomes available.

An announced inspection of HMP Magilligan is scheduled for March 2010 in conjunction with HMIP and the Criminal Justice Inspectorate (CJI) for Northern Ireland.

10. Learning from queries

Following the transfer of functions, a database was introduced to capture learning from the range of queries directed at the Mental Health and Learning Disability Team concerning the application of the Mental Health (Northern Ireland) Order 1986. The Commission had no formal procedure in place to capture this information.

From April to June 2009, there were 57 queries which warranted detailed consideration and in a small number of very complex issues legal advice from CSA. Advice has been sought from the Legal Department, CSA in relation to these issues particularly in relation to interpretation of legislation and issues in relation to transfer between jurisdictions.

Plans to develop an internal electronic Q&A system which will ensure consistency and uniformity in the responses provided by the team is ongoing. Consideration is also being given to developing a FAQ section on the RQIA website.

11. Annual Report

As a result of the transfer, the RQIA have an obligation to prepare the outstanding accounts of the Commission and perform all statutory duties relating to those accounts.

Following the transfer, the RQIA have liaised with Deloitte to ensure that the financial state of the Commission at 31 March 2009 is also set out within this document.

This report has been completed.

12. Key Performance Indicators

A range of key performance indicators has been developed to enable the performance of the Mental Health and Learning Disability Team to be monitored. These indicators cover the totality of team functions including the monitoring of prescribed forms, the evaluation of treatment plans, the provision of second opinions and inspection activity.

It would appear that the Mental Health and Learning Disability Team has been delivering its functions as evidenced by the Key Performance Indicators.

13. Unannounced Inspection Programme

During 2009/10, the unannounced inspection programme will reflect the care provided and received in a range of facilities/services and in particular within acute mental health and learning disability admission units, psychiatric intensive care units and older people assessment units.

Inspection reports will set out the findings from each individual facility/service visited. Composite and overview reports will also be produced setting out the key findings, challenges and examples of best practice within each trust and across the region. This work is ongoing.