

MENTAL HEALTH AND LEARNING DISABILITY REPORT MAY 2009

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

1. File review of the Untoward Events Committee (UTEC) Database

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). There were 294 files on the database of which 132 appeared to be live cases currently under investigation. RQIA officers scrutinised these files and identified a number of cases which although closed, lacked adequate explanation or had information outstanding.

In August 2007, the Commission issued guidance to Trusts on the reporting of SAI's. Initial findings from the review indicate that Trusts are non-compliant with this guidance. In particular, significant failings have been identified in relation to the timescales for reporting SAI's to the Commission (RQIA) and the lack of multidisciplinary membership of review teams.

Considerable delays are also noted in multidisciplinary reviews taking place within Trusts. There is also an absence of robust recommendations arising out of investigations and in the majority of cases no recommendations were made. Where recommendations have been made, no action plans have been agreed with Trusts.

As a consequence of these findings, the team have extended their review to include all live case files transferred from the Commission. To date, 498 files have been reviewed of which 149 require further information from Trusts. A further 450 files have yet to be reviewed.

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

2. Unannounced inspection programme

A programme of unannounced inspections will be rolled out across Trusts from June 2009. The methodology adopted for this programme is consistent with the new inspection methodology being introduced across the Authority and will ensure a consistent and uniform approach to the work of the team.

During 2009/10, the unannounced 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.

3. Mental health surgeries

Planning is currently underway in the development of an 'Open Surgery' model which will enable us to directly engage with service users who have been detained under the Mental Health (Northern Ireland) Order 1986.

During July and August 2009, the RQIA will pilot open surgeries within each Trust where Mental Health Officers of the RQIA will meet detained service users within two psychiatric intensive care units, two acute admission units and Shannon Clinic (Regional Medium Secure Facility for Northern Ireland treating mentally disordered offenders). The pilot will provide us with an opportunity to evaluate this process and refine our approach to engaging with those individuals detained under the Mental Health (Northern Ireland) Order 1986.

It is intended that the full programme of open surgeries will commence in October 2009 when RQIA officers will be available in all Trusts on an ongoing basis. Details of open surgery visits will be circulated in advance and the RQIA will work with Trust staff and independent advocates to ensure access to all detained patients.

4. 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 was 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 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.

5. 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 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.

Membership of the Expert Advisory Panel will be convened from the following:

- Board Member RQIA
- HSC Senior Medical Clinician
- Mental Health and Welfare Commission (UK Body)
- Director of Mental Health and Learning Disability from a HSC Trust
- User and carer representatives from Mental Health services
- User and carer representatives from Learning Disability services
- Voluntary / Independent sector representation
- Human Rights Expertise

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.

At this time, letters are being drafted inviting relevant organisations to forward nominations. RQIA will continue to work with the Equality Unit at CSA to ensure equality of opportunity in populating the panel. It is anticipated that the first meeting of the panel will be early September 2009.

6. 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 procedures in place to capture this information.

During April 2009, the RQIA reviewed 571 forms. An error rate of 10% was noted with a variance of between 0% and 25%. Six patients were improperly detained. It was also noted that a significant number of forms, 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 to be raised during forthcoming meetings with each Trust.

7. 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 is expected in June 2009. RQIA will monitor the implementation of those recommendations which relate to prison healthcare.

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

Screening for impact on prison populations is also being considered during all governance, service and thematic reviews undertaken in the South Eastern HSC Trust.

8. 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 procedures in place to capture this information.

During April 2009, there were 25 queries which warranted detailed consideration and in a small number of very complex issues legal advice from CSA.

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

9. 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.

In advance of the transfer, Mr McBrearty, Chief Executive of the Commission prepared a draft Annual Report and Management Review of the Commission for 2008/09 which set out the development and performance of the Commission during the year and highlighted the main trends and factors underlying the development and performance of the organisation.

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.

10. 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.

11. Risk Register

Following the transfer of the functions of the Commission to the RQIA on 1 April 2009, the risk register for the Mental Health and Learning Disability Team has been updated to reflect these additional responsibilities.