



Department
of Health &
Social Care

*From Nadine Dorries MP
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01 June 2020

Dear Juliet

Thank you for your letter dated 2nd April.

I am grateful to you for raising the issues in your letter, which I note was copied to my colleagues at Home Office and the Ministry of Justice. I understand Robert Buckland QC MP has provided a response in relation to the actions his Department has taken to address the points you made on the management of COVID-19 in prisons.

I am pleased to say that my officials and NHS England and NHS Improvement (NHSE/I) have played an important role in supporting the work in prisons to ensure that people are kept safe and arrangements are in place to reduce the spread of infection.

Your letter specifically mentioned support for people in prison who are waiting for transfer to hospital for assessment or treatment under the Mental Health Act. New guidance on transfers to and remissions from mental health hospital during COVID-19 was published by NHSE/I on 28th April. This gives clear information about procedural changes necessary in relation to transfers to hospital for assessment or treatment under the Mental Health Act 1983. This guidance was developed jointly with HM Prison and Probation Service colleagues and is available on the NHSE/I website.

Guidance has also been issued by NHSE/I for managing capacity and demand within inpatient and community mental health, learning disability and autism services for all ages; as well as workforce guidance and legal guidance on the use of the Mental Health Act.

I understand from officials that you have expressed interest in other important issues in discussions, including Mental Health Act legislation and the numbers of deaths in mental health hospitals during the COVID-19 pandemic.

As you are aware, we introduced a number of easements to the Mental Health Act under the Coronavirus Act 2020. The emergency changes will only be enacted if patient safety is deemed to be at considerable risk. NHSE/I have published guidance for local systems, that clearly sets out an application process through which local areas can make the case for the need for the powers to be introduced.

The guidance includes information on:

- the conditions that would make it appropriate for the powers to be exercised;
and

- the key considerations required to ensure that any decision to rely on these powers is safe and proportionate.

It is important to have data on the number of deaths from COVID-19 in mental health settings and I appreciate the Panel's interest in this regard.

The Care Quality Commission have published provisional counts of deaths confirmed as COVID-19 or suspected to be caused by COVID-19 for people detained under the Mental Health Act, based on statutory notifications from health and adult social care providers.

NHSE/I has recently published data on the number of people with learning disabilities and/or autism who have died in hospital, and those who had received treatment for a mental health condition and had tested positive for COVID-19.

Finally, following your discussions with the co-sponsors, I am pleased to confirm that I would welcome the opportunity to meet with you and the Panel members in the absence of a full Ministerial Board on Deaths in Custody, if you think that would be helpful.



NADINE DORRIES