

Mental Health Act Annual Statement November 2009

Berkshire Healthcare NHS Foundation Trust

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 provider. All decisions must be lawfully 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 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 provider 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 provider 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 CQC’s assessments of organisations in relation to registration requirements, through evidencing ongoing compliance with the Mental Health Act and the Code of Practice

Background

The Berkshire Healthcare NHS Foundation Trust provides specialist NHS Mental Health care for the people of the county. It provides both inpatient care and community services, with specialist community teams for Assertive Outreach, Crisis Resolution, Dementia, Child and Adolescent Mental Health Services (CAMHS), Substance Misuse and Learning Disabilities.

This report draws on findings from visits by Mental Health Act Commissioners both under the auspices of the Mental Health Act Commission (MHAC) and those which took place after April 1 2009 when the functions of the Mental Health Act Commission were absorbed by the CQC. This statement covers the period 1 August 2008 to 31 October 2009. 9 wards were visited (see appendix A) and 28 patients were interviewed. 34 sets of documents were reviewed.

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

Relations between the Mental Health Act Commissioners and Senior Managers of the Trust have been constructive and positive. The Trust has responded quickly to the findings resulting from the Commissioners' visits and to the recommendations made.

High standards were found throughout the Trust in filing the relevant statutory documentation and the improvements the Trust has made in Mental Health Act administration. The Trust has demonstrated good commitment to person-centred planning.

With few exceptions, detained patients have spoken highly of their care and of the staff who look after them.

Mental Health Act and Code of Practice

The following points highlight those Mental Health Act issues raised by the Mental Health Act Commissioner on visits. The detailed evidence to support them has already been shared with the provider and is not repeated here. For further discussions about these findings please contact the author of this Annual Statement via the CQC at the Nottingham office.

Detention

There has been a high standard of filing of statutory documents in the units visited over the past twelve months. The Trust has responded to the findings in previous Mental Health Act Commission Annual Reports and ensured that good practice guidance on record keeping has been rigorously applied throughout the Trust.

Section 58

Significant improvements in the Trust's compliance with the requirements of Section 58 of the Mental Health Act 1983 have been noted in visits. There was a breach noted whereby a patient was prescribed and administered treatment not authorised

on their certificate of treatment. The Trust took immediate action to rectify this situation once alerted.

Responsible Clinicians do not consistently record assessments of capacity when negotiating consent to treatment. The records do not consistently demonstrate that consent has been discussed during the first three months of detention.

The records of the discussions of statutory consultees were not consistently found in patient files and nor were written entries in a patient's notes that the Responsible Clinician had recorded their consultation with the Second Opinion Appointed Doctor (SOAD) or that they had communicated the outcome of the SOAD's visit to the patient.

Care Programme Approach (CPA)/Section 117

The Trust continues to have robust policies and practices in place with regard to multi-disciplinary care planning and Section 117/CPA meetings. Evidence of person-centred planning has been noted in most visit feedback summaries.

Section 17

Compliance with the requirements of Section 17 has been found to be very good.

Section 132

Compliance with the requirements of Section 132 has been generally good across the Trust. There are examples of very good practice of recording the presentation of patients' rights, however there were some examples of failure to record the presentation of patients' rights. The Trust should undertake more auditing of this area and ensure greater consistency in meeting the requirements of Section 132.

Other issues highlighted by the Mental Health Act visiting activity

Deprivation of Liberty Safeguards (DOLS)

There have been no cases of the use of the Deprivation of Liberty Safeguards highlighted during visits. Staff have been aware of the Safeguards and of the general requirements of the Mental Capacity Act.

The Physical Environment

The Trust has taken the action requested in the last Mental Health Act Commission's Annual Report and continued to maintain the existing facilities at Wexham Park Hospital and Heatherwood Hospital sites whilst planning to centralise mental health inpatient facilities in one new site in East Berkshire. The facilities at both current sites are not ideal and it is a credit to the staff who work there that they are able to deliver high standards of mental health care within these physical environments.

Recommendations for Action

- The Trust should continue to scrutinise the procedures that it is putting in place to comply with those aspects of the Mental Health Act and the Code of Practice, which Mental Health Act Commissioner visits have highlighted for attention and improvement.

- The Trust should have procedures in place to ensure there is consistent recording of the Responsible Clinician's assessment of capacity when negotiating consent to treatment.
- The Trust should have procedures in place to ensure there is consistent recording of the discussions of statutory consultees and that the Responsible Clinician records their consultation with the SOAD and the communication of the outcome of the SOAD's visit to the patient.
- The Trust should ensure that it has procedures in place to comply with the requirements of Section 132.
- The Trust should continue to ensure the maintenance of the existing facilities at the Wexham Park Hospital and Heatherwood Hospital sites until the transition of services to one site in East Berkshire.

Forward Plan

- Mental Health Act Commissioners will continue to visit Berkshire Healthcare NHS Foundation Trust in the coming year to monitor the operation of the Act and to meet with detained patients in private.
- The Mental Health Act Commissioners will work with other colleagues within the CQC to develop an integrated approach to the regulation of the hospital's services.
- During the next visiting programme, it is planned to visit those wards that it was not possible to visit this year. The Mental Health Act Commissioner will be monitoring the effect of the promised changes that are being put in place as a result of this statement's recommendations.

Appendix A

Commission Visit Information for Berkshire Healthcare NHS Foundation Trust covering the period between 1 September 2008 and 31 October 2009

Date	Ward	Det. Pats. seen	Records checked
Heatherwood Hospital			
6 Nov 2008	Ward 12	4	3
Total for Heatherwood Hospital		4	3
Wexham Park Hospital			
29 Oct 2008	Ward 10	2	3
Total for Wexham Park Hospital		2	3
Prospect Park Hospital			
16 Oct 2008	Acorn Ward	2	3
	Orchid Ward	1	2
26 Oct 2008	Rose Ward	2	3
20 Jan 2009	Bluebell Ward	4	3
	Campion Ward	1	3
7 May 2009	Daisy Ward	3	3
18 May 2009	Sorell Ward	4	5
6 Oct 2009	Jasmine	2	2
	Rowan Ward	3	3
Total for Prospect Park Hospital		22	27
The Little House			
6 Feb 2009	The Little House	0	1
Total for The Little House		0	1
Total Number of Visits: 9			
Total Number of Wards visited: 12			
Total number of Patients seen: 28			
Total Number of documents checked: 34			