

## HAMPSHIRE COUNTY COUNCIL

### Report

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| <b>Committee:</b>   | Health and Adult Social Care Select Committee |
| <b>Date:</b>        | 9 February 2016                               |
| <b>Title:</b>       | Covering Report                               |
| <b>Reference:</b>   | 7308  |
| <b>Report From:</b> | Director of Policy & Governance               |

**Contact name:** Katie Benton, Scrutiny Officer

**Tel:** 01962 847336

**Email:** [Katie.Benton@hants.gov.uk](mailto:Katie.Benton@hants.gov.uk)

#### 1. Purpose of Report

- 1.1 This report provides Members with the background to the publication of the Mazars report which reviewed 'deaths of people with a learning disability or mental health problem in contact with Southern Health NHS Foundation Trust April 2011 to March 2015'.
- 1.2. This report also appends the relevant Mazars report and subsequent documents received since the publication date from the key NHS organisations involved in this review.
- 1.3. The Committee are requested to consider the appended documents and discuss the key issues, focusing on outcomes for the residents of Hampshire, with the invited representatives.

#### 2. Mazars Report

- 2.1. NHS England commissioned Mazars (an independent auditing firm) to conduct an investigation of the deaths of all patients of Southern Health who had been in receipt of mental health or learning disability services since 2011 following the avoidable death of Connor Sparrowhawk in Oxfordshire. Connor was a patient in the care of Southern Health NHS Foundation Trust.
- 2.2. The purpose of the Mazars report was to identify any common themes and trends in terms of unexpected deaths, any lessons to be learned for providers, commissioners, and/or regulators, and any common contributory factors. The team reviewed deaths that occurred in the period between April 2011 and March 2015 for people who had been in receipt of the Trust's mental health and/or learning disabilities services, either at the time of their death or within the twelve months preceding their death. The report did not consider the quality of care provided by the Trust to the people the Trust serves.

- 2.3. The Mazars report was published on NHS England's website on 17 December 2015 and highlights a number of actions for the Trust, commissioners and regulators. The final report by Mazars is attached as Appendix 1.

### **3. Local responses to the Mazars report**

- 3.1. Southern Health NHS Foundation Trust are commissioned to provide mental health and learning disability services across Hampshire. Therefore, following the publication of the report, to enable the Committee to effectively scrutinise the provider and commissioners of these services in Hampshire, representatives from Southern Health NHS Foundation Trust, NHS West Hampshire Clinical Commissioning Group (as the lead commissioner on behalf of the Hampshire Five for Mental Health and Learning Disability services) and NHS England (Wessex) have been invited to attend the meeting to discuss the report and the subsequent responses to the reports' recommendations produced by their respective organisations.
- 3.2. The following documents have therefore been appended to this report:
- Southern Health NHS Foundation Trust – Statement (Appendix 2)
  - Southern Health NHS Foundation Trust – Action Plan for Mortality and SIRI Improvement (Appendix 3)
  - Southern Health NHS Foundation Trust – Gap Analysis Mortality Review (Appendix 4)
  - NHS West Hampshire CCG response to the Mazars report (Appendix 5)
  - NHS West Hampshire CCG Board Paper on services commissioned from Southern Health NHS Foundation Trust, the Mazars report and next steps (Appendix 6)
  - The joint response from NHS Improvement, NHS England and the Care Quality Commission to the Mazars report (Appendix 7)
- 3.3. A number of briefings and communications have been circulated since the publication of the report. These have previously been provided to Members and have not therefore been included within this pack. The salient points from these briefings have been included in the Appendices listed at 3.2 above.

### **4. Regulator responses to the Mazars report**

#### *Care Quality Commission*

- 4.1. On 17 December the Care Quality Commission, the independent regulator of health and social care in England, announced that it would be undertaking a focused inspection of Southern Health NHS Foundation Trust early in the New Year, looking in particular at the Trust's approach to the investigation of deaths.
- 4.2. The CQC commenced their inspections on the week commencing 18 January 2016, focusing on improvements within mental health and learning disability services, in particular acute mental health inpatient wards, learning

units for people with learning disabilities, crisis/community mental health teams and child and adolescent inpatient and secure services.

*Monitor*

- 4.3. Following the publication of the joint response from NHS Improvement, NHS England and the Care Quality Commission (see Appendix 4), NHS England forwarded the Mazars report to Monitor, for consideration on whether regulatory action was required. Within England, Monitor are the regulator with the responsibility to ensure that 'independent NHS Foundation Trusts are well-led, so they can provide quality care on a sustainable basis'.
- 4.4. On 12 January 2016 Monitor announced that it would take regulatory action against Southern Health NHS Foundation Trust. This means that the Trust will receive expert support to improve the way it investigates and reports deaths, particularly among people with a learning disability and/or those who are experiencing mental illness. Monitor also announced that they will appoint an Improvement Director for the Trust, who will use their expertise to support and challenge the Trust as it makes the necessary changes.

**5. Statement from Hampshire County Council's Adult Services Department**

- 5.1 The report is far reaching and the impact upon families is recognised and appreciated. There are a number of organisations and stakeholders with responsibilities to act in respect of the report findings and to regain public confidence in services provided to vulnerable people. Hampshire County Council supports and provides services to vulnerable adults, including those with learning disabilities and mental health needs, some of whom will have also received support from Southern Health NHS Foundation Trust.
- 5.2 Actions are being taken by a number of organisations such as NHS England, Monitor, CQC, Public Health England and all the Clinical Commissioning Groups in Hampshire and elsewhere as well as local authorities and Local Safeguarding Boards. Hampshire County Council has specific duties with regard to safeguarding and are actively reviewing information with NHS partner organisations to determine whether safeguarding referrals should have been made in respect of the death of any of those people identified within the Mazars report. Where necessary, action will be taken to conduct appropriate enquiries.
- 5.3 Hampshire County Council Adult Services have undertaken a review of all people with a learning disability or mental health support need during the period covered by the Mazars report to determine whether there are any circumstances which should have prompted investigation, where necessary and appropriate enquiries were not undertaken. To date, no such instances have been identified. Furthermore, Hampshire County Council will continue to review its governance arrangements so that, along with partner organisations and the Hampshire Adult Safeguarding Board, any learning into the way in which unexpected deaths are reviewed within individual organisations and collectively can be fully incorporated into local practice.

**6. Recommendations**

- 6.1 That the Committee adds this topic to its work programme, and requests a monitoring update on the progress made with actions taken to implement the report's recommendations when timely.**
- 6.2 That the Committee makes any further recommendations on this item following discussions held during the meeting.**

**CORPORATE OR LEGAL INFORMATION:**

## Links to the Corporate Strategy

|  |     |
|--|-----|
| <b>Hampshire safer and more secure for all:</b>          | yes |
| Corporate Improvement plan link number (if appropriate): |     |
| <b>Maximising well-being:</b>                            | yes |
| Corporate Improvement plan link number (if appropriate): |     |
| <b>Enhancing our quality of place:</b>                   | yes |
| Corporate Improvement plan link number (if appropriate): |     |

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

None

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 **Equalities Impact Assessment:** This is a covering report for items from the NHS that require the attention of the HASC. It does not therefore make any proposals which will impact on groups with protected characteristics.

### **2 Impact on Crime and Disorder:**

2.1 This paper does not request decisions that impact on crime and disorder

### **3 Climate Change:**

3.1 How does what is being proposed impact on our carbon footprint / energy consumption?

3.2 How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

No impacts have been identified.