



**Mental Health Act Commission
Annual Report
Cypress Independent Hospital
(Community Care Trust (South Devon) Ltd)**

July 2008

Report prepared by: **Robert Jones**

Mental Health Act Commission

'Safeguarding the interests of all people detained under the Mental Health Act'

Functions of the Commission

- ◆ meet with detained patients during the course of visits by Commissioners to all hospitals caring for this group of patients;
- ◆ the appointment by the Commission of a panel of Second Opinion Appointed Doctors (SOADs) who visit and give a second opinion on certain treatments for patients who are unable or unwilling to give consent (Section 58);
- ◆ appointing multi-disciplinary panels to consider the authorisation of neurosurgery for mental disorder for consenting patients, whether or not they are detained (Section 57);
- ◆ advice on, monitoring and sometimes investigation of complaints by detained patients;
- ◆ monitoring of deaths of detained patients, including review of any enquiry reports and attendance at some inquests;
- ◆ considering appeals against the withholding of postal packets from (and, since the introduction of new Security Directions, internal mail from and telephone calls by) patients in the High Security Hospitals;
- ◆ giving advice on policy and practice, based on established views or where necessary following discussion amongst groups of Commissioners with relevant professional expertise.

**MENTAL HEALTH ACT COMMISSION
ANNUAL REPORT
CYPRESS INDEPENDENT HOSPITAL
COMMUNITY CARE TRUST (SOUTH DEVON) LIMITED**

JULY 2008

1. INTRODUCTION

1.1 The Mental Health Act Commission (MHAC) works to safeguard the interests of all people detained under the Mental Health Act 1983. It has a statutory remit to keep under review the powers and duties of the Act relating to detained patients and to meet with detained patients in private. It may also examine any records relating to their detention or treatment. The primary aim of all visiting activity is to ensure that the work done by Commissioners makes a positive difference to the lives of detained patients. The Annual Report is a public document and provides a brief feedback to Cypress Independent Hospital and other interested parties on the key issues that have arisen and whether they have been or are being addressed.

1.2 Information used in compiling this report has been acquired from an MHAC visit to Cypress Independent Hospital.

1.3 Visit Programme

1.3.1 The MHAC visits all places where patients are detained under the Mental Health Act 1983. Commissioners meet and talk with detained patients in private and also talk with staff and managers about how services are provided. As part of the routine visit programme information is recorded relating to:

- Basic factual details for each ward visited, including function, bed occupancy, staffing, and the age range, and gender of detained patients.
- Ward environment and culture, including physical environment, patient privacy and dignity, safety, smoking, choice/access to services and staff/patient interaction.
- Issues raised by patients and patient views of the service provided, from both private conversations with detained patients and any other patient contacts made during the course of the visit.
- Legal and other statutory matters, including the scrutiny of Mental Health Act documentation, adherence to the Code of Practice, systems that support the operation of the Act and records relating to the care and treatment of detained patients.

1.4 Other MHAC Activities

- 1.4.1 In addition, other work undertaken by the MHAC, including visits in response to the notification of specific patient incidents, deaths of detained patients that have occurred, complaints monitored and Second Opinion Appointed Doctor (SOAD) activity is collated.

1.5 Concordat

- 1.5.1 The MHAC is signatory to a concordat between others who inspect, regulate and audit healthcare in England. A key aim of this agreement is to reduce the burden of inspection on service providers. This report may therefore refer to information or recommendations drawn from reports completed by other bodies and may in turn be used by others to avoid duplication of data collection. Further information about the Concordat can be obtained at the Concordat's website. (www.concordat.org.uk)

1.6 Links between the MHAC and the Hospital

- 1.6.1 The 2007 Annual Report for Cypress Independent Hospital raised an issue about the detained patients' treatment plans being reviewed when there is a change in Responsible Medical Officer (RMO). The MHAC is satisfied that this issue has been addressed.
- 1.6.2 At the time of the MHAC visit informing this report there was only one patient detained at Cypress Independent Hospital, and one patient resident at Cypress but liable to be detained elsewhere.

2. FINDINGS AND RECOMMENDATIONS

- 2.1 The MHAC is an organisation for whom the task of protecting the human rights of detained patients is central. People who are deprived of their liberty are also particularly vulnerable to human rights deprivations, and everyone involved in the care of detained patients should be aware of their responsibilities for safeguarding human rights, as set out in the Articles of the European Convention on Human Rights.
- 2.2 In this section of the report the main findings are summarised. From the position of the MHAC's remit, this is a positive report and no recommendations have been made. Cypress Independent Hospital continues to provide a service which meets the needs of detained patients by being appropriately structured to enable detained patients to maximise their abilities and help them return to the community.

2.3 Mental Health Act/Code of Practice Issues

Legal documents

- 2.3.1 The MHAC examined all legal documents relating to patients' initial detention under the Mental Health Act 1983, and subsequent renewal or transfer of that detention to another hospital. All were in good order.

Consent to Treatment

- 2.3.2 Medication prescribed and being taken by detained patients was included on their Form 38

Section 17 leave

- 2.3.3 The MHAC examined all forms relating to Section 17 leave. They were found to be in good order and provided enough detail for staff, patients and, where relevant, significant others, to fully appreciate the conditions and parameters of the Section 17 leave.

Section 132 – Information for detained patients

- 2.3.4 There was evidence to suggest that detained patients were fully informed of the circumstances of their detention and rights of appeal.

Section 117 after-care planning

- 2.3.5 There was clear evidence of comprehensive care planning for detained patients, together with a demonstrable commitment to ensuring the patient was fully involved in the production of the care plan and for the care plan to build on the patient's strengths and help maximise their abilities.

2.4 Environmental and Organisational Matters

General environment

- 2.4.1 There has been little change in the environment at Cypress Independent Hospital since the MHAC visit which informed the 2007 Annual Report. An appropriate balance between the demands of a Hospital and residential unit, in which the patients can feel 'at home', albeit for a limited period, are evident.

- 2.4.2 There is appropriate gender separation with a family room for visiting.

Staffing

- 2.4.3 Although at the time of the MHAC visit there was one vacancy, no specific staffing issues were evident.

Patient care

- 2.4.4 The views of detained patients could not be gathered by the MHAC on the day of the visit, but it is encouraging to note that patients make their own comments in their progress notes and on related documents. These comments provide some evidence of patients being appropriately involved in their treatment plans.
- 2.4.5 An independent advocate is available for detained patients.

Community links

- 2.4.6 While there is no dedicated Occupational Therapist (OT) employed by Cypress Independent Hospital, extensive use is made of community resources with evidence of patients being encouraged to access these services, frequently with the support of staff.

3. FORWARD PLAN – THE NEXT 12 MONTHS

- 3.1 During the next twelve months the MHAC will start monitoring compliance with the amended Mental Health Act and the new Code of Practice. Visiting feedback may therefore include specific comments relating to Cypress Independent Hospital's implementation of the Mental Health Act 2007 and the impact of changes on detained patients. There may also be some developments in the way that Commissioners visit to enable them to consider new areas of legislation, such as Supervised Community Treatment.
- 3.2 In addition, during this period, the MHAC will be working to achieve a smooth transition of its statutory functions, including meeting with detained patients and providing the SOAD service, to the Care Quality Commission, the new health and social care regulator.
- 3.3 In relation to the Cypress Independent Hospital's visit programme, this report has raised no specific issues which the MHAC will monitor. The MHAC will continue to discharge its remit by visiting Cypress Independent Hospital to ensure the welfare of detained patients continues to be appropriately addressed and the Mental Health Act 1983 appropriately applied and administered.

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- ◆ REGION 1 – The North, Yorkshire to Northumberland, Tyne & Wear
- ◆ REGION 2 – East Midlands, East Anglia & Thames Valley
- ◆ REGION 3 – Wales, West Midlands & The South West
- ◆ REGION 4 – London & The South East

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