**Adult Acute Mental Health Unit, University Hospital Galway**

**ID Number:** AC0105

**2019 Approved Centre Focused Inspection Report (Mental Health Act 2001)**

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<th>Approved Centre Type:</th>
<th>Registered Proprietor:</th>
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<tr>
<td>Acute Adult Mental Health Care</td>
<td>HSE</td>
<td>30 June 2018</td>
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<td>Psychiatry of Later Life</td>
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<td>Mental Health Care for People with Intellectual Disability</td>
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**Conditions Attached:** None

**Registered Proprietor Nominee:**
Mr Steve Jackson, General Manager, Mental Health Services, Community Healthcare West

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**Inspection Team:**
Dr Susan Finnerty MCRN009711

**Inspection Date:**
18 July 2019

**Inspection Type:**
Focused Inspection

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**The Inspector of Mental Health Services:**
Dr Susan Finnerty MCRN009711

**Previous Inspection Date:**
27 – 30 November 2019

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**Date of Publication:**
Tuesday 17 September 2019
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Summary

Following a complaint received from a Chairperson of a Mental Health Tribunal held in the Adult Acute Mental Health Unit, University Hospital Galway, a focused inspection of Regulation 30: Mental Health Tribunals took place on 18 July 2019 in the approved centre. The Inspector found that the Mental Health Tribunal room was not adequately sized, ventilated and soundproofed and that the facilities did not respect the dignity of the patient during the Mental Health Tribunal.
2.0 Background

2.1 Reason for focused inspection

A complaint, dated 11 July 2019, was received by the Mental Health Tribunal Division from a Chairperson of a Mental Health Tribunal (MHT). This MHT had been held in the Adult Acute Mental Health Unit, University Hospital Galway on 8 July 2019.

The complaint stated that the room in which the MHT was held was unsuitable as:

- The room was too small.
- The room was windowless.
- The room was not soundproofed and proceedings could be heard in a training room next door.

2.2 2018 Inspection findings

The 2018 annual inspection on 27 - 30 November 2018 had found that the MHT room was “bright and spacious” and was compliant with the requirements of Regulation 30: Mental Health Tribunals.

2.3 Scope of inspection

Regulation 30 (1): Mental Health Tribunals
3.0 Overview of the Approved Centre

3.1 Description of approved centre

The Adult Acute Mental Health Unit, University Hospital Galway was a newly built two-storey facility, located on the grounds of the University Hospital Galway site. The approved centre was registered for 50 beds on 30 June 2018 and consisted of four separate wards, Hazel, Ash, Holly and Oak. Twelve consultant-led teams, including two Psychiatry of Later Life teams, Mental Health Intellectual Disability team, and Rehabilitation and Recovery team, referred residents to the approved centre.

3.2 Conditions to registration

There were no conditions attached to the registration of the approved centre.
### 4.0 Focused Inspection Findings

#### Regulation 30: Mental Health Tribunals

**NON-COMPLIANT**

| Risk Rating | CRITICAL |

(1) The registered proprietor shall ensure that an approved centre will co-operate fully with Mental Health Tribunals.

(2) In circumstances where a patient’s condition is such that he or she requires assistance from staff of the approved centre to attend, or during, a sitting of a mental health tribunal of which he or she is the subject, the registered proprietor shall ensure that appropriate assistance is provided by the staff of the approved centre.

### INSPECTION FINDINGS

An inspection of the Mental Health Tribunal (MHT) room under Regulation 30 took place on 18 July 2019.

The location of MHTs had been moved from what was the original room at the time of registration of the approved centre to another room along the same corridor.

This room was partitioned to provide a MHT room and a training/multi-purpose room. The resulting MHT room was small, approximately 5 metres long and approximately 3.5 metres wide. A narrow table with six chairs was in the centre of the room. The width of the table did not allow adequate personal space for people sitting opposite each other. There was insufficient space in the room for MHT members, the patient, his/her advocate, any attending nurses and the consultant psychiatrist.

There were no windows in the wall; there was a Velux style window in the ceiling, which could be opened remotely. The room was stuffy and hot at the time of the inspection.

The room infringed the right of the patient to be treated with respect and dignity during the MHT process.

The original MHT room was inspected. This room was bright and spacious, with natural light coming through a number of windows along one wall. It was well ventilated. Staff stated that this room was now used for a number of purposes such as training and meetings and that all MHTs were now held in the smaller room.

The approved centre was non-compliant with this regulation because the registered proprietor did not cooperate fully with Mental Health Tribunals in ensuring that the Mental Health Tribunal room was adequately sized, ventilated and soundproofed and that the facilities respected the dignity of the patient during the Mental Health Tribunal, 30 (1).
The principal functions of the Mental Health Commission are to promote, encourage and foster the establishment and maintenance of high standards and good practices in the delivery of mental health services and to take all reasonable steps to protect the interests of persons detained in approved centres.

The Commission strives to ensure its principal legislative functions are achieved through the registration and inspection of approved centres. The process for determination of the compliance level of approved centres against the statutory regulations, rules, Mental Health Act 2001 and codes of practice shall be transparent and standardised.

Section 51(1)(a) of the Mental Health Act 2001 (the 2001 Act) states that the principal function of the Inspector shall be to “visit and inspect every approved centre at least once a year in which the commencement of this section falls and to visit and inspect any other premises where mental health services are being provided as he or she thinks appropriate”.

Section 52 of the 2001 Act states that, when making an inspection under section 51, the Inspector shall

a) See every resident (within the meaning of Part 5) whom he or she has been requested to examine by the resident himself or herself or by any other person.

b) See every patient the propriety of whose detention he or she has reason to doubt.

c) Ascertain whether or not due regard is being had, in the carrying on of an approved centre or other premises where mental health services are being provided, to this Act and the provisions made thereunder.

d) Ascertain whether any regulations made under section 66, any rules made under section 59 and 60 and the provision of Part 4 are being complied with.

On a focused inspection, the Inspector does not assess all regulations, rules, code of practice, and Part 4 of the 2001 Act. The focus of the inspection will be on specific legislative requirements, or parts of legislative requirements where it is determined that there may be a risk to the safety, health and well-being of residents and/or staff members.

Following the focused inspection of an approved centre, the Inspector prepares a report on the findings of the inspection. A draft of the inspection report, including provisional compliance ratings and risk ratings, is provided to the registered proprietor of the approved centre. Areas of inspection are deemed to be either compliant or non-compliant and where non-compliant, risk is rated as low, moderate, high or critical.

In circumstances where the registered proprietor fails to comply with the requirements of the 2001 Act, Mental Health Act 2001 (Approved Centres) Regulations 2006 and Rules made under the 2001 Act, the Commission has the authority to initiate escalating enforcement actions up to, and including, removal of an approved centre from the register and the prosecution of the registered proprietor.