



Mental Health Commission issues stark warning to service providers

Regulator's new strategy to focus on 'protecting people's rights'

The Mental Health Commission has issued a stark warning to providers of mental health services in Ireland that where standards are not acceptable and human rights are not being upheld, they will intervene 'using all powers necessary'.

The warning came on Thursday (February 21st) at the launch of the Commission's 2019-2022 Strategy, 'Protecting People's Rights', which charts an ambitious course for the next four years to realise the regulator's new vision of an Ireland with the highest quality mental health and decision support services underpinned by a person's human rights.

Commission Chairman, John Saunders, said the body had been undertaking a process of transformation since early 2018, which has included the development of a new vision, a mission statement, and a comprehensive and wide-ranging consultation process that ultimately led to the new strategic plan.

"The strategy consultation clearly evidenced a desire for the commission to promote high standards and work with and support all stakeholders who wish to create improvement," said Mr. Saunders. "However, where standards are not acceptable and human rights are not upheld, people are clear that the Commission should intervene, using all powers necessary.

"Individual's human rights will be at the heart of our work and functions over the next four years. It will be the common thread through all our activities, policies, regulations, codes of practice and standards. We will work with Government to strengthen the regulatory infrastructure, which vindicates people's rights, and we will ensure compliance with the law through proportionate risk-based regulation, monitoring and supports. The present Commission is adopting a low tolerance level of non-compliance."

Commission Chief Executive, John Farrelly, said that the priorities set out in the strategy enhance the Commission's core role as the regulator for mental health services, while raising awareness of the body's fundamental purpose of protecting people's rights.

"The Mental Health Commission has a role under law "to promote, encourage and foster the establishment and maintenance of high standards and good practices in the delivery of mental health services". In fulfilling this role, we will continue to work with the services that put the person first, while also targeting low-quality services and using our powers to intervene and reform these services without fear or favour."

The strategy also outlines the particular challenge of establishing a best-in-class Decision Support Service (DSS), a new function within the Commission that will maximise autonomy for all relevant persons requiring support to make decisions about their personal welfare, property and financial affairs.

Áine Flynn, the Director of the Decision Support Service, said that human rights are also clearly at the heart of the new service, which, when operational, will play a key role in delivering the much

needed and long-awaited reforms introduced by the Assisted-Decision-Making (Capacity) Act of 2015.

“In the Commission, the DSS has found a natural home as the Commission has that vital experience of setting up innovative structures under reforming legislation to deliver on a human rights agenda,” she said. “Our intention is that the DSS’s systems will be accessible, user-friendly and adaptable to the evolving needs of our service-users.”

The strategy has five strategic objectives, each of which the Commission is committed to delivering on by the end of 2022. The first of four business plans sets out how the Commission will deliver in 2019. This plan includes a review of the regulatory framework, an enhanced corporate governance structure, support for the Office of the Inspector of Mental Health, and a recruitment, selection and training process for new Mental Health Tribunal members.

“It’s going to be both an exciting and challenging time for the Mental Health Commission over the next four years,” said Mr Farrelly. “Like the rest of Ireland, we are in a time of transition and change, but we believe that there is a shared agenda and consensus amongst us all to deliver better mental health and decision support services. People can be reassured that as a State body, we will play our part to fulfil this goal.”

ENDS

Notes to the Editor:

About the Mental Health Commission

The Mental Health Commission is an independent statutory body. The primary functions of the Mental Health Commission are to foster and promote high standards of care and good practice in the delivery of mental health services and to ensure that the interests of those involuntarily admitted are protected, pursuant to the Mental Health Act 2001.

To operate an in-patient mental health service in Ireland, the service must be registered as an ‘approved centre’ with the Mental Health Commission. Upon registration the service must comply with regulations made under the Mental Health Act 2001. Failure to comply with regulations may result in enforcement action including: corrective and preventative action plans, an immediate action notice, a regulatory compliance meeting, registration conditions, removal from the register (closure) and prosecution.

The Decision Support Service

Under the provisions of the Assisted Decision Making (Capacity) Act 2015 (2015 Act), the Mental Health Commission’s remit has been extended to include the establishment of the Decision Support Service. The Decision Support Service will support decision-making by and for adults with capacity difficulties, and will regulate individuals who are providing a range of supports to people with capacity difficulties.

About the 2019-2022 Strategy

This is the Commission’s sixth Strategic Plan since its establishment in 2002. The priorities set out in the Plan will cover the period 2019–2022.