

Freedom of Information Request 19 139

Our Reference: FOI 19 139 / AA / LB / JB
Name:
Date: 5 July 2019
Address:

Dear

Further to your Freedom of Information Request, please find the Trust's response below:

Please can you send me information on the following:

1. *What is the trusts policy to safeguard patients' human rights when they are detained under the mental health act (1983)?*

Humber Teaching NHS Foundation Trust ('the Trust') follows the Trust's Human Rights and Equality Policy for Service Provision and Practice in relation to the Mental Health Act 1983. The Trust also has a Standard Operating Procedure in relation to Section 132/132A (MHA 1983) rights for patients, nearest relatives, carers and others.

2. *A) How does the trust implement policy to ensure that patients' human rights are safeguarded when detained under the mental health act (1983)?*

The Trust will ensure patients human rights are safeguarded through scrutiny of detention documents. All detained patients are given a Human Rights leaflet on admission as part of the reading of rights process. Repeating of rights will be carried out throughout the period the patient is detained.

Other Trust policies are in place to ensure patient human rights are safeguarded such as the Seclusion and Segregation Policy, and the Inpatient Search Policy. Trust audits ensure patient rights are safeguarded for example the Mental Health Act audit, the Seclusion audit, Patient's audit, and Rapid Tranquilisation audits.

The Trust ensures patients have access to: Solicitors / Advocates / Tribunals / Manager's Hearings, and patient meetings. The Trust also holds a monthly Reducing Restrictive Interventions (RRI) group, and ensures that regular reviews, including external reviews, of Long Term Segregation (LTS) / seclusion are carried out, and that patients are individually assessed regarding the need for search.

B) How is this information collected?

The Trust will use various sources to collate this information including Section 132 rights forms and within section rights care plan, Long Term Segregation and extended seclusion review paperwork, perfect ward application, search paperwork, the trust incident reporting system, audits from Managers Hearings, exception reports, and Advocacy quarterly reports.

C) How is this information monitored?



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Information is monitored through review of all of the above documents, audits and systems. Discrepancies will be acted upon and discussed in Steering Group, RRI group and MHL Committee. Long Term Segregation and extended seclusion review reports are sent to the Director of Nursing.

3. A) *How does the trust implement policy to ensure that all patients are informed of their rights when they are detained under the mental health act (1983) and when they are admitted voluntarily?*

The Trust will ensure completion of a Section 132 rights form on admission for detained patients and an informal rights form for informal patients. The Section 132 rights form indicates whether the patient has capacity to understand their rights. If not, an automatic referral is made for an Independent Mental Health Assessment by the Mental Health Legislation team; a referral is also made by the legislation team for those patients with capacity and who consent to the referral.

B) *How is this information collected?*

The Trust will use a Section 132 rights form collected immediately with the section papers and this is chased by the Mental Health Legislation team if it is not completed immediately. The ongoing repeating of rights is recorded on the section rights care plan for detained patients and via the informal rights form for informal patients.

C) *How is this information monitored?*

This information is monitored via the Mental Health Act audit in the perfect ward application on a monthly basis by the unit staff and annually by the Mental Health Legislation team. The Trust will also carry out bi-monthly support visits to each unit via the Mental Health Legislation Manager and this is in addition to regular monitoring of CQC action plans by Mental Health Act Clinical Manager.

4. A) *How does the trust implement policy to ensure that patients who are detained under the mental health act (1983) or admitted voluntarily are informed about independent mental health advocates?*

The Trust will ensure completion of a Section 132 rights form on admission for detained patients; informal patients would not have access to IMHAs. A Section 132 rights form indicates whether the patient has capacity to understand their rights. If it is deemed a patient does not have capacity to understand their rights, automatic referral is made for an IMHA by the Mental Health Legislation team. For those patients who do have capacity to understand their rights, the form indicates whether they consent to a referral to the IMHA. If patients consent, a referral is made by the Mental Health Legislation team. If patients with capacity do not consent but change their mind at a later date then the unit staff will make the referral. The IMHAs also visit the units regularly and speak to those patients who have previously chosen not to have the support of an IMHA and offer this support again.

B) *How is this information collected?*

The Section 132 rights form is collected immediately with the section papers and chased by the Mental Health Legislation team if it is not completed immediately. Ongoing repeating of rights is recorded via a section rights care plan for detained patients.

C) *How is this information monitored?*

This information is monitored by quarterly reports received from the commissioned Advocacy service and also as per the monitoring set out within the response to question 3C.

5. A) *How does the trust implement policy to ensure all patients detained under the mental health act are informed of mental health tribunals?*

By completion of a Section 132 rights form on admission for detained patients, which requires evidence that the patient has been informed about the process for accessing a tribunal / Hospital Manager's Hearing and has been given a list of solicitors.

B) *How is this information collected?*



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The Section 132 rights form is collected immediately with the section papers and chased by the Mental Health Legislation team if not completed immediately. The Mental Health Legislation team receive and process the tribunal applications. Information relating to the status of reports, outcomes, etc are recorded electronically by the Mental Health Legislation team.

C) How is this information monitored?

The Trust monitors the numbers of tribunals requested, heard and cancelled and these are reported via the Mental Health Legislation Committee and are compared to the number of admissions.

Kind regards,

Freedom of Information Team
Humber Teaching NHS Foundation Trust
Mary Seacole Building
Willerby Hill
Willerby
HU10 6ED

<https://www.humber.nhs.uk/about-our-trust/freedom-of-information-enquiry-form.htm>



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