

Island of  Guernsey

Ordinance of the States **XXXIV**

1956

Made 21st November, 1956

Came into Operation .. 21st November, 1956

**The Mental Treatment (General)
(Regulations) Ordinance, 1956.**

THE STATES, on the representations of the States Board of Health and in pursuance of the powers now vested in them by Article 3 and Article 46 of the Mental Treatment Law (Guernsey) 1939, and of all other powers enabling them in that behalf, hereby order:—

1. The Regulations made by the States Board of Health and set out in the Schedule to this Ordinance are hereby approved.

2. So far as it remains unrepealed the Ordinance entitled “Ordonnance approuvant des Règlements faits par le Conseil des Etats dit ‘The States’ Mental Health Services Board’ et prescrivant les Formes à être usitées pour les besoins de la Loi dite ‘The Mental Treatment Law (Guernsey), 1939’” made on the 2nd day of March, 1940, is hereby repealed.

SCHEDULE

THE MENTAL TREATMENT REGULATIONS,
1956

PART I

*Management of the States Mental Hospital and
Psychiatric Clinic*

General
power of
management
of the States
Mental
Hospital and
Psychiatric
Clinic.

1. (1) Subject to the general authority of the Board, the power of management of the Hospital and the Clinic including the direction of and disciplinary authority over all staff employed by the Board shall be vested in the Medical Superintendent.

(2) The Medical Superintendent may suspend from duty for misconduct any member of the staff under his direction and disciplinary authority and, pending the instructions of the Board, he may arrange provisionally for the discharge of the duties of any person so suspended.

(3) The fact of any person being dealt with under the provisions of either of the last two preceding paragraphs shall forthwith be reported by the Medical Superintendent to the Board.

Medical
Superin-
tendent.

2. (1) Subject to any other duties which may be specifically assigned to the Medical Superintendent by arrangement between him and the Board and to the powers vested in him under the provisions of Regulation one of these Regulations, the Medical Superintendent shall, in particular, perform the duties set out in the succeeding paragraphs of this Regulation.

(2) The Medical Superintendent shall be responsible for the direction of the medical, surgical, psychological and moral treatment of the patients, their medical classification and their management, exercise, amusements and occupations.

(3) The Medical Superintendent shall report to the Board, at its next meeting thereafter—

- (a) every occurrence of unusual importance at the Hospital or the Clinic;
- (b) every accident to, injury sustained by, escape or death of and inquest upon a patient;
- (c) upon the case of any patient who is, in his opinion, fit for discharge;
- (d) any neglect or abuse at the Hospital that may come to his knowledge;
- (e) all other facts, observations and suggestions which he deems to be of importance, relative to the management by him of the Hospital or the Clinic or relative to the treatment of the patients; and
- (f) any other matters as directed from time to time by the Board.

(4) The Medical Superintendent shall inquire immediately into the cause of all accidents and injuries occurring at the Hospital and shall forthwith report the result of his inquiries to the Board.

(5) The Medical Superintendent shall investigate all complaints made to him by patients, members of the staff and others and shall report to the Board at its next meeting thereafter complaints of sufficient importance, in his opinion, to require the attention of the Board.

(6) The Medical Superintendent shall, from time to time, examine the food and other provisions issued for the use of the patients and report to the Board whenever they appear to be unsatisfactory or insufficient.

(7) The Medical Superintendent shall thoroughly examine, or arrange for the examination by a medical practitioner of, every patient on admission to the Hospital, or as soon as possible thereafter, and shall

record the result of the examination at the time of such examination or cause such record to be made of the examination, as the case may be.

(8) The Medical Superintendent shall allow any patient, at the special request of such patient or of his relatives or friends, to be visited at reasonable times by a Minister of the religious persuasion of the patient, unless, in his opinion, such a visit would be harmful to the patient having regard to his condition.

(9) The Medical Superintendent shall present to the Board once in each quarter a list of the cases in which he has exercised his powers of permitting patients to be absent from the Hospital, under the provisions of Article 28 of the Law.

(10) For the assistance of the Board in the proper exercise of its powers and performance of its duties, the Medical Superintendent shall, as occasion arises, and in any event during the month of January in each year in respect of the twelve months ending on the thirty-first day of December of the previous year, report in writing to the Board regarding—

- (a) the adequacy of the staff in respect of its grades, organisation, number and individual efficiency;
- (b) the progress of the patients;
- (c) the methods of treatment in use in the Hospital; and
- (d) the work of the Hospital in general.

(11) No food shall be issued to patients except such as may, from time to time, be approved by the Medical Superintendent.

Chaplain and
other
Ministers of
Religion.

3. (1) The Board may appoint a Chaplain to the Hospital.

(2) The Chaplain so appointed shall be a Priest of the Church of England holding the Bishop's licence to officiate in the Island of Guernsey.

(3) The Board may, from time to time, after consulting the Medical Superintendent, approve of arrangements for visits to the Hospital of Ministers of religious denominations other than the Church of England.

4. (1) The Board of Administration shall, subject to such conditions and for such term as it may think proper, appoint a Secretary to the Hospital (hereinafter referred to as "The Secretary").

Secretary to
the Hospital.

(2) The Secretary shall present to the Board at every meeting thereof a statement giving the number of patients then in the Hospital and the number received into and discharged from the Hospital since the last meeting at which a similar statement was presented and containing such other details as the Board may from time to time require.

(3) The Secretary shall keep a record of any articles, other than such personal possessions as the Medical Superintendent permits them to retain, which patients bring with them into the Hospital and shall keep such articles in safe custody until they are in due course returned to the patients or other persons entitled to them and the Secretary shall obtain a signed acknowledgment of the return of any such article.

5. (1) The Board shall appoint as Matron of the Hospital a woman who shall be either a Registered Mental Nurse or possess such other qualification as the Board may, from time to time, determine.

Matron.

(2) The Matron shall reside at the Hospital and shall be under the direction and disciplinary authority of the Medical Superintendent.

(3) The Matron shall be responsible to the Medical Superintendent and the Board for the supervision and nursing of all the patients in the Hospital and for the supervision of the wards, nurses, domestic

servants, laundry, work-rooms and all administrative quarters.

(4) Subject to the authority of the Board and the Medical Superintendent, the Matron shall have control of all nursing officers, nurses, and servants; shall instruct them in their duties and see that the same are efficiently performed; and shall report to the Medical Superintendent whatever she may know to be improper or a major infraction of the rules in the conduct of those subordinate to her, or whatever may prejudice the efficient administration of the Hospital.

(5) Either the Matron or a nurse appointed by her in that behalf, with the approval of the Medical Superintendent, shall be present throughout the bathing of the patients and see that the provisions of Regulation six of these Regulations are strictly carried out and keep observation for, and without delay report to the Medical Superintendent, any marks or bruises found upon the person of any of such patients.

(6) The Matron shall be responsible for all stock in the wards and in all departments and staff quarters at the Hospital and she shall check completely once in each year, or at such shorter intervals as the Board may from time to time require, the stock in the said wards, departments and staff quarters and report the results of the stocktaking to the Medical Superintendent and the Secretary.

(7) The Matron or a deputy shall be present at all religious services and entertainments at which patients are present.

(8) The Matron or a deputy shall see all the night staff before they go on duty.

(9) The Matron shall not absent herself from the Hospital without the knowledge and approval of the Medical Superintendent.

(10) The Matron shall keep such records as the Medical Superintendent directs.

(11) The Matron may require from any member of the nursing or other staff subordinate to her any reports, either written or oral, which she considers necessary for the proper execution of her duties.

(12) The Matron shall be responsible for the efficient management of the staff quarters and for all matters appertaining to the supply of a properly cooked and served dietary to the staff.

(13) The Matron shall ascertain by all means within her power the names of all members of the staff who are sick or unable to be on duty from any cause whatsoever and shall report such names each day to the Medical Superintendent and she shall also report to him at any time all cases of serious or urgent illness or accident occurring to the staff.

(14) The Matron shall keep a record of all annual, weekly and daily leave, as allowed to members of the nursing staff by authority of the Board or the Medical Superintendent and shall report to the Medical Superintendent any default in returning to duty on the part of any member of the nursing staff who has been on leave.

(15) Should it appear to the Matron to be necessary, she may, in company with the Senior Male Nurse, visit at irregular times all staff quarters occupied by male members of the staff, in order to see that all such staff quarters are kept in a clean and hygenic manner.

6. (1) Every patient shall be bathed at least once every seven days, unless otherwise directed by the Medical Superintendent, and the name of every patient who does not have a bath in any such period shall be entered in the daily ward report.

The bathing
of patients.

(2) In preparing a bath the cold water shall be turned on first and before the patient enters the bath the temperature shall be ascertained by a Fahrenheit thermometer, and it shall not be less than 90 degrees nor above 100 degrees unless specially ordered by the Medical Superintendent; in case of the thermometer becoming inefficient from injury or other cause all bathing operations in that bath shall be discontinued until another thermometer is obtained.

(3) Hot or cold water shall not be added to the bath while the patient is in it, and care shall be taken that the hot and cold water are thoroughly mixed before the patient is allowed to enter the bath.

(4) Only one patient shall be bathed in the same water.

(5) During the use of the bath by a patient the bathroom shall never be left without a nurse and at all other times the bath taps shall remain locked.

(6) In no circumstances whatever shall a patient's head be immersed.

(7) In the bath the body of each patient shall be well cleansed with soap and when they leave the bath care shall be taken to dry those patients who are feeble or helpless and to clothe them as rapidly as possible.

(8) The bath key shall not be used by patients and shall be kept in a place appointed by the Matron and in no circumstances shall a key be left on the tap of a bath.

(9) Any marks, bruises, wounds, sores, local pain or evidence of disease of any kind complained of by the patients or noticed by the nurses during any bathing operations shall be reported immediately to the Matron and also be entered in the daily ward report.

(10) Baths shall be used solely for the cleansing of the patients, except where, under medical orders, they are given as medical treatment; a cold bath shall not be given except by order of the Medical Superintendent.

(11) When a bath is given in the ward the nurse in charge shall see it administered.

(12) The depth of water in a bath for a patient shall not exceed that indicated by the level mark, or, where there is no such mark, seven inches.

(13) When spray baths are used for the bathing of patients—

(a) the water used shall be supplied from an automatic mixer and the nurse in charge of the bathing shall be responsible for seeing that the temperature as laid down in paragraph (2) of this Regulation is registered before the bathing is commenced;

(b) should the nurse in charge be unable to regulate the temperature properly the bathing shall be discontinued and the engineer informed;

(c) in no circumstances shall the apparatus for mixing hot and cold water be touched or interfered with in any way by any person except the nurse in charge or the engineer.

(14) A printed copy of this Regulation shall be conspicuously displayed in every bathroom in the Hospital.

7. (1) Patients other than those selected by the Medical Superintendent or the Matron shall not be permitted to take walking exercise outside the Hospital and its grounds. Patients' walking parties.

(2) The number of patients in any walking party shall not exceed twenty and there shall be with each

such party a sufficiency of nurses save that when there are twenty patients in any such party there shall be at least three nurses with that party.

(3) The number of patients in any walking party for the purpose of shopping shall not exceed ten and there shall be a sufficiency of nurses with each such party save that when there are ten patients in any such party there shall be at least two nurses with that party.

(4) The routes taken by walking parties shall be only those authorised by the Medical Superintendent or the Matron.

(5) During a walk as aforesaid the nurses shall be so stationed around the walking party that all the patients in the party are under supervision and no patient shall, in any circumstances, be allowed out of the sight of a nurse; nurses shall exercise the greatest vigilance in the supervision of patients when out walking.

(6) The nurses in charge of walking parties shall take every care to ensure that the public do not suffer molestation or annoyance from the patients forming such parties.

(7) The nurse in charge of a walking party shall make a written report to the Matron of the route taken by the walking party, calling attention to any special incident which may have occurred, such as noisy or disorderly conduct on the part of a patient, or the occurrence of a fit or other illness.

Visits to patients.

8. (1) Visits to patients shall be permitted on such days and at such times as shall be designated by the Board.

(2) Every visitor before entering the Hospital shall be required to produce for inspection a written authorisation signed by the Medical Superintendent

or the Matron authorising that visitor to enter the Hospital on that occasion save that the Medical Superintendent may, in suitable cases, issue a written authorisation to visit which shall be valid for such period as is stated therein.

(3) Patients who are dangerously ill may, at the discretion of the Medical Superintendent or the Matron, be visited on a day other than a day authorised as aforesaid.

(4) Visitors to patients shall not at any time enter a ward without the express permission of the Medical Superintendent or the Matron.

(5) Unless in exceptional circumstances and with the consent of the Medical Superintendent, not more than two persons at one time, and no person under the age of eighteen years, shall be permitted to visit a patient.

(6) A visitor shall not bring into the Hospital or give to any patient any intoxicating liquor, any medicine or drug, or any knife, scissors, cutting instrument, cord, matches or any other article which could be used by that patient to harm himself or others or the equipment, furniture or any part of the Hospital.

(7) No gratuity or perquisite of any kind shall be given by a visitor to any officer, nurse or other person employed at the Hospital.

(8) Any visitor desiring to make a complaint or to have an interview respecting a patient's condition shall signify his wish to the nurse in charge of the ward in which the patient is and that nurse shall thereupon inform the Matron.

(9) A nurse shall be present during every visit as aforesaid, unless the contrary has been arranged with the express authority of the Medical Superintendent, but shall not be present in such a way as to

prevent private conversation between visitor and patient.

(10) A patient shall not be permitted to accompany any visitor into the Hospital grounds except by authority of the Medical Superintendent or the Matron.

(11) A visitor who does not conform to this Regulation or whose visits are deemed to be harmful to the patient or otherwise inexpedient, may, by order of the Board or the Medical Superintendent, be denied visits to the Hospital for such period as the Board or the Medical Superintendent, as the case may be, thinks advisable.

General
instructions.

9. (1) The male and female patients shall be kept in separate wards, and no male nurse, servant or patient, except workmen in discharge of their necessary duties and under proper supervision, shall be allowed to enter female wards nor any female nurse, servant or patient to enter male wards except where the Medical Superintendent deems it advisable to appoint a female nurse or female servant to do so; no male person excepting the Medical Superintendent or a person authorised by him in that behalf shall at any time have keys admitting them to any of the female wards.

(2) No patient shall be restrained or placed in seclusion at any time, or shall, except for the purpose of cleanliness, be subjected to any bath, unless by authority of the Medical Superintendent.

(3) All accidents and injuries, however slight, sudden illness, attempts to escape or to commit suicide and struggles between patients or between patients and nurses, shall immediately be reported by the nurse in charge to the Matron who shall forthwith inform the Medical Superintendent.

(4) No female patient shall be employed in any private official residence or male officer's quarters at the Hospital.

(5) No reward, either in money or kind, shall be given by any nurse to any patient for work done or otherwise.

(6) Male nurses and other male employees at the Hospital, except the Medical Superintendent, who are allowed to have keys of the female side in their possession, shall, whenever they go out of the Hospital, deposit them in a place approved by the Medical Superintendent.

(7) No patient shall be allowed to attend religious services or entertainments or shall be employed or be taken out for exercise or recreation either within or without the boundaries of the Hospital estate without the approval of the Medical Superintendent or the Matron.

(8) Patients who assist the nurses in their various ward duties shall not be given extra food at the expense of other patients, nor shall they be permitted to exercise any authority over other patients; no patient shall be allowed without the sanction of the Medical Superintendent or the Matron to perform a duty for another patient which should generally be undertaken by a nurse.

(9) Nurses and other employees who have the charge of patients engaged in work shall see to the safe custody of all articles used and shall examine and count over their stock frequently; they shall not take any such article away from the Hospital premises and shall ensure that after use all such articles are given up, checked, and stored in safe custody; they shall not permit any patient to have possession of any such articles not visible to them.

(10) Resident nurses and other resident employees at the Hospital shall ensure that sharp instruments, such as razors, scissors or hatpins in their bedrooms and any medicines, liniments or other medical substances supplied to, or obtained by, them for their private use are kept under lock and key.

(11) Nurses and other employees at the Hospital shall ensure that all ladders, steps, or other articles used by them, which might enable patients to escape or with which they could cause harm to themselves or others or the equipment, furniture or any part of the Hospital are carefully guarded and, directly the work in connection with which such articles are used is completed or suspended, shall see that they are removed out of the patients' reach.

(12) Nurses and other employees at the Hospital when out of the Hospital shall not mention the names or talk of the conduct of any patient nor shall they convey any letters or messages from the patients to anyone outside the Hospital without the permission of the Medical Superintendent or the Matron; all letters from and to patients shall be delivered to the Matron.

(13) A nurse or other employee at the Hospital whilst in charge of a patient shall not enter or permit the patient to enter any licensed premises nor obtain for a patient or permit or allow him to obtain intoxicating liquor.

(14) A patient shall not be permitted to have in his possession any key other than by permission of the Medical Superintendent and all other keys shall be deposited in a place approved by the Medical Superintendent.

(15) No nurse or other employee at the Hospital shall, otherwise than under his own contract of employment under the Board—

- (a) have any interest, direct or indirect, in any contract or pecuniary transaction connected with the Hospital; or
- (b) directly or indirectly take any fee, reward or perquisite of any kind from any tradesman, patient, or other person.

(16) A patient shall not be struck or threatened nor, except by the order of the Medical Superintendent, be placed in seclusion.

(17) If a patient becomes extremely violent the fact shall immediately be reported to the Medical Superintendent or Matron and the nurse to whom the patient's condition first becomes known shall immediately procure the assistance of at least one other nurse, reasonably restrain the patient and send for the Matron or the Senior Male Nurse, as the case may be; the knees shall not be placed on the patient's body nor shall his limbs be twisted.

(18) Nurses shall treat their patients kindly and shall not speak harshly to them; they shall be responsible for the safety, cleanliness and general condition of their patients and for the good order of their wards; they shall attend to the dressing and undressing of their patients, keeping careful observation for injuries, bruises and other marks and reporting any such immediately to the Matron or the Senior Male Nurse who, as soon as possible, shall report the matter to the Medical Superintendent.

(19) On the death of a patient in the Hospital the Matron shall immediately give notice thereof by the quickest possible means to the nearest known relative of the deceased and as soon as may be thereafter such notice shall be confirmed, in writing, by the Secretary.

(20) If there is no known relative of the deceased, or if the body is not claimed by that relative before

the expiration of the fourth day after death, the body shall be buried or cremated in accordance with such directions as may be given by the Board.

(21) Notwithstanding the provisions of the last preceding paragraph, if the Medical Superintendent is of opinion that earlier disposal of the body is essential, the Board may order the burial or cremation of the body at such time and in accordance with such instructions as it may determine.

(22) A person, other than a member of the Board or a nurse, shall not be admitted into any part of the Hospital occupied by a patient unless—

- (a) he has been granted permission in that behalf, in writing, by the Board or the Medical Superintendent; and
- (b) he is accompanied by the Medical Superintendent or a person authorised by the Medical Superintendent in that behalf; and
- (c) he enters at such time as may be specified by the Board or the Medical Superintendent.

(23) The instruments and appliances to be used as mechanical means of bodily restraint for the purposes of Article 36 of the Law shall be those set out in the Schedule to these Regulations.

Payments by
or on behalf
of patients.

10. (1) Any payment which the Board requires to be made by or on behalf of a patient in the Hospital or otherwise under the care of the Board shall be based upon scales of charges fixed by the Board, having regard to—

- (a) the average weekly cost for a patient of the same kind, undergoing similar treatment; and
- (b) the cost of any special treatment or special measures adopted in the case of the patient

by or on behalf of whom payment is being required.

(2) The scales of charges referred to in paragraph (1) of this Regulation may be revised from time to time and at any time deemed advisable by the Board and shall be reviewed by the said Board not less often than once in every twelve months.

(3) The Board shall, after reviewing all relevant information, determine in every case whether a charge is to be made and, if so, the amount thereof.

(4) Any person aggrieved by any charge determined in accordance with this Regulation may appeal in respect thereof to the Board.

(5) The Board may claim from any patient under its care or from any person answerable for such patient the amount of any charge determined in accordance with this Regulation and any such amount shall be recoverable by the Board from the person concerned as a civil debt.

11. (1) Any person, not being an in-patient, who contravenes any of these Regulations shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten pounds. Penalties.

(2) If any person employed under the direction of the Board does any act, or is guilty of any omission, injurious, or likely to be injurious, to a patient in the care of the Board, and if such act or omission constitutes a contravention of any of these Regulations, such person shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty pounds or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such fine and such imprisonment.

12. In these Regulations, unless the context otherwise requires or it is otherwise specially provided, Interpretation.

the following words and expressions have the meanings hereby respectively assigned to them, namely:—

“the Board” means the States Board of Health;

“the Clinic” means the States Psychiatric Clinic;

“the Hospital” means any place provided by the States for the care and treatment of persons suffering from mental ailment;

“the Law” means the Mental Treatment Law (Guernsey), 1939, and any Law amending, supplementing or superseding that Law;

“Medical Superintendent” means the Medical Superintendent of the States Mental Health Services;

“placed in seclusion” of a patient means that he is, at any time between 7 a.m. and 7 p.m., isolated in a room the door of which is so fastened or held that the patient is unable to leave the room at will; but a patient shall be deemed not to be placed in seclusion if he is isolated in a room in which the lower half of the door is thus fastened or held, but the upper part is left open.

Short title. 13. These Regulations may be cited as the Mental Treatment (General) Regulations, 1956.

Commencement. 14. These Regulations shall come into force on the 26th day of November, 1956.

THE SCHEDULE

Specified Mechanical Means of Bodily Restraint

(1) A jacket or dress, made of strong linen or some other strong material (a) laced or buttoned down the back, having long outside sleeves fastened to the dress only at the shoulders, with closed ends to which tapes may be attached for tying behind the back when the arms have been folded across the chest; or (b) of some other pattern approved by the Board;

(2) Gloves without fingers, so fastened at the wrists that they cannot be removed by the wearer, and made of linen, leather (chamois or other), or some strong material, padded or otherwise;

(3) Sheets or towels, when tied or fastened to the sides or ends of a bed or to other objects;

(4) If, in the opinion of the Medical Superintendent or other medical practitioner who gives the certificate required by Article 36 of the Mental Treatment Law (Guernsey), 1939, some other mechanical means of bodily restraint is necessary in a particular case where the circumstances are exceptional, such means may be used with the previous sanction of the President of the Board for such period as he authorises.

JAMES E. LE PAGE,

Her Majesty's Greffier.