



**Communications and Risk Escalation
Protocol
between
The Health Service Executive
and
Mental Health Commission**

Communication and Risk Escalation Protocol

The Mental Health Commission

The Mental Health Commission (the Commission), is an independent statutory body established under the provisions of the Mental Health Act 2001 (2001 Act) (as amended). The remit of the Commission incorporates the broad spectrum of mental health services for all ages in all settings. In addition, under the provisions of the Assisted Decision Making (Capacity) Act 2015 (2015 Act), the 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.

The Commission has four key functions:

1. Regulating in-patient mental health services through registration, inspection and monitoring
2. Ensuring all persons involuntarily detained in approved centres are independently reviewed by a Mental Health Tribunal
3. Setting standards for high quality and good practices in mental health services
4. Establishing a Decision Support Service to provide and regulate a range of decision making supports

The above four functions are supported by the Commission's Corporate Operations Team who may require on occasion to communicate with the HSE.

The Health Service Executive

The Health Service Executive (HSE) provides all of Ireland's public health services in hospitals and communities across the country. The HSE was established in 2005 in accordance with the provisions of the Health Act 2004 (as amended) which requires that it is to use the resources available to it in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public.

Community services, including mental health services, are provided by regional Community Healthcare Organisations (CHOs) as well as by the National Forensic Mental Health Services. There are nine CHOs across the country each of which have a defined governance structure which includes a Chief Officer and Head of Mental Health Services.

At a national level, mental health services are governed by the National Director for Community Operations supported by the National Mental Health Operations Team lead by the Head of Operations Mental Health. The National Community Healthcare Quality & Patient Safety Office support the National Director and Head of Operations.

Purpose

The purpose of this document is to outline a shared understanding on the protocol for communication between the Commission and the HSE. This document shall ensure that if an issue arises in relation to any of the Commission's four functions that the matter can be communicated, addressed and/or escalated at the appropriate level.

The communications between both parties shall aim to enhance quality and safety in mental health services, vindicate the rights of patients and ensure all relevant supports are provided to services

users. The protocol sets out the escalation steps following the identification of any relevant issue by either party in a timely manner.

1. Registration, Monitoring and Inspection of Approved Centres

Standard communication and correspondence from the Commission in respect of registration, monitoring and inspection will be issued to the Registered Proprietor nominee and Clinical Director of the relevant approved centre, who both have statutory roles set out in the Mental Health Act 2001 (as amended).

Escalation protocol for approved centres

The approved centre is required in law to be compliant with the Mental Health Act 2001 and associated Regulations. Where there is any concern in relation to non-compliance, the MHC will communicate in the normal course of events with the Registered Proprietor and Clinical Director of the approved centre.

Where a serious and/or consistent risk is identified in an approved centre and the Registered Proprietor nominee has failed to mitigate same, the matter will be referred to the Head of Mental Health Services in the relevant Community Health Organisation for mitigation. Any matters not appropriately mitigated by the Head of Mental Health Services will be escalated to the Chief Officer. Where a serious and/or consistent risk is identified across a number of approved centres within a specific CHO this matter will be identified to the relevant Head of Mental Health and Chief Officer for examination and mitigation.

Where a serious and/or consistent risk is not mitigated at CHO level the matter will be escalated by the MHC to the National Director Community Operations.

Escalation protocol for services provided on behalf of the HSE

Where the Commission identifies an issue or concern with a service provided on behalf of the HSE pursuant to a service level agreement under Section 38 or 39 of the Health Act 2004 (as amended), the issue shall be raised in the first instance with the relevant service.

Where an appropriate mitigation is not put in place, the Commission shall escalate the issue to the person with responsibility for the management of the service arrangement within the HSE for that service. The Commission will inform the relevant provider of the escalation.

2. Mental Health Tribunals

The carrying on of Mental Health Tribunals (MHTs) is a key mechanism in Irish law to vindicate the rights of persons who are involuntarily detained in approved centres.

Each approved HSE centre will nominate a liaison person to communicate with the Commission to ensure the efficient/effective carrying on of tribunals in all HSE Centres.

In relation to any issues of concern, the MHC Tribunal Manager (copied to the Head of Legal / Division Lead for the MHT team) shall contact the Clinical Director and the Responsible Consultant Psychiatrist (copied to the Mental Health Act Administrator).

If the above, do not address the matter raised in a timely manner, it shall be escalated to the Executive Clinical Director / CHO Head of Mental Health Services in the HSE.

Any issues identified across a specific CHO area will be identified to the CHO Head of Mental Health Services in the HSE by the MHC Tribunal Manager / the Head of Legal / Division Lead for the MHT team.

Any consistent issues identified at either CHO or national level will be identified to the HSE at the quarterly meetings

3. Decision Support Service

The HSE will nominate an appropriate person at national level to liaise with the Director of the Decision Support Service (or their nominee) to ensure a shared understanding and cooperative approach to the implementation of the Assisted Decision Making (Capacity) Act 2015.

4. Strategic initiatives to promote quality and safety

Both organisations are committed to cooperating on national strategic research and/or projects which will improve mental health and decision support services in Ireland. Proposals should be examined at the agreed quarterly meeting.

5. Information sharing

Where possible both organisations shall share any appropriate data information in line with a data protection legislation and subject to separate sharing agreements. All such agreements shall involve the relevant personnel from the MHC Corporate Operations Team. Each organisation will share embargoed copies of reports to be published, for information only, at least twenty-four hours in advance.

6. Quarterly meetings

Quarterly meetings will take place with the relevant nominated national officers of the HSE and the relevant Commission representatives to ensure direct and clear communication lines between the Commission and the Executive.

An agenda for each meeting will be agreed in advance, and may include the identification and discussion of key national and/or strategic risks and the identification of national strategic research/quality improvement initiatives.

Sufficient time shall be provided by the HSE and the MHC to address all of the relevant issues at the quarterly meetings.

The date, time and venue of each meeting shall be agreed on a meeting by meeting basis.

7. Annual meetings

Meetings will occur at least annually between the Divisional Leads for the Commission and the Heads of Mental Health Services group. The Chief Executive of the HSE may also attend those meetings, if they deem appropriate.

8. Defined points of contact

The below outlines the key points of contact.

However, the relevant person in the Commission or the HSE may if they deem appropriate to escalate the matter to the most senior person in their respective organisation (ie the Chief Executive of the Commission or Director General of the HSE). Such action should be reserved for exceptional

matters or where despite repeated efforts a matter is not being addressed at the appropriate level by their counterpart.

Area	MHC	HSE
Regulation of Approved Centres (Registration, Monitoring and Inspection)		
Approved centre level	Director of Standards and Quality Assurance Inspector of Mental Health Services	Registered Proprietor Nominee Clinical Director
CHO level	Director of Standards and Quality Assurance Inspector of Mental Health Services	Head of Mental Health Services Executive Clinical Director Chief Officer
National level	Director of Standards and Quality Assurance Inspector of Mental Health Services	National Director, Community Operations Head of Operations Mental Health Head of Quality and Patient Safety, National Community Operations
Mental Health Tribunals		
Approved centre level	MHT Manager Divisional Lead for MHTs	Clinical Director (Mental Health Act Administrator) Or Executive Clinical Director Head of Mental Health Services
CHO level	Divisional Lead for MHTs MHT Manager	Head of Mental Health Services
National level	MHT Lead	Head of Operations Mental Health
Decision Support Service		
National level	Director DSS	National Programme Lead, HSE National ADM and Consent Office.
Quality Improvement		
National level	Director of Standards and Quality Assurance	Head of Quality and Patient Safety, National Community Operations

Date: 12/8/19
 Signed: [Signature]
 Chief Executive Mental Health Commission

Date: 9/8/19
 Signed: [Signature]
 David Walsh National Director
 Community Operations