



South African Society of Psychiatrists

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BASIC HUMAN RIGHTS VIOLATED FINDS SASOP REPORT

Instances of abuse of patients' rights and failure to execute duty of care within the framework of the South African Constitution were some of the main findings by the South African Society of Psychiatry (SASOP) post their recent visit at the contentious Tower Hospital.

The report prepared by SASOP follows on the complaints received from Dr Kiran Sukeri, a sessional psychiatrist at the hospital and unrecorded death of patients.

SASOP together with representatives of its SASOP Eastern Cape structure, the Treatment Action Campaign, and members of the South African Federation of Mental Health participated in a visit to the hospital on 6 March 2018 and although certain limitations of the one-day visit led to only evidence presented on the day to be considered, the findings were of such a nature that SASOP has urged the Department of Health to urgently investigate the situation at Tower Hospital further and to include the whole mental health care system in the Eastern Cape to prevent further violations of patient's rights.

Prof Bernard Janse van Rensburg, President of SASOP, said there is little doubt that significant problems existed for some time in terms of the running of the hospital.

"Although management identified difficulties in the smooth running of the institution, no effective strategies have ever been employed to address or solve the challenges and on at least two occasions the problems were of such nature that it required the intervention of the Eastern Cape Department of Health.

"Patient and death records, death notification, as well as the manner and capacity of secluding patients at this facility has been infringing on patients' human rights."

Executive: Prof Bernard Janse van Rensburg (*President*),
Dr Anusha Lachman (*Honorary Secretary*), Dr Indhrin Chetty (*Honorary Treasurer*), Dr Sebolelo Seape (*Private Practice*),
Dr Lesley Robertson (*Public Sector*), Prof Bonga Chiliza (*President-Elect*), Dr Mvuyiso Talatala (*Past-President*)

It was also found that the physical state of the seclusion rooms at the hospital pose a particular risk at the moment and it was recommended that the use of these spaces to seclude patients should be stopped immediately. There was also inadequate implementation of existing policies and procedures to ensure the safe and legal seclusion of mental health care users.

“The seclusion rooms are positioned in the court yard of the hospital, far away from the nurses’ station or other point of observation by staff, with no amenities available, and seem to have already been precipitating incidents of harm to and human rights abuses of patients.”

Prof Janse van Rensburg said that although hospital personnel of all categories, including senior management, largely seems to have good will towards patients and patient-care, there seems to be a limited understanding (especially at senior management level), of how long-standing systemic failures and inadequacy of actions taken to address these failures, have exacerbated the situation and affected patient rights.

“Such systemic failures seem to have aligned with individual factors within the senior management team of the hospital (communication challenges, flouting of standing protocol and procedure with minimal consequences, poor conflict resolution, lack of proactive management etc.) to create a perfect storm. This seems to have resulted in the crisis that has manifested in Tower Hospital currently.”

Prof Janse van Rensburg says that Tower Hospital, a 400-bed long term psychiatric hospital in the central part of Eastern Cape, has been utilised for many years as a non-voluntary, in-patient facility for patients with serious mental conditions requiring long-term care from across the province.

“However to date, there has been no development in the province that could have facilitated the implementation of the appropriate deinstitutionalization of patients to be treated in a least restrictive community-based environment close to their homes. To make matters worse the staff shortages of only two medical offices on the floor at Tower Hospital is further infringing on the physical health of patients.”

Prof Janse van Rensburg says accurate record-keeping and proper documentation is a considerable challenge at Tower Hospital.

“Significant discrepancies and inaccuracies exist about the hospital’s available information on the number and nature of deaths of inpatients that have occurred over the last five to eight years. This has led to important records not being recorded or stored properly and reported instances where recording of information relating to deaths or patient care has been done retrospectively instead of at the point of occurrence.

“It is unclear whether this was done as an attempt to give an impression of lower death rates or better care. What is clearer is the fact that the system of record keeping and storing of important records has not been done effectively over many years and has left the care of patients at risk. In addition, the institution and health professionals who work there are now also vulnerable to litigation.”

The report includes 15 recommendations across policy and procedure, food and clothing, physical health of patients, death registration and notification and advocacy. The findings along with recommendations have been shared with the Eastern Cape Department of Health who in their own capacity has employed a task team to investigate the incidences further at Tower Hospital. The report is said to be released on 29 March 2018.

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