

***Overview of Rates of Compliance in
Announced and Unannounced
Inspections in 2009 and 2010***

Analysis of Compliance with the Regulations in Approved Centres in Inspection Reports for 2009 and 2010

Overview

The Mental Health Act 2001 provided for the introduction of Regulations to ensure standards of care in approved centres. There are 31 Articles within the Regulations laid down by statute and these are inspected annually by the Inspectorate. Unannounced inspections of approved centres have been a part of the inspection process since the inception of the Mental Health Act 2001. There is often a perception that announced inspections result in a more favourable inspection outcome, and unannounced inspections reveal a greater number of faults; this report attempts to examine whether this was in fact the case in the inspections of 2009 and 2010. The report examines the results of announced and unannounced inspections in general adult units from 2009 and 2010 and compares outcomes. Inspections of designated approved centres for the admission of children and adolescents or centres for the admission of people with intellectual disability were not included in the report.

Introduction

In 2009, the Inspectorate carried out 43 announced and 17 unannounced inspections of general adult approved centres. In 2010, there were 26 announced and 29 unannounced inspections of approved centres and in general, those centres which had announced inspections in 2009 tended to be selected for unannounced inspections in 2010 although there were exceptions. Prior to 2009, approved centres were assessed as being either compliant or not compliant with any particular Article but from 2009 onwards the level of compliance was assessed under four categories, i.e. *Full, Substantial, Initiated or Not Compliant*. In a small number of cases, an Article was not applicable in an approved centre, for example if children were not admitted to an approved centre, then Article 17 would not be applicable.

In 2009, only one approved centre achieved full compliance with all applicable Articles (two Articles not being applicable) - St. Stephen's Hospital, Cork (announced inspection). St. Luke's Hospital, Kilkenny was fully compliant with 30 Articles and substantially compliant with one Article (unannounced inspection). At the other end of the spectrum, St. Brendan's Hospital was fully compliant with 15 Articles and Jonathan

Swift Clinic was compliant with 16 Articles, both inspections having been announced. An unannounced inspection of St. Stephen's Hospital in 2010 resulted in an outcome similar to that of 2009.

Compliance Ratings

Full Compliance indicated that an approved centre had met all criteria for an Article as described in the Regulations.

Substantial Compliance indicated that additional improvement was required.

Compliance Initiated indicated that an effort to achieve compliance had been made, but significant improvement was needed.

Not Compliant was given when a service was unable to demonstrate structures or processes to be compliant with an Article of the Regulations.

As it was not possible to compare each approved centre for each individual Article, for convenience the number of Articles with which an approved centre was *fully compliant* have been grouped into three i.e., (a) 27 – 31 Articles, (b) 22 – 26 Articles and (c) less than 22 Articles. In the category of *not compliant*, the assessment has been made by looking at the number of approved centres which had (a) 0, (b) 1-2 and (c) greater than three Articles with which it was not compliant. As the number of announced and unannounced inspections was not equal, the level of compliance has been stated in percentages for comparison. In some instances an Article was not applicable, for instance if a centre did not use CCTV cameras, or did not admit children.

2009**Full Compliance 2009**

2009	Full Compliance with 27 - 31 Articles	%	Full Compliance with 22 – 26 Articles	%	Full Compliance with < 22 Articles	%	Total
Announced Inspections	13	30	19	44	11	26	43
Unannounced Inspections	3	18	12	70	2	12	17

Substantial Compliance 2009

2009	Substantial Compliance with 0 - 4 Articles	%	Substantial Compliance with 5 - 9 Articles	%	Substantial Compliance with >9 Articles	%	Total
Announced Inspections	32	75	10	23	1	2	43
Unannounced Inspections	14	82	3	18	0	0	17

Compliance Initiated 2009

2009	0 Articles	%	1 - 2 Articles	%	>2 Articles	%	Total
Announced	8	19	25	58	10	23	43

Inspections							
Unannounced Inspections	3	17.6	11	64.8	3	17.6	17

Not Compliant 2009

2009	0 Articles	%	1 - 2 Articles	%	>2 Articles	%	Total
Announced Inspections	25	58	13	30	5	12	43
Unannounced Inspections	9	53	6	35	2	12	17

2010

Full Compliance

2010	27 - 31 Articles	%	22 – 26 Articles	%	< 22 Articles	%	Total Insp.
Announced Inspections	8	29	18	64	2	7	28
Unannounced Inspections	7	24	17	59	5	17	29

Substantial Compliance

2010	0 - 4 Articles	%	5 - 9 Articles	%	>9 Articles	%	Total Insp.
Announced Inspections	21	75	7	25	0	0	28
Unannounced Inspections	21	72	8	28	0	0	29

Compliance Initiated

2010	0 Articles	%	1 - 2 Articles	%	> 2 Articles	%	Total Insp.
Announced Inspections	10	36	14	50	4	14	28
Unannounced Inspections	7	24	20	69	2	7	29

Not Compliant

2010	0 Articles	%	1 - 2 Articles	%	>3 Articles	%	Total Insp.
Announced Inspections	20	71	7	25	1	4	28
Unannounced Inspections	21	72	6	21	2	7	29

Comparing rates of compliance in Announced Inspections between 2009 and 2010

% Full Compliance

There was no substantial change in the rate of *Full Compliance* in the range of 27 – 31 Articles between 2009 and 2010. In 2010 there was a significant improvement in the rate of *Full Compliance*, between 22 - 26 Articles and correspondingly, the figure of approved centres which had full compliance with less than 21 Articles fell significantly from 26% to 7%.

	27-31 Articles	22-26 Articles	<22 Articles
% Announced 2009	30	44	26
% Announced 2010	29	64	7

% Substantial Compliance

Again, there was little change in the rate of *Substantial Compliance* with between 0-4, and 5-9 Articles. In 2010, no approved centre was only *substantially compliant* with more than 9 Articles.

	0 – 4 Articles	5 – 9 Articles	>9 Articles
% Announced 2009	75	23	2
% Announced 2010	75	25	0

% Compliance Initiated

In 2010, the number of approved centres which had only initiated compliance with more than two Articles fell almost by half from 23% to 14%.

	0 Articles	1 – 2 Articles	>2 Articles
% Announced 2009	19	58	23
% Announced 2010	36	50	14

% Not Compliant

The rate of *Non Compliance* with any Article improved across all categories in 2010 indicating that 71% of all approved centres had at least some level of compliance with the Articles.

	0 Articles	1-2 Articles	>2 Articles
% Announced 2009	57.5	32.5	10
% Announced 2010	71	25	4

Tables comparing levels of *Full Compliance* and *Not Compliant* in Announced and Unannounced Inspections 2009 and 2010

	<i>Full Compliance with > 27 Articles</i>	<i>Some level of Compliance with all Articles</i>	<i>Not Compliant with more than two Articles</i>
% Announced 2009	30	58	12
% Announced 2010	29	71	4

	<i>Full Compliance with > 27 Articles</i>	<i>Some level of Compliance with all Articles</i>	<i>Not Compliant with more than two Articles</i>
%Unannounced 2009	18	53	12
%Unannounced 2010	24	72	7

	<i>Full Compliance with > 27 Articles</i>	<i>Some level of Compliance with all Articles</i>	<i>Not Compliant with more than two Articles</i>
% Announced 2009	30	58	12
%Unannounced 2009	18	53	12

	Full Compliance with > 27 Articles	Some level of Compliance with all Articles	Not Compliant with more than two Articles
% Announced 2010	29	71	4
% Unannounced 2010	24	72	7

Comparing rates of compliance in Unannounced Inspections between 2009 and 2010

Full Compliance

In 2010, the rate of *Full Compliance* with the Articles in unannounced inspections improved. However, the number of approved centres who were fully compliant with less than 21 Articles increased from 12 to 17%.

	27-31 Articles	22-26 Articles	<22 Articles
% Unannounced 2009	18	70	12
% Unannounced 2010	24	59	17

Substantial Compliance

There was a small decrease in the rate of *substantial compliance* in 0-4 Articles but the number of approved centres substantially compliant with between 5 – 9 Articles rose.

	0-4 Articles	5-9 Articles	>9 Articles
% Unannounced 2009	82	18	0
% Unannounced 2010	72	28	0

Compliance Initiated

The number of approved centres who showed *compliance initiated* in more than two Articles fell substantially. There was little change in other rates in this category.

	0 Articles	1-2 Articles	>2 Articles
% Unannounced 2009	20	57.5	22.5
% Unannounced 2010	24	69	7

Not Compliant

The rate of *non compliance* with the Articles improved, with only 7% being non compliant with more than two Articles.

	0 Articles	1-2 Articles	>2 Articles
% Unannounced 2009	53	35	12
% Unannounced 2010	72.05	21.5	7

Analysis

1. Announced vs Unannounced Inspections 2009

The results discussed here are given as percentages.

There was little difference in compliance with the Articles in approved centres which had announced as opposed to unannounced inspections in the categories of *substantial compliance*, *initiated compliance* and *not compliant*.

In the category of *full compliance* there was a difference, with those approved centres which had announced inspections achieving 30% rate of full compliance with 27 or more Articles compared with 18% of those having an unannounced inspection. However conversely, there were fewer approved centres with unannounced inspections which, the approved centres with unannounced inspections fared better when considering the numbers which failed to be fully compliant with less than 22 Articles i.e. 12% (unannounced inspections) compared with 26% (announced inspections).

2. Announced vs Unannounced Inspections 2010

The rate of compliance in the categories of *substantial compliance* and *not compliant* showed little difference between announced and unannounced inspections. However, in the categories of *full compliance* and *compliance initiated*, there were differences. In the category of *full compliance* with more than 27 Articles, the rate was somewhat lower in approved centres with unannounced inspections, 24% compared with 29% in those centres having announced inspections. The number of approved centres achieving *full compliance* with less than 22 Articles was higher in unannounced inspections, 17% compared with 7% in announced inspections.

3. Announced 2009 vs Announced 2010

When comparing the levels of compliance between 2009 and 2010, only the rates of *full compliance* and *not compliant* were examined. There was no change in the rate of full compliance with more than 27 Articles (30% in 2009 compared with 29% in 2010). The rate of *not compliant* with more than two Articles decreased from 12% in 2009 to 4% in 2010, indicating some level of compliance with all Articles of 58% in 2009 which increased to 71% in 2010.

Whilst there was no improvement in the rate of full compliance with more than 27 Articles between 2009 and 2010, the figures indicate that there was an improvement at other levels of compliance.

4. Unannounced 2009 vs Unannounced 2010

The unannounced inspections showed improvement across all levels of compliance from 2009 to 2010. The rate of *full compliance* with more than 27 Articles increased from 18% to 24%, whilst the number of approved centres which were *not compliant* with more than two Articles fell from 12% to 7%.

Summary

When comparing the level of compliance with the Articles between announced and unannounced inspections of approved centres in 2009 and 2010, there was little difference between these types of inspection except in the number of approved centres reaching *full compliance*. In 2009, the difference in the rate of *full compliance* with more than 27 Articles between announced and unannounced inspections was 12%, but this had reduced to just 5% in 2010.

There was no improvement in the rate of *full compliance* with more than 27 Articles of between the announced inspections of 2009 and 2010. However, the number of approved centres which were not compliant with more than two Articles fell, indicating an improvement in compliance overall.

The level of *full compliance* in unannounced inspections improved between 2009 and 2010, as did the number of centres which were not compliant with more than two Articles.

Conclusion

A review of the outcomes of inspections in 2009 and 2010 indicate that there was little difference in the level of compliance between announced and unannounced inspections, despite the presumption that unannounced inspections would reveal greater levels of non-compliance with the Articles.

It was also encouraging to note that the trend in outcomes from inspections tended to be towards improvement whether the inspection was announced or unannounced.