

## **Placement in secure residential care (08HDC20957, 3 November 2010)**

*District health board ~ NASC ~ Secure rest home ~ Legal status ~ Protection of Personal and Property Rights Act 1988 ~ Discharge planning ~ Inter-agency co-operation and communication ~ Dignity and independence ~ Rights 3, 4(1), 4(5)*

A 43-year-old woman complained that she was incarcerated in a secure rest home for more than a year without legal authority. The woman was admitted to hospital in a confused state. She was physically unwell, and had a complex personal history which included severe psychological trauma, depression and alcohol abuse. Following a psychiatric assessment, it was decided that an application should be made to the Family Court for a personal order under the Protection of Personal and Property Rights Act 1988 (PPPR Act), for the woman to be placed in an appropriate residential facility. The application was prepared but never filed with the court.

Three months later, the woman was discharged to a secure rest home caring mostly for older people with dementia, on the understanding that she was legally required to remain there. The placement was authorised by and funded through a Needs Assessment and Service Co-ordination (NASC) agency. A needs assessment was completed soon after the woman's admission to the rest home, at which time she asked for further assessment with a view to moving to more suitable accommodation. The outcome of the assessment was to confirm her present placement. The woman was reassessed by the NASC agency twice during the following ten months.

The woman's GP referred her to the DHB's mental health service, and to a community alcohol and drug service. She was assessed as being too well to be in a secure unit, and as competent in relation to her personal care and welfare. In the course of efforts by staff from the alcohol and drug service to arrange access to a residential alcohol rehabilitation programme, it was learned that the PPPR Act order had never been filed, and that there was no legal requirement for the woman to remain in the rest home. Over the following two months, arrangements were made for her transition and, 14 months after her admission, she left the rest home.

It was held that the district health board breached Rights 4(1) and 4(5) for failing to have adequate systems in place to deal with PPPR Act applications, failing to take sufficient or appropriate action in relation to the woman's discharge, and for poor communication and co-operation between staff and with other providers.

The NASC agency was found to be in breach of Rights 3, 4(1) and 4(5). It failed to verify the woman's legal status or to ascertain who could consent on her behalf and who it should consult and communicate with in relation to her care. There was a lack of care and skill throughout the needs assessment/service co-ordination process, and there were deficiencies in communication and co-operation between staff, with the woman and with other service providers.

The rest home was found to be in breach of Right 4(1). It also failed to verify the woman's legal status or to ascertain who could consent on her behalf and who it should consult and communicate with in relation to her care. It did not take adequate steps to address the fact that she was inappropriately placed.

The NASC agency and the rest home were referred to the Director of Proceedings, who decided to take proceedings before the HRRT. Proceedings are pending.