

# Office of the Commissioner for Mental Health and Older Persons

## ANNUAL REPORT 2011

### INTRODUCTION

The Office of the Commissioner was set up following the appointment of the Commissioner for Older Persons and Commissioner (Designate) for Mental Health in July 2011. A core team of professionals has been identified in order to assist in the setting up of this new office.

Separate meetings were held with the Data Protection Commissioner and the Commissioner for Children in order to explore the set-up and working of other Commissioner offices with a view to establish the best set-up and human resources complement to address the challenges for this office. The main outcome of these meetings was that the office should include a mix of employed and contracted staff. During the meeting with the Data Protection Commissioner, it was established that in view of the sensitivity and the nature of the work which will be carried out by this office, all information concerning personal client details will be exempt from the provisions of the Data Protection Act.

A detailed organogram proposing the wider set-up for the Office of the Commissioner was drawn up, presented and approved by the Ministry. The relevant calls for applications or expressions of interest will be drafted and published accordingly.

### FUNCTIONS AND DUTIES

The functions and duties of the Commissioner are:

#### Mental Health

- to provide the necessary technical advice to the Minister so that the draft Mental Health Act and any amendments thereto that may become necessary are enacted by Parliament;
- to prepare the necessary technical infrastructure so that the provisions of the draft Mental Health Act can enter into force in the shortest possible timeframe following the approval of the Act by Parliament;
- to promote and safeguard the rights of persons suffering from a mental disorder and their carers;
- to prepare or review any policies and make such recommendations to safeguard or to enhance the rights of such persons and to facilitate their social inclusion and wellbeing;
- to investigate any complaint alleging breach of patient's rights and make recommendations which may be required to protect the welfare of that person;
- to investigate any complaint about any aspect of care and treatment provided by a facility or a healthcare professional and make any recommendations that are required;
- to conduct initial inspections of all facilities to assess and ascertain that the rights of patients are being upheld. During such visits the Commissioner shall have unrestricted access to all parts of the facility and patients medical records as well as the right to interview any patient in the facility in private;
- to report any case amounting to a breach of patient rights to the appropriate competent authority recommending the rectification of such a breach;
- to present to the Minister responsible for mental health an annual report of his activity.

## Older Persons

- to provide the necessary technical advice to the Minister, if specifically so required, so that a draft Bill as may be necessary, is enacted by Parliament;
- to promote awareness of matters relating to the interests of older persons and of the need to safeguard those interests;
- to keep, under regular review, the adequacy and effectiveness of services provided for older persons by relevant authorities;
- to promote the provision of opportunities for older persons;
- to promote the elimination of discrimination against older persons;
- to encourage best practice in the treatment of older persons;
- to promote positive attitudes towards older persons and encourage participation by older persons in public life;
- to advise the Minister on matters concerning the interests of older persons;
  - i. as soon as reasonably practicable after receipt of a request for advice; and
  - ii. on such other occasions as the Commissioner thinks appropriate;
- to take responsible steps to ensure that:
  - i. older persons are made aware of the functions of the Commissioner, the location of the Commissioner's office, and the ways in which they may communicate with the Commissioner;
  - ii. older persons are encouraged to communicate with the Commissioner;
  - iii. the views of older persons are sought concerning the exercise by the Commissioner of the Commissioner's functions;
  - iv. the services of the Commissioner are, so far as practicable, made available to older persons in the locality in which they live;
- to undertake, commission or provide financial or other assistance for research or educational activities concerning the interests of older persons or the exercise of the Commissioner's functions;
- to issue guidance on best practice in relation to any matter concerning the interests of older persons, after consultation with such bodies or persons as the Commissioner thinks appropriate;
- to conduct such investigations as the Commissioner considers necessary or expedient for the purposes of any of the Commissioner's functions;
- to compile information concerning the interests of older persons;
- to provide advice or information on any matter concerning the interests of older persons;
- to publish any matter concerning the interests of older persons, including the outcome of any research or activities; the outcome of any investigations conducted; and any advice provided by the Commissioner;
- to make representations or recommendations to any body or person about any matter concerning the interests of older persons.

## THE YEAR UNDER REVIEW

### Mental Health Act

The first reading of the Mental Health Act was made in Parliament on 19<sup>th</sup> July 2011. Upon taking office, the Commissioner and his team embarked on a thorough comparative analysis of the draft of the new Mental Health Act against all clauses of the existing Mental Health Act. Meetings were held with selected stakeholders and with members of the original drafting team. The office also took into account the detailed feedback from the seminar organised by the Ministry in July 2011. The office proceeded to revise the draft of the Mental Health Act and proposed amendments to ensure that the provisions of the Act could be implemented seamlessly.

The revised draft Act was presented to the Ministry in December 2011. It is expected that the parliamentary approval process will commence early in 2012.

## **Collaboration with NGOs and other entities**

The non-governmental organisations involved in the fields of mental health and the care for the elderly were identified. A familiarisation meeting was held with the Foundation for Social Welfare Services and Aġenzija Appoġġ to identify ways for mutual co-ordination and co-operation between the Office of the Commissioner and these agencies. Meetings with other NGOs and entities will continue in the coming months.

The Office of the Commissioner has provided to other entities / Ministries feedback, assistance and recommendations in the drawing up of policies, documentation and legislation concerning the rights and well being of older persons or persons with mental disorders.

## **Child and Adolescent Psychiatry**

A series of meetings were held with the Commissioner for Children and the Clinical Department of Psychiatry to discuss issues concerning child and adolescent psychiatry services, particularly to address the gaps in the treatment of children and adolescents with behavioural and social problems who require psychiatric interventions. A roadmap to address these issues was agreed to and the progress of implementation will be monitored during 2012.

## **Complaints**

The Office of the Commissioner has received a number of complaints from, or on behalf of elderly persons and persons with mental disorders. These complaints were discussed within the team and the complainant was directed to the relevant agency which offers the services required according to each particular case.

## **Media Involvement**

The Commissioner participated in media programmes in which he explained in detail the roles and objectives of the Office of the Commissioner for Mental Health and Older Persons and answered queries made by the public during the course of the programmes.

## **Seminars and Conferences**

In November 2011, the Commissioner delivered the closing address in the stakeholders meeting during which the national programme for the 2012 European Year on Active Ageing and Intergenerational Solidarity was launched. The main priorities of the Office of the Commissioner will be to promote the agenda of active ageing and intergenerational solidarity beyond the year 2012, to ensure that active ageing remains on the national agenda, to uphold the rights of older persons and to work towards a proposal for legislation for the protection of older persons.

The Office also participated in the Seminar of the European Platform against Poverty and Social Exclusion related to the Europe 2020 Strategy organised by MEUSAC and contributed in the discussions on social innovation for vulnerable groups and sharing responsibilities in the fight against poverty and social exclusion.

In preparation for future participation in EU projects, two representatives from the Office of the Commissioner attended a Briefing Session on the pre-announcement of the eighth call for project proposals under the European Social Fund.

## **Continuous Professional Development**

Staff from the Office was involved in a number of training initiatives to upgrade and enhance their skills and competencies. These included:

- the part-time Diploma in Public Management organised by the Centre for Development, Research and Training of the Office of the Prime Minister (CDRT),
- CPD activities for public health specialists,
- course on Better Regulation organised by the Management Efficiency Unit and co-funded by European Social Fund, and
- course on Coaching and Mentoring organised by the CDRT.

JM CACHIA  
Commissioner