Role of RQIA in Regulation of Community Mental Health Services

Frequently Asked Questions (FAQs)   June 2023

Why did RQIA concede on a Judicial Review about RQIAs role in regulation of Community Mental Health Services?

RQIA was recently subject to a Judicial Review application that had been due to be heard in June 2023, about its role in scrutinising Community Mental Health Services provided by the Health and Social Care Trusts.

After carefully considering the Application and its facts, RQIA conceded that in previous correspondence to the Applicant in 2017/2018, RQIA had misadvised that it did not "regulate" Community Mental Health Services. However, RQIA accepts that it does have regulatory roles in relation to Community Mental Health Services.

Firstly, the legislation that established RQIA (The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003) imposes a Duty of Quality on HSC Trusts; and gives RQIA the functions of reviewing, investigating, inspecting, and reporting on the management, provision, quality, and availability of services which HSC Trusts provide. Community Mental Health Services are provided by HSC Trusts and so are subject to the statutory duty of quality, and to RQIA scrutiny.

Secondly, under the Mental Health (Northern Ireland) Order 1986, RQIA has the authority and duty to make inquiry into any case, where it appears to RQIA that there may be ill-treatment or deficiency in care and treatment of a person living with a mental disorder. This applies to patients (the Mental Health Order defines any person living with a mental disorder as a "patient") regardless of where the patient is living: in an inpatient hospital or in a community setting, for example in their own home or with their family.

What is RQIAs role then in regulating Community Mental Health Services provided by the Trusts?

Under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (the legislation that gives RQIA its powers) RQIA have the functions of reviewing, investigating, inspecting, and reporting on the management, provision, quality, and availability of services which HSC Trusts provide. We can require the Trust to make improvements, and must advise the Department of Health should we have concerns about unacceptable poor quality or significant failings in the service provision. This includes Community Mental Health Services.

Assurance, Challenge and Improvement in Health and Social Care

Does RQIA Inspect Community Mental Health Services on a regular basis?

Unlike services that are required to register with RQIA, HSC Trust statutory services such as Community Mental Health Services are not subject to a set frequency of inspection. RQIA has developed a regular programme of inspections of MHLD hospitals – including Muckamore Abbey Hospital, Lakeview Hospital, Downshire Hospital and others - and these inspection reports are published on our web site. Currently, we do not have a similar programme for community mental health services; but these services can be subject to inspection at any time, based on intelligence we receive that may indicate the need for such an intervention.

What about care and treatment being provided to individuals who are living with a Mental Disorder. Does RQIA have a role for individual patients?

Yes. RQIA has the authority and duty to make inquiry into any case, where it appears to RQIA that there may be ill-treatment or deficiency in care and treatment of a person living with a mental disorder. This applies to patients (the Mental Health Order defines any person living with a mental disorder as a "patient") regardless of where the patient is living: in an inpatient hospital or in a community setting, for example in their own home or with their family.

What actions can RQIA take if its finds that a patient has had deficiency in their assessed care or treatment needs or has been subject to ill treatment?

To enable us to inquire into care and treatment being provided, RQIA can ask (with the consent of the person concerned) the Trust for information about the assessed needs of the individual, the services provided and any other information we may need. Where we identify concerns about the care and treatment, we can require the Trust to tell us what steps they have taken or plan to take in the particular case, by issuing a notice to the Trust specifying the particular issues we have identified and requiring the Trust to comply with the issues set out in that notice.

How does RQIA become aware that a person living with Mental Disorder may have deficiency in their care or treatment?

Information can come to RQIA via a number of routes including a concern raised with us by a patient or another person on their behalf, or where RQIA staff identify a concern about care and treatment through our review of intelligence we receive from service providers, whistleblowers or others; or we may identify concerns during an inspection, in any setting, hospital or community.

How can I contact RQIA if I have a concern about care and treatment for a person living with Mental Disorder?

You can contact RQIA by telephone: 028 9536 1990 or email: info@rqia.org.uk.

How can I find out more about RQIA's regulatory role in Community Mental Health Services?

We are holding online engagement sessions over the next few weeks. If you would like to book to attend one of the sessions, please contact RQIA and we will send you the details for joining one of the events. Contact us:

by telephone: 028 9536 1990 or email: info@rqia.org.uk

If an on-line engagement session is not accessible for you, please contact us (using the contact details above) and we will make arrangements to speak with you by phone. Pending a range of needs, we may also arrange face to face/ physical engagement events.

We will keep this FAQs updated as we hear queries and questions through the engagement events.

Thank you.