



## **Changes in the delivery of Mental Health & Learning Disability functions in Northern Ireland**

### **Information for service users, their carers, and providers of mental health and learning disability services**

#### **1. Introduction**

The framework for the delivery of health and social care services in Northern Ireland is changing. This leaflet provides useful information for users, their carers and for providers of Mental Health and Learning Disability Services in Northern Ireland.

Under the *Health and Social Care Reform (Northern Ireland) Act 2008* the functions of the Mental Health Commission (MHC) as prescribed in the *Mental Health (Northern Ireland) Order 1986* transfer to the Regulation and Quality Improvement Authority (RQIA), with effect from 1 April 2009.

RQIA has worked in partnership with the Mental Health Commission to ensure a seamless transition that will have no adverse impact on service users, their carers and providers.

#### **2. What is the RQIA?**

RQIA is the independent body responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland, and we encourage improvements in the quality of those services.

RQIA's main functions are:

- to inspect the quality of services provided by health and social care (HSC) bodies in Northern Ireland through reviews of clinical and social care governance arrangements within these bodies
- to regulate (register and inspect) a wide range of services delivered by HSC bodies and by the independent sector. The regulation of services is based on legislative requirements and minimum care standards to ensure that service users know what quality of services they can expect to receive, and service providers have a benchmark against which to measure their quality
- responsibilities for people with a mental illness and those with a learning disability. These include: preventing ill treatment; remedying any deficiency in care or treatment; terminating improper detention in a hospital or guardianship; and preventing or redressing loss or damage to a patient's property

### **3. RQIA's responsibilities under the *Mental Health (Northern Ireland) Order 1986***

Under the *Mental Health (NI) Order 1986*, RQIA has specific responsibility for keeping under review the care and treatment of patients with a mental disorder. In taking on this responsibility RQIA takes an approach that is independent, multidisciplinary, protective, and has investigative, inspectorial and advisory functions. In particular, we will:

- enquire into cases where there may have been ill-treatment or deficiency in care and treatment; improper detention in hospital; improper reception into guardianship of a patient; or where the property of a patient may have been exposed to loss or damage
- visit and interview detained patients in private
- advise the relevant authorities of steps to be taken to secure the welfare of a patient; or any matter concerning the welfare of a patient
- inspect a patient's records and their movements within mental health and learning disability services

These new structures also allow RQIA to build upon and extend the role of the Mental Health Commission. These include:

- a focus on the individual, on the rights of service users and carers, incorporating the powers of enforcement and improvement on organisations under *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003*
- multi-professional and lay working through RQIA's programme of inspection and review
- promotion and sharing of good practice across mental health and learning disability services
- wider promotion of mental health, advocacy, service user and carer engagement

### **4. RQIA's Mental Health and Learning Disability Review Team**

Under *The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003*, the RQIA has established a dedicated team responsible for inspecting and reviewing mental health and learning disability services across Northern Ireland. This includes:

- conducting reviews into the monitoring and improvement arrangements
- carrying out investigations and inspections
- recommending actions for improvement
- reporting unacceptably poor quality or significant failings to the DHSSPS

Our visiting programme includes annual announced and unannounced reviews and inspections of mental health and learning disability hospital, community care and treatment facilities.

In addition, following a transfer of responsibility for the health and social care of people detained in prison, in partnership with Criminal Justice Inspectorate Northern Ireland (CJINI) and Her Majesty's Inspectorate of Prisons (HMIP), we monitor this area, including for those with a mental disorder and/or learning disability.

RQIA has a statutory duty to undertake inspections of a wide range of services, including care homes for adults and children, day care and domiciliary care. Many of these services provide care and treatment for people with mental health and learning disability. Carried out by a multidisciplinary team of inspection staff, our inspections focus on compliance with regulations and minimum care standards. In our inspections we examine the quality of:

- care
- life of the residents
- management
- the environment

The combined strengths of the *Mental Health (Northern Ireland) Order 1986* and *The Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003* ensure that all review and inspection focuses on:

- the specific care and treatment of individuals under the *Mental Health (Northern Ireland) Order 1986*
- engagement and consultation with service users, their carers and advocates
- the context and environment within which care is provided
- the quality and availability of care
- appropriate enforcement action where RQIA identifies failures in service quality or non-compliance with regulations

## **5. Involving Service Users, Carers and Advocates**

Public participation plays an important role in the work of RQIA. By listening to and acting on the views and opinions of the public, we ensure that we respond to existing and emerging issues within health and social care. We aim to be more accessible, responsive and targeted in how we monitor the quality of health and social care by engaging more effectively with the public. We ensure that participation is at the centre of our work by engaging with the public in a meaningful way. RQIA's Public Participation Strategy builds upon the existing participation, engagement and partnership approaches used throughout RQIA, and provides a coordinated approach to future public participation.

We are committed to further developing this approach in informing, planning, implementing and evaluating our mental health and learning disability functions within RQIA.

To ensure a clear user and carer voice, two external reference groups will be established that will include service users, carers and advocates representing the respective interests of mental health and learning disability. These will provide a platform for users and carers to play an active part in the work of RQIA, from policy-making to providing practical advice on matters relating to inspections and reviews.