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NIPSA RESPONSE TO THE CONSULTATION ON THE PROPOSED STATUTORY RULE – THE MENTAL HEALTH (PRIVATE HOSPITALS) REGULATIONS

1. NIPSA as the leading public service trade union with over 46,000 members and over 9,000 members working in the Health Sector welcomes the opportunity to comment on this proposal.
2. The current mental health legislation in NI – is the Mental Health Order 1986. That legislation is used to compulsorily treat and detain persons with a mental health difficulty.
3. NIPSA does have concerns and reservations about the effective “privatisation” of an element of the health sector particularly as it affects very vulnerable adults and young people in our society. The most appropriate way to deal with this complex issue is to ensure the statutory sector is adequately funded and resourced to meet the demand of these vulnerable people.
4. NIPSA fully understands that the 1986 Order permits a private hospital to treat patients who place themselves there on a voluntary basis, but it does not permit patients to be formally detained for treatment or assessment in a private hospital.
5. NIPSA is also concerned that a private hospital by its very nature will be a profit making organisation and therefore this raises a number of fundamental questions.
6. Given the current constraints and pressures on the health sector generally and specifically in relation to Mental Health. Are the Department going to make ‘new’ money available to fund patients to be admitted to the private hospital or would the existing budget be spread or diverted? If this is not the case then it is totally unacceptable as it would divert already stretched resources from the statutory sector and divert that to a private sector, for profit employer.

7. The Bamford Review indicated that additional resources were required in the area of Mental Health.
8. NIPSA also has reservations that a person may be detained for longer than is absolutely necessary from a funding perspective and that patients may be detained for longer than is required. Furthermore what would the inspection regime be in the private sector as opposed to the voluntary sector?
9. From evidence to the Health Committee Mr McNally from the Children's Law Centre stated *"that there was no business plan available for the private corporation and therefore it was unclear as to what provision the facility intended to offer"*.
10. NIPSA is aware that there are significant concerns from a number of organisations including the Royal College of Psychiatrists in Northern Ireland and the Children's Law Centre about the financial issues and incentives for a private hospital. There are no safeguards in place to ensure that vulnerable people will not be treated as a commodity and potentially be detained for longer than absolutely required because of financial issues.
11. From the evidence presented to the Assembly Committee there is no evidence of the need for an additional 30 bed unit. While it is accepted that there are additional facilities and acute beds required for adolescents there is no evidence that additional funding will be provided to ensure the existing facilities within the statutory sector are not adversely affected from a funding perspective.
12. For the reasons set out above NIPSA do not believe that the provision of the Mental Health (NI) Order 1986 be extended to include private hospitals.
13. There is a lack of detail and the proposals regarding the Private Hospital – Priory Group while initially for adolescents could be extended to adults without any major difficulty. NIPSA does not see any benefit in the current proposals for children, adolescents and adults who would be placed in private hospital. The statutory sector, with the proper resources, can and should provide the service. A private hospital will detract from already scarce resources.
14. From a Section 75 perspective in the absence of the required data there may be the potential for an adverse impact on young people with a disability in a number of respects including financial incentives to detain children and young people, access to services and the types of services

that will be provided and the future implications for mental health provision for all as a result of a change to legislation that is not age specific.

15. NIPSA would strongly contend that the Department, the Minister and the Assembly should not amend the Mental Health (NI) Order 1986 to accommodate the private sector. These proposals are a knee-jerk reaction to a private sector organisation seeking to come into Northern Ireland and potentially hive-off resources from an already over-stretched budget.

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