

Freedom of Information Request

Reference Number: EPUT.FOI.19.1107
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Information Requested:

I am conducting research into the use of the Mental Health Act (MHA; 1983). This is a Freedom of information request for the information relating to the implementation of the Mental Health Act (1983).

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)?

The Trust's Mental Health Act Policy for the Administration of the Mental Health Act 1983 and the Mental Health Act Procedure for the Administration of the Mental Health Act 1983 ensure that detained patients' human rights are safeguarded when they are detained under the Mental Health Act 1983.

The Trust's Mental Health & Safeguarding Sub-Committee monitors implementation and compliance.

2) What is the trusts policy to safeguard patients' human rights when they are admitted voluntarily?

The Trust has available to patients who are admitted voluntary a patient leaflet that provides all the necessary details for being an informal patient.

In addition there are notices strategically placed at the exit doors on the wards to advise voluntary patients and visitors of how they can leave the ward if they wish to do so.

3A) How does the trust implement policy to ensure that voluntary and involuntary patients' human rights are safeguarded?

The Trust has various policies to safeguard patient's Human Rights:-

- Mental Health Act Policy for the Administration of the Mental Health Act 1983;
- Mental Health Act Procedure for the Administration of the Mental Health Act 1983;
- Mental Capacity Act and Deprivation of Liberty Safeguards Policy;
- Equality and Inclusion Human Rights Policy;
- Safeguarding Adults Policy;
- Safeguarding Children's Policy.

Implementation and compliance of all policies and any associated procedural guidelines is undertaken by the Trust's Mental Health & Safeguarding Sub-Committee.

B) How is this information collected?

The Trust collates information around ethnicity, age and gender of detained patients, results of CQC MHA focused visits and MHA Audits undertaken by the MHA office the details of which are reported in a quarterly MHA Activity Report.

C) How is this information monitored?

Ward staff and the Mental Health Act office audit compliance with this part of the Mental Health Act Procedure for the Administration of the Mental Health Act 1983 the results of which are shared and actioned at the Trust's Mental Health & Safeguarding Sub Committee which in turns reports to the Quality Committee and subsequently to the Trust Board.

4A) How does the trust implement policy to ensure that all voluntary and involuntary patients are informed of their rights?

The Trust has available to patients who are admitted voluntary a patient leaflet that provides all the necessary details for being an informal patient. In addition there are notices strategically placed at the exit doors on the wards to advise voluntary patients and visitors of how they can leave the ward if they wish to do so.

The Trust's Mental Health Act Procedure for the Administration of the Mental Health Act 1983 informs staff what information regarding patient rights under the Mental Health Act 1983 is required to be given to a detained patient. This information is given on admission and repeated on a monthly basis. Should a patient not have the capacity to understand this information they will automatically be referred to the IMHA service.

B) How is this information collected?

To evidence that this procedure is followed the staff are required to complete a section 132 rights form.

C) How is this information monitored?

Ward staff and the Mental Health Act office audit compliance with this part of the Mental Health Act Procedure for the Administration of the Mental Health Act 1983. These results are shared and actioned as required at the Trust's Mental Health & Safeguarding Sub Committee which in turns reports to the Quality Committee and subsequently to the Trust Board.

5A)How does the trust implement policy to ensure that all voluntary and involuntary patients are informed about independent mental health advocates?

The Mental Health Act Procedure for the Administration of the Mental Health Act 1983 informs staff what information regarding patient rights under the Mental Health Act 1983 is required to be given to a detained patient. Information about the IMHA service and how to contact the service is part of the information given. This information is given on admission and repeated on a monthly basis, should a patient not have the capacity to understand this information they will automatically be referred to the IMHA service.

B) How is this information collected?

To evidence that this procedure is followed the staff are required to complete a section 132 rights form.

C) How is this information monitored?

Ward staff and the Mental Health Act office audit compliance with this part of the Mental Health Act Procedure for the Administration of the Mental Health Act 1983. These results are shared and actioned as required at the Trust's Mental Health & Safeguarding Sub Committee which in turns reports to the Quality Committee and subsequently to the Trust Board.

6A) How does the trust implement policy to ensure all patients, detained under the mental health act, are informed of mental health tribunals?

The Trust's Mental Health Act Procedure for the Administration of the Mental Health Act 1983 informs staff what information regarding their rights under the Mental Health Act 1983 is required to be given to a detained patient. Information about the right to apply for a Mental Health Tribunal forms part of the information given. This information is given on admission and repeated on a monthly basis, should a patient not have the capacity to understand this information they will automatically be referred to the IMHA service.

B) How is this information collected?

To evidence that this procedure is followed the staff are required to complete a section 132 rights form.

C) How is this information monitored?

Ward staff and the Mental Health Act office audit compliance with this part of the Mental Health Act Procedure for the Administration of the Mental Health Act 1983 the results of which are shared and actioned at the Trust's Mental Health & Safeguarding Sub Committee which in turns reports to the Quality Committee and subsequently to the Trust Board.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT's Publication Scheme is located on its Website at the following link <https://eput.nhs.uk/publication-category/financial-statements-budgets-and-variance-reports/>