

Mental Health Act Annual Statement August 2009

Priory Hospital North London (Priory Group)

Introduction

The Care Quality Commission (CQC) visits all places where patients are detained under the Mental Health Act 1983. Mental Health Act 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, 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.

Commissioners use the Guiding principles in the Code of Practice (Published 2008) to inform opinions about the quality of care provided by the Hospital. All decisions must be lawful, informed by good practice and consistent with the Human Rights Act 1998. Commissioners expect these principles to underpin all decisions, and clinicians and managers and all those involved in providing care are expected to balance application of the principles to provide the most effective and sensitive care to individuals.

At the end of each visit a “feedback summary” is issued to the Hospital identifying any areas requiring attention. The summary may also include observations about service developments and / or good practice. Areas requiring attention are listed and the Hospital is asked to respond stating what action has been taken. The response is assessed and followed up if further information is required. The information is used by the CQC when verifying the NHS Annual Healthcheck and making decisions about the inspection programme in both the NHS and Independent Sector. From April 2010, the Mental Health Act Commissioners’ findings will inform the Care Quality Commission’s assessments of organisations in relation to registration

requirements, through evidencing ongoing compliance with the Mental Health Act and the Code of Practice.

During the year the Commission visited the Adolescent Unit on 2 June 2009 and the Adult Ward on 2 June 2009.

Background

The Priory Hospital North London is part of the Priory Healthcare Group, a private provider of mental health care. There are two wards: an adult admission ward and an Adolescent Unit, which offers inpatient assessment and treatment to 12 to 18 year olds. On both wards the majority of patients are informal; the adult ward in particular has few detained patients over the course of a year.

This report draws on findings from visits by Mental Health Act Commissioners both under the auspices of the Mental Health Act Commission and those, which took place after 1 April 2009, when the functions of the Mental Health Act Commission were taken over by the Care Quality Commission.

The Annual Statement provides an overview of the main findings from visiting, highlighting any matters for further attention and / or areas of best practice. It is published on the CQC website, together with other publications relating to individual mental health providers.

Main Findings

Mental Health Act and Code of Practice

The following points highlight those Mental Health Act Issues raised by Commissioners on visits. The detailed evidence to support them has already been shared with the Hospital and is not rehearsed here. For further discussions about these findings please contact the author of this report via the Care Quality Commission at the Nottingham office.

Detention

All papers are scrutinised to ensure that all detentions are lawful. A minor error was noted by the Mental Health Act Commissioner, and following her feedback the Hospital's action plan stated that the Mental Health Act Administrator would ensure more stringent and accurate scrutiny.

Section 58

A Mental Health Act Commission visit to the Priory Hospital North London in October 2008 found multiple problems in relation to Consent to Treatment. The provisions of Section 58 did not apply to any patient whose file was reviewed in June 2009. The Mental Health Act Commissioner was informed during this visit that the Hospital audits Consent to Treatment.

The Commissioner drew the Hospital's attention to the requirements of the Code of Practice in relation to treatment during the first three months of a patient's detention. Responsible Clinicians should discuss consent with all patients and record these discussions as well as their assessment of the patient's capacity to consent. This is

also in line with the Participation Principle laid out in the Code of Practice at paragraph 1.5.

Independent Mental Health Advocacy

At the time of the Mental Health Act Commissioner's visit there was a general advocacy service available but no Independent Mental Health Advocacy Service, as introduced into the Act in April 2009. The CQC was informed that the Hospital was in discussion with the local Primary Care Trust and Independent Advocacy Service. It is important that Independent Mental Health Advocacy is available to all detained patients, regardless of their funding arrangements.

Other Issues raised from Visiting Activity

The Physical Environment

Both wards provide a comfortable environment for patients who are accommodated in single rooms. Both wards use the same dining facilities but at different times. The adult ward is newly refurbished, and there are plans to refurbish the adolescent unit.

Recommendations for Action

1. Priory Healthcare should closely monitor compliance with Section 58 of the Mental Health Act, to ensure that in the one circumstance in healthcare where compulsion is permitted, all the safeguards written into legislation and required to protect the fundamental human rights of the patient are met.
2. Priory Healthcare should ensure that an appropriate Independent Mental Health Advocacy Service is available to all qualifying patients.

Forward Plan

- Mental Health Act Commissioners will continue to visit the Priory Hospital North London in the coming year to monitor the operation of the Act and to meet with detained patients in private.
- They will work with other colleagues in the Care Quality Commission to develop an integrated approach to the regulation of the Hospital's services.