

Tearmann Ward, St Camillus' Hospital

Annual Inspection
Report 2026

*Promoting Quality, Safety and
Human Rights in Mental Health*



mhc

coimisiún meabhair - shláinte
mental health commission

TEARMANN WARD, ST CAMILLUS' HOSPITAL

Shelbourne Road, Limerick, Co. Limerick

Date of Publication:

31 August 2026

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2026 Approved Centre Inspection Report (Mental Health Act 2001)

Approved Centre Type:

Psychiatry of Later Life

Most Recent Registration Date:

01 October 2023

Conditions Attached:

None

Registered Proprietor:

HSE

Registered Proprietor Nominee:

Ms Sheila Mulcair

Inspection Team:

Kevin Miskelly, Lead Inspector
Noeleen Byrne
Susan O'Neill

Inspection Date:

05 – 08 May 2026

Previous Inspection date:

07 – 10 October 2025

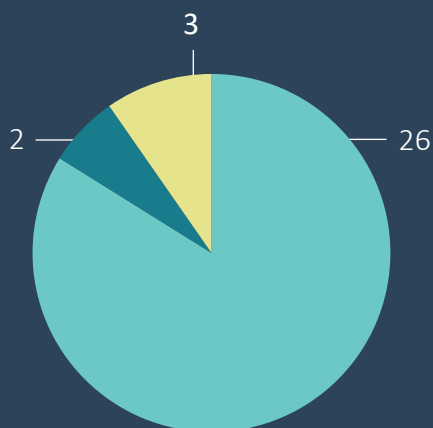
The Inspector of Mental Health Services:

Professor James V Lucey MCRN000646

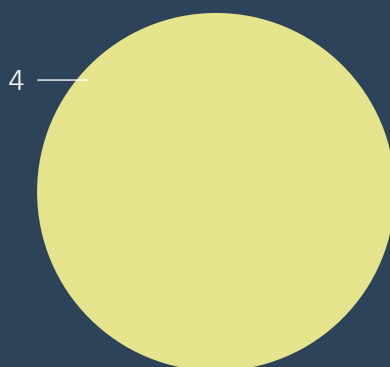
Inspection Type:

Unannounced Annual Inspection

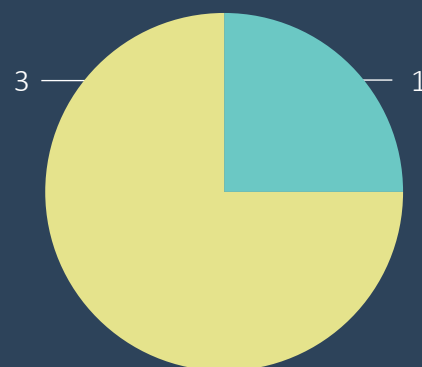
2026 COMPLIANCE RATINGS



REGULATIONS



RULES AND PART 4 OF THE
MENTAL HEALTH ACT 2001



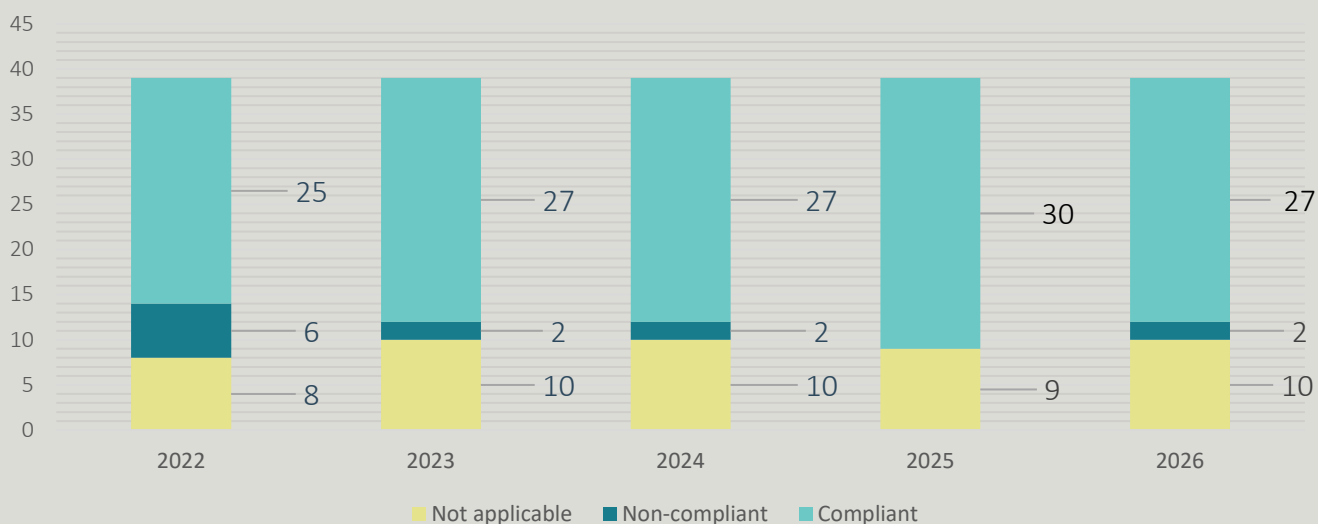
CODES OF PRACTICE

Compliant Non-Compliant Not applicable

RATINGS SUMMARY 2022 – 2026

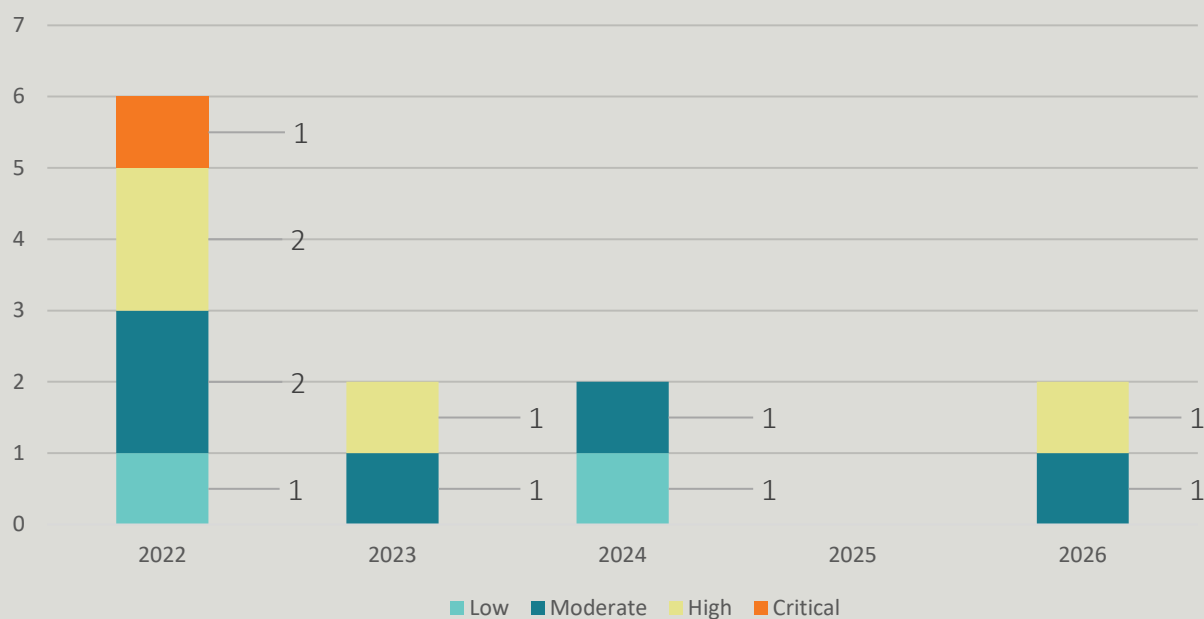
Compliance ratings across all 39 areas of inspection are summarised in the chart below.

CHART 1 – COMPARISON OF OVERALL COMPLIANCE RATINGS 2022 – 2026



Where non-compliance is determined, the risk level of the non-compliance will be assessed. Risk ratings across all non-compliant areas are summarised in the chart below.

CHART 2 – COMPARISON OF OVERALL RISK RATINGS 2022 – 2026



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1.0 Inspector of Mental Health Services – Review of Findings

Inspector of Mental Health Services

Professor James V Lucey

1.1 Description of Approved Centre

Tearmann Ward is located in St. Camillus' Hospital, Shelbourne Road, Limerick. It is situated towards the rear of the St. Camillus' Hospital campus. The approved centre is an assessment unit for persons with advancing dementia, psychological and behavioural symptoms. The approved centre is registered to provide accommodation for 13 residents.

The approved centre delivered services to residents across Limerick city and county. Residents received care and support from the Psychiatry of Later Life (POLL) team, a multi-disciplinary service specialising in the mental health care of older adults.

The approved centre comprised three single occupancy bedrooms, including one designed for palliative care, and five twin bedrooms. The bedrooms were observed to be spacious, individualised, and thoughtfully designed to meet the sensory, physical, and cognitive needs of residents. Additional facilities located off the main corridor included storage areas, a clinical and medication room, shower rooms, toilets, a dining area, a main sitting room, and activities room. Shared spaces were furnished and decorated in a dementia-friendly style. Residents had access to an enclosed garden courtyard equipped with outdoor seating and raised flower beds. There was a sensory room that had been designed for people with dementia available to the residents.

1.2 Inspector of Mental Health Services Summary

Tearmann Ward was under the governance and management structures of the HSE's Mid-West Mental Health Services. The inspection of the approved centre was unannounced and occurred over a four-day period, from 5th to 8th May 2026. The inspection report reflects findings of the inspection over this period only.

In 2025 the approved centre was found to be fully compliant of the minimum applicable regulatory areas. However, in the 2026 annual inspection the approved centre was found to have two areas of non-compliance. Regulation 16: Therapeutic Services and Programmes was non-compliant due to the approved centre not having sufficient access to a mental health occupational therapist (OT) to ensure optimal levels of physical and psychosocial functioning. This was risk rated at high. Regulation 26: Staffing was found to be non-compliant, this was due to the approved centre having limited access to a mental health occupational therapist, thus not ensuring that the numbers and skill mix of staffing were sufficient to meet resident needs.

The inspection team were informed that the position would be filled by the end of May 2026. Residents did have access through referral to primary care OT for seating assessments.

The approved centre demonstrated a commitment to reducing restrictive practices across the approved centre, there had been no episodes of physical or mechanical restraint since the last inspection.

Throughout the inspection the management and staff of the approved centre demonstrated a strong commitment to supporting and caring for the residents in a respectful, dignified and person-centred manner. It was evident that the care and treatment of the residents within the approved centre was of a high standard. This was also echoed by the two family members who spoke to the inspection team.

1.3 Resident Profile

The resident profile on the first day of inspection was as follows:

Resident Profile	
<i>Number of registered beds</i>	13
Total number of residents	8
Number of detained patients	0
Number of wards of court	1
Number of residents under the Assisted Decision Making Act	1
Number of children	0
Number of residents in the approved centre for more than 6 months	3
Number of patients on Section 26 leave for more than 2 weeks	0

1.4 Compliance summary

	2022	2023	2024	2025	2026
% Compliance	81%	93%	93%	100%	93%

1.5 Conditions of registration

There were no conditions attached to the registration of this approved centre at the time of inspection.

1.6 Ongoing escalation and enforcement actions at time of inspection

None.

1.7 Escalation and enforcement actions commenced following this inspection

None.

2.0 Governance

The Mid-West Mental Health Services Management Team (MWMHSMT) was responsible for the overall management and governance of the approved centre. Mid-West Mental Health Services incorporated Limerick, Clare, and North Tipperary services. At a regional level, the Limerick Mental Health Services Management Team (LMHSMT) governed the approved centre and reported to the MWMHSMT.

The MWMHSMT meetings took place on a fortnightly basis and reviewed operational issues across all services. Team membership consisted of senior level managers and heads of discipline. The LMHSMT meetings took place each month. The LMHSMT was attended by various managers and heads of discipline. Regular agenda items on the LMHSMT included staffing updates, regulatory compliance, health and safety issues, stakeholder feedback, and quality improvement projects. A Mid-West Mental Health Service Psychiatry of Later Life Management Team Meeting convened every two months and locally an approved centre operational group convened every fortnight. This group was established as part of a wider restructuring of the governance systems. The restructuring process was intended to provide a more focused approach for regional governance.

There were monthly Quality and Safety Management meetings for Limerick Mental Health Services. Reports from the meetings were provided to the executive level Quality and Safety Management meetings, covering all Mid-West Mental Health services. Both forums were attended by senior managers and staff from the Quality and Patient Safety function in the Mid-West Mental Health Services. Other quality management systems in place included a schedule of auditing occurring throughout the year and the use of defined key performance indicators.

The Psychiatry of Later Life (POLL) team was a multi-disciplinary team specialising in psychiatry of older adults and was responsible for the care of residents in the approved centre. The team was comprised of core mental health disciplines including medical, nursing, psychology, and social work. At the time of inspection there was no cover for a mental health occupational therapist (OT) as there was a temporary absence of OT within the POLL team. Assurances were provided that this cover would be in place by the end of May 2026. Significant efforts were made by the approved centre to support residents throughout this absence. Each clinical discipline had formal and informal arrangements for clinical supervision. Performance management was conducted through the line management system. Clinical staff were up to date with their mandatory training. The mandatory training programme included: basic life support, the management of violence and aggression, and fire safety. Training in these areas was facilitated by appropriately qualified internal or external trainers at regular intervals throughout the year. Training in mental health legislation, child protection, and safeguarding was also mandatory. Managers monitored mandatory training and alerted staff when they needed to update their training. Multitask assistants (MTA) who provided personal care to residents, were managed by the nursing department and were trained in safeguarding, the management of violence and aggression, basic life support and fire safety. The approved centre had two nurses who were basic life support trainers who supported with the training programme. Two nurses had completed a palliative care course.

The approved centre had a local risk management policy which outlined risk and incident management

processes. All heads of discipline had received training on clinical risk management, use of the National Incident Management System (NIMS), and Health and Safety. Incidents were reported and risk assessed through the NIMS. Incidents and trends were discussed at the regular multi-disciplinary team meetings held in the approved centre and also at the Limerick Quality and Safety Management team meetings. Identified risks were documented in the local risk register. The risk register was reviewed regularly by nursing management in the approved centre and also at the approved centre management group forum. Risks could be escalated to the wider service risk register if required. Systems and processes were in place for the identification, assessment, treatment and monitoring of risks.

There were processes for residents to provide written or verbal feedback regarding their satisfaction with service provision. There were community meetings held monthly between residents and staff to identify and respond to issues raised by residents. There was an advocacy service available to residents and information about contacting the advocate was prominently displayed. There was a complaints process, and the complaints manager was based on the St. Camillus Hospital Campus.

3.0 Compliance

3.1 Compliant areas on this inspection

Please refer to [Appendix 2](#) for further guidance for compliance in relation to these regulations, rules and codes of practice.

Regulation/Rule/Act/Code		2026
Regulation 04: Identification of Residents	✓	Compliant
Regulation 05: Food and Nutrition	✓	Compliant
Regulation 06: Food Safety	✓	Compliant
Regulation 07: Clothing	✓	Compliant
Regulation 08: Residents' Personal Property and Possessions	✓	Compliant
Regulation 09: Recreational Activities	✓	Compliant
Regulation 10: Religion	✓	Compliant
Regulation 11: Visits	✓	Compliant
Regulation 12: Communication	✓	Compliant
Regulation 13: Searches	✓	Compliant
Regulation 14: Care of the Dying	✓	Compliant
Regulation 15: Individual Care Plan	✓	Compliant
Regulation 18: Transfer of Residents	✓	Compliant
Regulation 19: General Health	✓	Compliant
Regulation 20: Provision of Information to Residents	✓	Compliant
Regulation 21: Privacy	✓	Compliant
Regulation 22: Premises	✓	Compliant
Regulation 23: Ordering, Prescribing, Storing and Administration of Medicines	✓	Compliant
Regulation 24: Health and Safety	✓	Compliant
Regulation 27: Maintenance of Records	✓	Compliant
Regulation 28: Register of Residents	✓	Compliant
Regulation 29: Operating Policies and Procedures	✓	Compliant
Regulation 31: Complaints Procedures	✓	Compliant
Regulation 32: Risk Management Procedures	✓	Compliant
Regulation 33: Insurance	✓	Compliant
Regulation 34: Certificate of Registration	✓	Compliant
Code of Practice: Admission, Transfer and Discharge	✓	Compliant

3.2 Non-compliant areas on this inspection

Non-compliant (X) areas on this inspection are detailed below. Also shown is whether the service was compliant (✓) or non-compliant (X) in these areas between 2022 and 2026 and the relevant risk rating when the service was non-compliant:

Regulation/Rule/Act/Code	Compliance/Risk Rating									
	2022		2023		2024		2025		2026	
Regulation 16: Therapeutic Services and Programmes	X	Moderate	X	Moderate	✓		✓		X	High
Regulation 26: Staffing	X	High	✓		✓		✓		X	Moderate

The approved centre was requested to provide Corrective and Preventative Actions (CAPAs) for areas of non-compliance. These are included in [Appendix 1](#) of the report.

3.3 Areas that were not applicable on this inspection

Regulation/Rule/Code of Practice	Details
Regulation 17: Children's Education	As the approved centre did not admit children, this regulation was not applicable.
Regulation 25: Use of Closed-Circuit Television	As CCTV was not in use in the approved centre, this regulation was not applicable.
Regulation 30: Mental Health Tribunals	As no Mental Health Tribunals had been held in the approved centre since the last inspection, this regulation was not applicable.
Rules Governing the Use of Electro-Convulsive Therapy	As the approved centre did not provide an ECT service, this rule was not applicable.
Rules Governing the Use of Seclusion	As the approved centre did not use seclusion, this rule was not applicable.
Rules Governing the Use of Mechanical Means of Bodily Restraint	As the approved centre did not use mechanical means of bodily restraint, this rule was not applicable.
Part 4 of the Mental Health Act 2001: Consent to Treatment	As there were no patients in the approved centre for more than three months and in continuous receipt of medication at the time of inspection, Part 4 of the Mental Health Act 2001: Consent to Treatment was not applicable.
Code of Practice on the Use of Physical Restraint in Approved Centre	As no resident in the approved centre had been physically restrained since the last inspection, this code of practice was not applicable.
Code of Practice Relating to Admission of Children Under the Mental Health Act 2001	As the approved centre did not admit children, this code of practice was not applicable.
Code of Practice on the Use of Electro-Convulsive Therapy for Voluntary Patients	As the approved centre did not provide an ECT service, this code of practice was not applicable.

4.0 Service-user Experience

4.1 Service-user feedback

The Inspector gives emphasis to the importance of hearing the service users' experience of the approved centre. To that end, the inspection team engage with residents in a number of different ways:

- Posters were displayed inviting the residents or their representatives to talk to the inspection team.
- Residents or their representatives were invited to complete a service user experience questionnaire, in paper or by QR code.
- Set times and a private room were available to talk to residents or representatives.

No questionnaires were returned during this inspection, however, two family members took the opportunity to speak to the inspection team. Overall, the feedback was very positive.

General feedback included, staff were "very good, friendly and professional". Family members stated that the staff in the approved centre kept in regular contact with them, providing updates on their loved ones, which they found very reassuring. Family members were given the opportunity to meet with their loved one's Multi-Disciplinary Team (MDT) regularly. Visits were supported extremely well and were flexible to support the needs of the resident and their family. One family member stated that more continuity of staff could be helpful, and they would like to see more input from a wider selection of MDT. One family member, when asked if there could be any improvements to the service, stated "I couldn't fault it, can think of nothing, it is very good, my (loved one) feels safe here".

4.2 Advocacy

The approved centre did have an advocacy service.

The inspectors did not receive a report from the Peer Advocacy in Mental Health representative.

5.0 Feedback Meeting

A feedback meeting was facilitated prior to the conclusion of the inspection. This was attended by the inspection team and the following representatives of the service:

- Registered Proprietor/ General Manager
- Executive Clinical Director
- Clinical Director
- Business Manager
- Head of Service
- Assistant Director of Nursing
- Occupational Therapy Manager
- Principal Psychologist
- Clinical Nurse Manager 3
- Clinical Nurse Manager 2
- Clinical Nurse Manager 1
- Consultant Psychiatrist x 2

The inspection team outlined the initial findings of the inspection process and provided the opportunity for the service to offer any corrections or clarifications deemed appropriate.

6.0 Inspection Findings – Regulations

EVIDENCE OF COMPLIANCE WITH REGULATIONS UNDER MENTAL HEALTH ACT 2001 SECTION 52(d)

The following regulations are not inspected:

Regulation 1: Citation

Regulation 2: Commencement and Regulation

Regulation 3: Definitions

Please see **Section 3.1: Compliant areas on this inspection** for the list of compliant regulations on this inspection.

Please see **Section 3.2: Non-compliant areas on this inspection** for the list of non-compliant regulations on this inspection.

Please see **Section 3.3: Areas that were not applicable on this inspection** for the list of regulations that were not applicable on this inspection.

Regulation 16: Therapeutic Services and Programmes

NON-COMPLIANT

Risk Rating

HIGH

INSPECTION FINDINGS

The therapeutic services and programmes provided by the approved centre were appropriate and met the assessed needs of the residents, as documented in their individual care plans.

Therapeutic services and programmes included music therapy and art therapy on a weekly basis. Social workers provided individual support around discharge, fair deal applications, supports required to live in the community, and issues around loss. Psychology attended the approved centre to see residents as and when the needs were identified.

The therapeutic services and programmes provided by the approved centre were not directed towards restoring and maintaining optimal levels of physical and psychosocial functioning, as there was no mental health occupational therapist in the approved centre. A limited cross cover arrangement was in place from the wider community mental health occupational therapy service to address the temporary absence of the mental health occupational therapist on the community psychiatry of later life team, who provided an in-reach service to residents based on identified clinical needs.

Where a resident required a therapeutic service or programme that was not provided internally, the approved centre arranged for the service to be provided by an approved, qualified health professional in an appropriate location. Residents were referred to a primary care occupational therapist for seating assessments.

The approved centre was non-compliant with this regulation because the registered proprietor did not ensure that programmes and services provided were directed towards restoring and maintaining optimal levels off physical and psychosocial functioning of a resident as there was no mental health occupational therapist available to residents in the approved centre, 16(2).

INSPECTION FINDINGS

An appropriately qualified staff member was on duty and in charge at all times in the approved centre. This was documented.

All healthcare staff were trained in: Fire Safety; Basic Life Support; Management of Violence and Aggression; The Mental Health Act 2001; Safeguarding; and Children First.

The numbers and skill mix of staffing were not sufficient to meet resident needs as the residents in the approved centre did not have access to a mental health occupational therapist. There was limited in-reach service provided to residents based on identified clinical needs.

The registered proprietor ensured that staff had access to education and training through a coordinated and monitored annual training schedule and records. These were documented and up to date.

Staff Training Record												
Profession	Basic Life Support		Fire Safety		Management of Violence and Aggression		Mental Health Act 2001		Children First (mandated persons)		Safeguarding	
Nursing (16)	16	100%	16	100%	16	%	16	100%	16	100%	16	100%
Medical (4)	4	100%	4	100%	4	100%	4	100%	4	100%	4	100%
Occupational Therapist (1) (on leave)	1	100%	0	0%	1	100%	1	100%	1	100%	1	100%
Social Worker (2)	1	50%	2	100%	2	100%	2	100%	2	100%	2	100%
Other (9)	1	100%	1	100%	1	100%	1	100%	1	100%	1	100%

The approved centre was non-compliant with this regulation because the registered proprietor did not ensure that the numbers and skill mix of staffing were sufficient to meet resident needs, due to the approved centre not having access to a mental health occupational therapist, 26(2).

7.0 Inspection Findings – Rules

EVIDENCE OF COMPLIANCE WITH RULES UNDER MENTAL HEALTH ACT 2001 SECTION 52(d)

None of the rules were applicable on this inspection. Please see [Section 3.3: Areas that were not applicable on this inspection](#).

8.0 Inspection Findings – Mental Health Act 2001

EVIDENCE OF COMPLIANCE WITH PART 4 OF THE MENTAL HEALTH ACT 2001

Part 4 of the Mental Health Act 2001 was not applicable on inspection. Please see [Section 3.3: Areas that were not applicable on this inspection](#).

9.0 Inspection Findings – Codes of Practice

EVIDENCE OF COMPLIANCE WITH CODES OF PRACTICE – MENTAL HEALTH ACT 2001 SECTION 51(1)(b)(iii)

Section 33(3)(e) of the Mental Health Act 2001 requires the Commission to: “prepare and review periodically, after consultation with such bodies as it considers appropriate, a code or codes of practice for the guidance of persons working in the mental health services”.

The Mental Health Act, 2001 (“the Act”) does not impose a legal duty on persons working in the mental health services to comply with codes of practice, except where a legal provision from primary legislation, regulations or rules is directly referred to in the code. Best practice however requires that codes of practice be followed to ensure that the Act is implemented consistently by persons working in the mental health services. A failure to implement or follow this Code could be referred to during the course of legal proceedings.

Please refer to the Mental Health Commission Codes of Practice, for further guidance for compliance in relation to each code.

Please see [Section 3.1: Compliant areas on this inspection](#) for the list of compliant codes of practice on this inspection.

Please see [Section 3.3: Areas that were not applicable on this inspection](#) for the list of codes of practice that were not applicable on this inspection.

Appendix 1: Corrective and Preventative Action Plan (CAPA)*

*CAPAs submitted by the registered proprietor nominee were requested and approved by the Mental Health Commission and incorporated in this inspection report. CAPAs are included in the report *verbatim* as received from the registered proprietor nominee.

Regulation 16: Therapeutic Services and Programmes					
Reason ID : 10007561		The registered proprietor did not ensure that programmes and services provided were directed towards restoring and maintaining optimal levels off physical and psychosocial functioning of a resident as there was no mental health occupational therapist available to residents in the approved centre, 16(2).			
	Specific	Measurable	Achievable/Realistic	Time-bound	Post-Holder(s)
Corrective Action	Occupational therapy is available to residents from the wider community occupational therapy service via discussion with the occupational therapy manager.	The occupational therapy manager monitors the identified need for occupational therapy in the approved centre via contact from/discussion with the psychiatry of later life team and nursing management.	The Psychiatry of Later Life Team and nursing management in the approved centre have been advised of the pathway for residents to access occupational therapy. This arrangement has been in place since October 2025 and will remain in place until the interim occupational therapist (maternity leave cover) is in place	01/10/2025	Eithne Kennedy Occupational Therapy Manager
Preventative Action	A business case seeking approval for a dedicated 1.0 WTE Occupational Therapist post for the approved centre has been re-submitted to	Progress against the submission will be reviewed monthly through local governance structures, with all actions, decisions,	The development and submission of a business case is achievable through established HSE workforce planning processes. The proposal will be supported by service demand data,	27/07/2026	Eithne Kennedy Occupational Therapy Manager

	Regional HSE Management in Q3 2026.	and correspondence recorded. Quarterly updates will be provided to senior management until the recruitment process is concluded or an alternative permanent arrangement is agreed.	MHC compliance requirements, and evidence of resident occupational therapy needs. This action is intended to support the establishment of a sustainable occupational therapy service within the approved centre and minimise the risk of future service gaps. The business case (and supporting documentation) has been submitted.		
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Regulation 26: Staffing

Reason ID : 10007562

The registered proprietor did not ensure that the numbers and skill mix of staffing were sufficient to meet resident needs, due to the approved centre not having access to a mental health occupational therapist, 26(2).

	Specific	Measurable	Achievable/Realistic	Time-bound	Post-Holder(s)
Corrective Action	The remaining maternity leave of the occupational therapist normally available to residents in the approved centre will be covered by an occupational therapist from the community mental health services .	The occupational therapist will report to the occupational therapy manager regarding occupational therapy interventions carried out in the approved centre during the period of maternity leave cover.	The occupational therapist from the community has completed the “compliance” stage of recruitment and is awaiting confirmation from HR re: the contracting stage	06/07/2026	Eithne Kennedy, Occupational Therapy Manager Máire Ní Scannail (occupational therapist, adult community mental health service)
Preventative Action	A business case seeking approval for a dedicated 1.0 WTE Occupational Therapist post for the approved centre has been submitted to Regional HSE Management on Q3 2026	Progress against the submission will be reviewed monthly through local governance structures, with all actions, decisions, and correspondence recorded. Quarterly updates will be provided to senior management until the recruitment process is concluded or an alternative permanent	The development and submission of a business case is achievable through established HSE workforce planning processes. The proposal will be supported by service demand data, MHC compliance requirements, and evidence of resident occupational therapy needs. This action is intended to support the establishment of a sustainable occupational therapy service within the approved centre and	27/07/2026	Eithne Kennedy (Occupational Therapy Manager) Máire Ní Scannail (occupational therapist, adult community mental health service)

		arrangement is agreed. It is anticipated that this arrangement will commence on 06/07/26 and remain in place until the return of the substantive occupational therapist from maternity leave, (due on 06/12/26)	minimise the risk of future service gaps.		
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Appendix 2: REGULATIONS, RULES, Part 4, and CODES of PRACTICE

REGULATIONS UNDER MENTAL HEALTH ACT 2001 SECTION 52(d)

Regulation 4: Identification of Residents

The registered proprietor shall make arrangements to ensure that each resident is readily identifiable by staff when receiving medication, health care or other services.

Regulation 5: Food and Nutrition

- (1) The registered proprietor shall ensure that residents have access to a safe supply of fresh drinking water.*
(2) The registered proprietor shall ensure that residents are provided with food and drink in quantities adequate for their needs, which is properly prepared, wholesome and nutritious, involves an element of choice and takes account of any special dietary requirements and is consistent with each resident's individual care plan.

Regulation 6: Food Safety

- (1) The registered proprietor shall ensure:*
(a) the provision of suitable and sufficient catering equipment, crockery and cutlery
(b) the provision of proper facilities for the refrigeration, storage, preparation, cooking and serving of food, and
(c) that a high standard of hygiene is maintained in relation to the storage, preparation and disposal of food and related refuse.
(2) This regulation is without prejudice to:
(a) the provisions of the Health Act 1947 and any regulations made thereunder in respect of food standards (including labelling) and safety.
(b) any regulations made pursuant to the European Communities Act 1972 in respect of food standards (including labelling) and safety; and
(c) the Food Safety Authority of Ireland Act 1998.

Regulation 7: Clothing

- The registered proprietor shall ensure that:*
(1) when a resident does not have an adequate supply of their own clothing the resident is provided with an adequate supply of appropriate individualised clothing with due regard to his or her dignity and bodily integrity at all times.
(2) night clothes are not worn by residents during the day, unless specified in a resident's individual care plan.

Regulation 8: Residents' Personal Property and Possessions

- (1) For the purpose of this regulation "personal property and possessions" means the belongings and personal effects that a resident brings into an approved centre; items purchased by or on behalf of a resident during his or her stay in an approved centre; and items and monies received by the resident during his or her stay in an approved centre.*
(2) The registered proprietor shall ensure that the approved centre has written operational policies and procedures relating to residents' personal property and possessions.
(3) The registered proprietor shall ensure that a record is maintained of each resident's personal property and possessions and is available to the resident in accordance with the approved centre's written policy.
(4) The registered proprietor shall ensure that records relating to a resident's personal property and possessions are kept separately from the resident's individual care plan.
(5) The registered proprietor shall ensure that each resident retains control of his or her personal property and possessions except under circumstances where this poses a danger to the resident or others as indicated by the resident's individual care plan.
(6) The registered proprietor shall ensure that provision is made for the safe-keeping of all personal property and possessions.

Regulation 9: Recreational Activities

The registered proprietor shall ensure that an approved centre, insofar as is practicable, provides access for residents to appropriate recreational activities.

Regulation 10: Religion

The registered proprietor shall ensure that residents are facilitated, insofar as is reasonably practicable, in the practice of their religion.

Regulation 11: Visits

- (1) The registered proprietor shall ensure that appropriate arrangements are made for residents to receive visitors having regard to the nature and purpose of the visit and the needs of the resident.*
- (2) The registered proprietor shall ensure that reasonable times are identified during which a resident may receive visits.*
- (3) The registered proprietor shall take all reasonable steps to ensure the safety of residents and visitors.*
- (4) The registered proprietor shall ensure that the freedom of a resident to receive visits and the privacy of a resident during visits are respected, in so far as is practicable, unless indicated otherwise in the resident's individual care plan.*
- (5) The registered proprietor shall ensure that appropriate arrangements and facilities are in place for children visiting a resident.*
- (6) The registered proprietor shall ensure that an approved centre has written operational policies and procedures for visits.*

Regulation 12: Communication

- (1) Subject to subsections (2) and (3), the registered proprietor and the clinical director shall ensure that the resident is free to communicate at all times, having due regard to his or her wellbeing, safety and health.*
- (2) The clinical director, or a senior member of staff designated by the clinical director, may only examine incoming and outgoing communication if there is reasonable cause to believe that the communication may result in harm to the resident or to others.*
- (3) The registered proprietor shall ensure that the approved centre has written operational policies and procedures on communication.*
- (4) For the purposes of this regulation "communication" means the use of mail, fax, email, internet, telephone or any device for the purposes of sending or receiving messages or goods.*

Regulation 13: Searches

- (1) The registered proprietor shall ensure that the approved centre has written operational policies and procedures on the searching of a resident, his or her belongings and the environment in which he or she is accommodated.*
- (2) The registered proprietor shall ensure that searches are only carried out for the purpose of creating and maintaining a safe and therapeutic environment for the residents and staff of the approved centre.*
- (3) The registered proprietor shall ensure that the approved centre has written operational policies and procedures for carrying out searches with the consent of a resident and carrying out searches in the absence of consent.*
- (4) Without prejudice to subsection (3) the registered proprietor shall ensure that the consent of the resident is always sought.*
- (5) The registered proprietor shall ensure that residents and staff are aware of the policy and procedures on searching.*
- (6) The registered proprietor shall ensure that there is a minimum of two appropriately qualified staff in attendance at all times when searches are being conducted.*
- (7) The registered proprietor shall ensure that all searches are undertaken with due regard to the resident's dignity, privacy and gender.*
- (8) The registered proprietor shall ensure that the resident being searched is informed of what is happening and why.*
- (9) The registered proprietor shall ensure that a written record of every search is made, which includes the reason for the search.*
- (10) The registered proprietor shall ensure that the approved centre has written operational policies and procedures in relation to the finding of illicit substances.*

Regulation 14: Care of the Dying

- (1) The registered proprietor shall ensure that the approved centre has written operational policies and protocols for care of residents who are dying.*
- (2) The registered proprietor shall ensure that when a resident is dying:*
 - (a) appropriate care and comfort are given to a resident to address his or her physical, emotional, psychological and spiritual needs;*
 - (b) in so far as practicable, his or her religious and cultural practices are respected;*
 - (c) the resident's death is handled with dignity and propriety, and;*
 - (d) in so far as is practicable, the needs of the resident's family, next-of-kin and friends are accommodated.*
- (3) The registered proprietor shall ensure that when the sudden death of a resident occurs:*
 - (a) in so far as practicable, his or her religious and cultural practices are respected;*

- (b) the resident's death is handled with dignity and propriety, and;*
- (c) in so far as is practicable, the needs of the resident's family, next-of-kin and friends are accommodated.*
- (4) The registered proprietor shall ensure that the Mental Health Commission is notified in writing of the death of any resident of the approved centre, as soon as is practicable and in any event, no later than within 48 hours of the death occurring.*
- (5) This Regulation is without prejudice to the provisions of the Coroners Act 1962 and the Coroners (Amendment) Act 2005.*

Regulation 15: Individual Care Plan

The registered proprietor shall ensure that each resident has an individual care plan.

[Definition of an individual care plan: "... a documented set of goals developed, regularly reviewed and updated by the resident's multi-disciplinary team, so far as practicable in consultation with each resident. The individual care plan shall specify the treatment and care required which shall be in accordance with best practice, shall identify necessary resources and shall specify appropriate goals for the resident. For a resident who is a child, his or her individual care plan shall include education requirements. The individual care plan shall be recorded in the one composite set of documentation".]

Regulation 16: Therapeutic Services and Programmes

(1) The registered proprietor shall ensure that each resident has access to an appropriate range of therapeutic services and programmes in accordance with his or her individual care plan.

(2) The registered proprietor shall ensure that programmes and services provided shall be directed towards restoring and maintaining optimal levels of physical and psychosocial functioning of a resident.

Regulation 17: Children's Education

The registered proprietor shall ensure that each resident who is a child is provided with appropriate educational services in accordance with his or her needs and age as indicated by his or her individual care plan.

Regulation 18: Transfer of Residents

(1) When a resident is transferred from an approved centre for treatment to another approved centre, hospital or other place, the registered proprietor of the approved centre from which the resident is being transferred shall ensure that all relevant information about the resident is provided to the receiving approved centre, hospital or other place.

(2) The registered proprietor shall ensure that the approved centre has a written policy and procedures on the transfer of residents.

Regulation 19: General Health

(1) The registered proprietor shall ensure that:

(a) adequate arrangements are in place for access by residents to general health services and for their referral to other health services as required;

(b) each resident's general health needs are assessed regularly as indicated by his or her individual care plan and in any event not less than every six months, and;

(c) each resident has access to national screening programmes where available and applicable to the resident.

(2) The registered proprietor shall ensure that the approved centre has written operational policies and procedures for responding to medical emergencies.

Regulation 20: Provision of Information to Residents

(1) Without prejudice to any provisions in the Act the registered proprietor shall ensure that the following information is provided to each resident in an understandable form and language:

(a) details of the resident's multi-disciplinary team;

(b) housekeeping practices, including arrangements for personal property, mealtimes, visiting times and visiting arrangements;

(c) verbal and written information on the resident's diagnosis and suitable written information relevant to the resident's diagnosis unless in the resident's psychiatrist's view the provision of such information might be prejudicial to the resident's physical or mental health, well-being or emotional condition;

(d) details of relevant advocacy and voluntary agencies;

(e) information on indications for use of all medications to be administered to the resident, including any possible side-effects.

(2) The registered proprietor shall ensure that an approved centre has written operational policies and procedures for the provision of information to residents.

Regulation 21: Privacy

The registered proprietor shall ensure that the resident's privacy and dignity is appropriately respected at all times.

Regulation 22: Premises

(1) The registered proprietor shall ensure that:

(a) premises are clean and maintained in good structural and decorative condition;

(b) premises are adequately lit, heated and ventilated;

(c) a programme of routine maintenance and renewal of the fabric and decoration of the premises is developed and implemented and records of such programme are maintained.

(2) The registered proprietor shall ensure that an approved centre has adequate and suitable furnishings having regard to the number and mix of residents in the approved centre.

(3) The registered proprietor shall ensure that the condition of the physical structure and the overall approved centre environment is developed and maintained with due regard to the specific needs of residents and patients and the safety and well-being of residents, staff and visitors.

(4) Any premises in which the care and treatment of persons with a mental disorder or mental illness is begun after the commencement of these regulations shall be designed and developed or redeveloped specifically and solely for this purpose in so far as it is practicable and in accordance with best contemporary practice.

(5) Any approved centre in which the care and treatment of persons with a mental disorder or mental illness is begun after the commencement of these regulations shall ensure that the buildings are, as far as practicable, accessible to persons with disabilities.

(6) This regulation is without prejudice to the provisions of the Building Control Act 1990, the Building Regulations 1997 and 2001, Part M of the Building Regulations 1997, the Disability Act 2005 and the Planning and Development Act 2000.

Regulation 23: Ordering, Prescribing, Storing and Administration of Medicines

(1) The registered proprietor shall ensure that an approved centre has appropriate and suitable practices and written operational policies relating to the ordering, prescribing, storing and administration of medicines to residents.

(2) This Regulation is without prejudice to the Irish Medicines Board Act 1995 (as amended), the Misuse of Drugs Acts 1977, 1984 and 1993, the Misuse of Drugs Regulations 1998 (S.I. No. 338 of 1998) and 1993 (S.I. No. 338 of 1993 and S.I. No. 342 of 1993) and S.I. No. 540 of 2003, Medicinal Products (Prescription and control of Supply) Regulations 2003 (as amended).

Regulation 24: Health and Safety

(1) The registered proprietor shall ensure that an approved centre has written operational policies and procedures relating to the health and safety of residents, staff and visitors.

(2) This regulation is without prejudice to the provisions of Health and Safety Act 1989, the Health and Safety at Work Act 2005 and any regulations made thereunder.

Regulation 25: Use of Closed Circuit Television

(1) The registered proprietor shall ensure that in the event of the use of closed circuit television or other such monitoring device for resident observation the following conditions will apply:

(a) it shall be used solely for the purposes of observing a resident by a health professional who is responsible for the welfare of that resident, and solely for the purposes of ensuring the health and welfare of that resident;

(b) it shall be clearly labelled and be evident;

(c) the approved centre shall have clear written policy and protocols articulating its function, in relation to the observation of a resident;

(d) it shall be incapable of recording or storing a resident's image on a tape, disc, hard drive, or in any other form and be incapable of transmitting images other than to the monitoring station being viewed by the health professional responsible for the health and welfare of the resident;

(e) it must not be used if a resident starts to act in a way which compromises his or her dignity.

(2) The registered proprietor shall ensure that the existence and usage of closed circuit television or other monitoring device is disclosed to the resident and/or his or her representative.

(3) The registered proprietor shall ensure that existence and usage of closed circuit television or other monitoring device is disclosed to the Inspector of Mental Health Services and/or Mental Health Commission during the inspection of the approved centre or at any time on request.

Regulation 26: Staffing

- (1) The registered proprietor shall ensure that the approved centre has written policies and procedures relating to the recruitment, selection and vetting of staff.*
- (2) The registered proprietor shall ensure that the numbers of staff and skill mix of staff are appropriate to the assessed needs of residents, the size and layout of the approved centre.*
- (3) The registered proprietor shall ensure that there is an appropriately qualified staff member on duty and in charge of the approved centre at all times and a record thereof maintained in the approved centre.*
- (4) The registered proprietor shall ensure that staff have access to education and training to enable them to provide care and treatment in accordance with best contemporary practice.*
- (5) The registered proprietor shall ensure that all staff members are made aware of the provisions of the Act and all regulations and rules made thereunder, commensurate with their role.*
- (6) The registered proprietor shall ensure that a copy of the Act and any regulations and rules made thereunder are to be made available to all staff in the approved centre.*

Regulation 27: Maintenance of Records

- (1) The registered proprietor shall ensure that records and reports shall be maintained in a manner so as to ensure completeness, accuracy and ease of retrieval. All records shall be kept up-to-date and in good order in a safe and secure place.*
- (2) The registered proprietor shall ensure that the approved centre has written policies and procedures relating to the creation of, access to, retention of and destruction of records.*
- (3) The registered proprietor shall ensure that all documentation of inspections relating to food safety, health and safety and fire inspections is maintained in the approved centre.*
- (4) This Regulation is without prejudice to the provisions of the Data Protection Acts 1988 and 2003 and the Freedom of Information Acts 1997 and 2003.*

Note: Actual assessment of food safety, health and safety and fire risk records is outside the scope of this Regulation, which refers only to maintenance of records pertaining to these areas.

Regulation 28: Register of Residents

- (1) The registered proprietor shall ensure that an up-to-date register shall be established and maintained in relation to every resident in an approved centre in a format determined by the Commission and shall make available such information to the Commission as and when requested by the Commission.*
- (2) The registered proprietor shall ensure that the register includes the information specified in Schedule 1 to these Regulations.*

Regulation 29: Operating Policies and Procedures

The registered proprietor shall ensure that all written operational policies and procedures of an approved centre are reviewed on the recommendation of the Inspector or the Commission and at least every 3 years having due regard to any recommendations made by the Inspector or the Commission.

Regulation 30: Mental Health Tribunals

- (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.*

Regulation 31: Complaints Procedures

- (1) The registered proprietor shall ensure that an approved centre has written operational policies and procedures relating to the making, handling and investigating complaints from any person about any aspects of service, care and treatment provided in, or on behalf of an approved centre.*
- (2) The registered proprietor shall ensure that each resident is made aware of the complaints procedure as soon as is practicable after admission.*
- (3) The registered proprietor shall ensure that the complaints procedure is displayed in a prominent position in the approved centre.*

- (4) The registered proprietor shall ensure that a nominated person is available in an approved centre to deal with all complaints.
- (5) The registered proprietor shall ensure that all complaints are investigated promptly.
- (6) The registered proprietor shall ensure that the nominated person maintains a record of all complaints relating to the approved centre.
- (7) The registered proprietor shall ensure that all complaints and the results of any investigations into the matters complained and any actions taken on foot of a complaint are fully and properly recorded and that such records shall be in addition to and distinct from a resident's individual care plan.
- (8) The registered proprietor shall ensure that any resident who has made a complaint is not adversely affected by reason of the complaint having been made.
- (9) This Regulation is without prejudice to Part 9 of the Health Act 2004 and any regulations made thereunder.

Regulation 32: Risk Management Procedures

- (1) The registered proprietor shall ensure that an approved centre has a comprehensive written risk management policy in place and that it is implemented throughout the approved centre.
- (2) The registered proprietor shall ensure that risk management policy covers, but is not limited to, the following:
- (a) The identification and assessment of risks throughout the approved centre;
 - (b) The precautions in place to control the risks identified;
 - (c) The precautions in place to control the following specified risks:
 - (i) resident absent without leave,
 - (ii) suicide and self harm,
 - (iii) assault,
 - (iv) accidental injury to residents or staff;
 - (d) Arrangements for the identification, recording, investigation and learning from serious or untoward incidents or adverse events involving residents;
 - (e) Arrangements for responding to emergencies;
 - (f) Arrangements for the protection of children and vulnerable adults from abuse.
- (3) The registered proprietor shall ensure that an approved centre shall maintain a record of all incidents and notify the Mental Health Commission of incidents occurring in the approved centre with due regard to any relevant codes of practice issued by the Mental Health Commission from time to time which have been notified to the approved centre.

Regulation 33: Insurance

The registered proprietor of an approved centre shall ensure that the unit is adequately insured against accidents or injury to residents.

Regulation 34: Certificate of Registration

The registered proprietor shall ensure that the approved centre's current certificate of registration issued pursuant to Section 64(3)(c) of the Act is displayed in a prominent position in the approved centre.

RULES UNDER MENTAL HEALTH ACT 2001 SECTION 52(d)

Rule: Section 59: The Use of Electro-Convulsive Therapy

Section 59

- (1) A programme of electro-convulsive therapy shall not be administered to a patient unless either –
- (a) the patient gives his or her consent in writing to the administration of the programme of therapy, or
 - (b) where the patient is unable to give such consent –
 - (i) the programme of therapy is approved (in a form specified by the Commission) by the consultant psychiatrist responsible for the care and treatment of the patient, and
 - (ii) the programme of therapy is also authorised (in a form specified by the Commission) by another consultant psychiatrist following referral of the matter to him or her by the first-mentioned psychiatrist.
- (2) The Commission shall make rules providing for the use of electro-convulsive therapy and a programme of electro-convulsive therapy shall not be administered to a patient except in accordance with such rules.

Rule: Section 69: The Use of Seclusion

Mental Health Act 2001

Bodily restraint and seclusion

Section 69

- (1) "A person shall not place a patient in seclusion or apply mechanical means of bodily restraint to the patient unless such seclusion or restraint is determined, in accordance with the rules made under subsection (2), to be necessary for the purposes of treatment or to prevent the patient from injuring himself or herself or others and unless the seclusion or restraint complies with such rules.
- (2) The Commission shall make rules providing for the use of seclusion and mechanical means of bodily restraint on a patient.
- (3) A person who contravenes this section or a rule made under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1500.
- (4) In this section "patient" includes –
- (a) a child in respect of whom an order under section 25 is in force, and
- (b) a voluntary patient.

Rule: Section 69: The Use of Mechanical Restraint

- (1) "A person shall not place a patient in seclusion or apply mechanical means of bodily restraint to the patient unless such seclusion or restraint is determined, in accordance with the rules made under subsection (2), to be necessary for the purposes of treatment or to prevent the patient from injuring himself or herself or others and unless the seclusion or restraint complies with such rules.
- (2) The Commission shall make rules providing for the use of seclusion and mechanical means of bodily restraint on a patient.
- (3) A person who contravenes this section or a rule made under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1500.
- (4) In this section "patient" includes –
- (a) a child in respect of whom an order under section 25 is in force, and
- (b) a voluntary patient.

PART 4 OF THE MENTAL HEALTH ACT 2001

Part 4 Consent to Treatment

- 56.- In this Part "consent", in relation to a patient, means consent obtained freely without threat or inducements, where –
- a) the consultant psychiatrist responsible for the care and treatment of the patient is satisfied that the patient is capable of understanding the nature, purpose and likely effects of the proposed treatment; and
- b) The consultant psychiatrist has given the patient adequate information, in a form and language that the patient can understand, on the nature, purpose and likely effects of the proposed treatment.
57. - (1) The consent of a patient shall be required for treatment except where, in the opinion of the consultant psychiatrist responsible for the care and treatment of the patient, the treatment is necessary to safeguard the life of the patient, to restore his or her health, to alleviate his or her condition, or to relieve his or her suffering, and by reason of his or her mental disorder the patient concerned is incapable of giving such consent.
- (2) This section shall not apply to the treatment specified in section 58, 59 or 60.
60. – Where medicine has been administered to a patient for the purpose of ameliorating his or her mental disorder for a continuous period of 3 months, the administration of that medicine shall not be continued unless either-
- a) the patient gives his or her consent in writing to the continued administration of that medicine, or
- b) where the patient is unable to give such consent –
- i. the continued administration of that medicine is approved by the consultant psychiatrist responsible for the care and treatment of the patient, and
- ii. the continued administration of that medicine is authorised (in a form specified by the Commission) by another consultant psychiatrist following referral of the matter to him or her by the first-mentioned psychiatrist,
- And the consent, or as the case may be, approval and authorisation shall be valid for a period of three months and thereafter for periods of 3 months, if in respect of each period, the like consent or, as the case may be, approval and authorisation is obtained.
61. – Where medicine has been administered to a child in respect of whom an order under section 25 is in force for the purposes of ameliorating his or her mental disorder for a continuous period of 3 months, the administration shall not be continued unless either –
- a) the continued administration of that medicine is approved by the consultant psychiatrist responsible for the care and treatment of the child, and
- b) the continued administration of that medicine is authorised (in a form specified by the Commission) by another consultant psychiatrist, following referral of the matter to him or her by the first-mentioned psychiatrist,
- And the consent or, as the case may be, approval and authorisation shall be valid for a period of 3 months and thereafter for periods of 3 months, if, in respect of each period, the like consent or, as the case may be, approval and authorisation is obtained.

CODES OF PRACTICE – MENTAL HEALTH ACT 2001 SECTION 51(1)(b)(iii)

Code of Practice: Use of Physical Restraint

Please refer to the Mental Health Commission Code of Practice on the Use of Physical Restraint in Approved Centres, for further guidance for compliance in relation to this practice.

Code of Practice: Admission of Children

Please refer to the Mental Health Commission Code of Practice Relating to the Admission of Children under the Mental Health Act 2001 and the Mental Health Commission Code of Practice Relating to Admission of Children under the Mental Act 2001 Addendum, for further guidance for compliance in relation to this practice.

Code of Practice: Use of Electro-Convulsive Therapy (ECT) for Voluntary Patients

Please refer to the Mental Health Commission Code of Practice on the Use of Electro-Convulsive Therapy for Voluntary Patients, for further guidance for compliance in relation to this practice.

Code of Practice: Admission, Transfer and Discharge

Please refer to the Mental Health Commission Code of Practice on Admission, Transfer and Discharge to and from an Approved Centre, for further guidance for compliance in relation to this practice.

Appendix 3: Background to the inspection process

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.

Each approved centre will be assessed against all regulations, rules, codes of practice, and Part 4 of the 2001 Act as applicable, at least once on an annual basis. Inspectors will use the triangulation process of documentation review, observation and interview to assess compliance with the requirements. Where non-compliance is determined, the risk level of the non-compliance will be assessed.

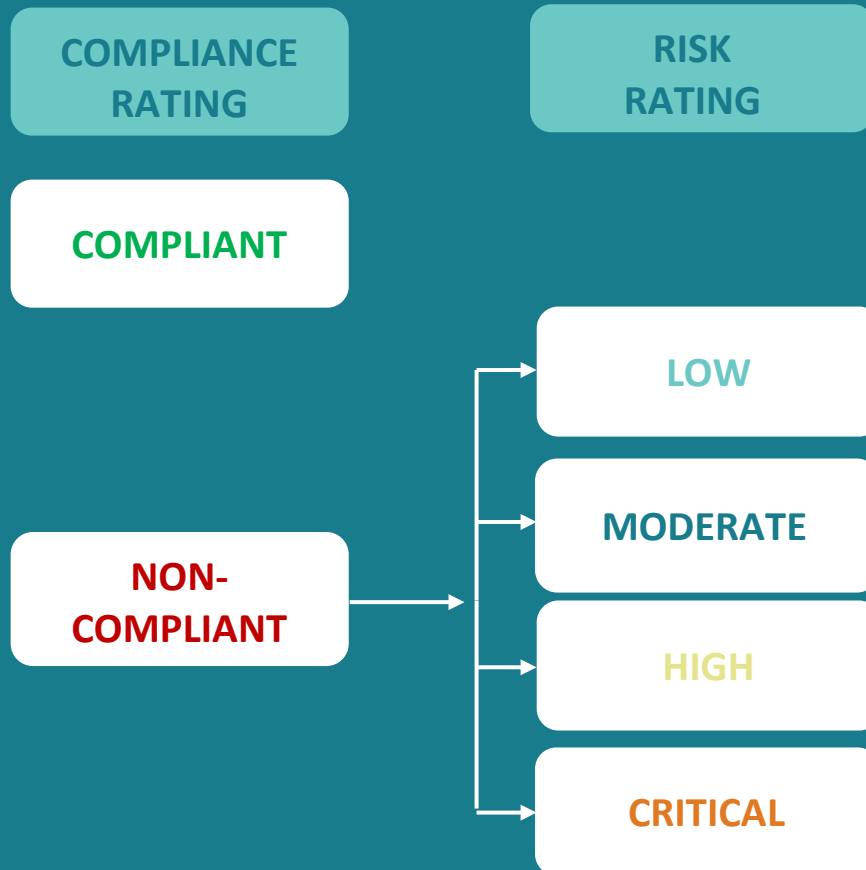
Following the inspection of an approved centre, the Inspector prepares a report on the findings of the inspection. A draft of the inspection report, including provisional compliance ratings and risk ratings, is provided to the registered proprietor of the approved centre. Areas of inspection are deemed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

COMPLIANCE AND RISK RATINGS

The following ratings are assigned to areas inspected:

COMPLIANCE RATINGS are given for all areas inspected.

RISK RATINGS are given for any area that is deemed non-compliant.



The registered proprietor is given an opportunity to review the draft report and comment on any of the content or findings. The Inspector will take into account the comments by the registered proprietor and amend the report as appropriate.

The registered proprietor is requested to provide a Corrective and Preventative Action (CAPA) plan for each finding of non-compliance in the draft report. Corrective actions address the specific non-compliance(s). Preventative actions mitigate the risk of the non-compliance reoccurring. CAPAs must be specific, measurable, achievable, realistic, and time-bound (SMART). The approved centre's CAPAs are included in the published inspection report, as submitted. The Commission monitors the implementation of the CAPAs on an ongoing basis and requests further information and action as necessary.

If at any point the Commission determines that the approved centre's plan to address an area of non-compliance is unacceptable, enforcement action may be taken.

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.

