



Consultation on proposed changes to ‘The transfer and remission of adult prisoners under the Mental Health Act 1983 good practice guidance 2019’ and introduction of ‘The transfer and remission of immigration removal centre detainees under the Mental Health Act 1983 good practice guidance 2019’

Questionnaire

NHS England and NHS Improvement

# Consultation on proposed changes to ‘The transfer and remission of adult prisoners under the Mental Health Act 1983 good practice guidance 2019’ and introduction of ‘The transfer and remission of immigration removal centre detainees under the Mental Health Act 1983 good practice guidance 2019’

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To be read with the ‘Consultation on proposed changes to ‘The transfer and remission of adult prisoners under the Mental Health Act 1983 good practice guidance 2019’ and introduction of ‘The transfer and remission of immigration removal centre detainees under the Mental Health Act 1983 good practice guidance 2019’ have your say consultation document’.

This information can be made available in alternative formats, such as easy read or large print, and may be available in alternative languages, upon request. Please contact Andrea Collins at england.healthandjustice@nhs.net.

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# Introduction

This is a questionnaire in support of the consultation on proposed changes to ‘The transfer and remission of adult prisoners under the Mental Health Act 1983 good practice guidance 2019’ and introduction of ‘The transfer and remission of immigration removal centre detainees under the Mental Health Act 1983 good practice guidance 2019’.

Please complete this questionnaire and return it as follows:

* By email: england.healthandjustice@nhs.net
* By post: Health and Justice, Specialised Commissioning, Third Floor, NHS England and NHS Improvement, Skipton House, 80 London Road, London, SE1 6LU

For more information on this consultation or to complete an online questionnaire, please visit here: <https://www.engage.england.nhs.uk/consultation/transfer-and-remission-of-adult-prisoners/>.

# Section one

1. The option that best describes me or my organisation is: (please select one box)

	* Patient [ ]
	* Family member / carer [ ]
	* Clinician [ ]
	* Commissioner [ ]
	* Service provider [ ]
	* Partner organisation [ ]
	* Charity or representative group [ ]
	* Other [ ]

	If you have selected ‘Other’, please provide details:
	Click or tap here to enter text.

	If you are a service provider or a partner organisation, please describe your role:
	Click or tap here to enter text.
2. Are you responding on behalf of an organisation?

	* Yes [ ]
	* No [ ]

	If you have selected ‘Yes’, which organisation are you responding on behalf of?
	Click or tap here to enter text.
3. The first part of my postcode is: (This will help us see where in the country we are getting responses from. We won’t use it to identify where you live.)
Click or tap here to enter text.

**To share your views on the proposed changes to ‘The transfer and remission of adult prisoners under the Mental Health Act 1983 good practice guidance 2019’, please complete the questions in section two.**

**To share your views on the proposed introduction of** **‘The transfer and remission of immigration removal centre detainees under the Mental Health Act 1983 good practice guidance 2019’, please complete section three.**

**If you would like to share your views on both of the proposed guidance documents, please complete sections two and three.**

# Section two – questions on proposed changes to ‘The transfer and remission of adult prisoners under the Mental Health Act 1983 good practice guidance 2019’

1. Is the proposed ‘The transfer and remission of adult prisoners under the Mental Health Act 1983 good practice guidance 2019’ easy to understand?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not easy to understand
* let us know how we could make this clearer.
Click or tap here to enter text.
1. Are the stages of the proposed referral, assessment and transfer process clear?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not clear
* let us know how we could make this clearer.
Click or tap here to enter text.
1. Are the stages of the proposed remission process clear?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not clear
* let us know how we could make this clearer.
Click or tap here to enter text.

1. Do you feel that the proposed guidance would support the timely transfer and remission of patients?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please provide details on what you feel is needed to support the timely transfer and remission of patients.
Click or tap here to enter text.

1. In the proposed changes to the guidance, **the timescale for transfers would increase from 14 days to 28 days**. This proposed timescale would allow for a greater degree of assessment (up to 14 days) to ensure that individuals are transferred to the most suitable hospital to best meet their mental health needs. This proposed timeframe would also ensure alignment with the NHS England and NHS Improvement [access assessment service specification](https://www.england.nhs.uk/commissioning/spec-services/npc-crg/group-c/c02/) and support the recommendation set out in the [‘Modernising the Mental Health Act, increasing choice, reducing compulsion, final report of the Independent Review of the Mental Health Act 1983’](file:///C%3A%5CUsers%5Ckctree%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5CKKBQ9VAW%5Cproposed%20%E2%80%98The%20transfer%20and%20remission%20of%20immigration%20removal%20centre%20detainees%20under%20the%20Mental%20Health%20Act%201983%20good%20practice%20procedure%20guidance%202019%E2%80%99).
(Please see the consultation document for more information on this.)

Is the proposed new timescale of 28 days appropriate for transfers?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* explain the reason for your answer
* provide details of what timescale you feel would be appropriate and why.
Click or tap here to enter text.
1. In the proposed changes to the guidance, **the remission process would be completed within a maximum of 14 days**.

Remission to prison may be requested under Section (s) 50, 51 or 53 of the Mental Health Act if the responsible clinician, any other approved clinician or a Mental Health Tribunal advises the Secretary of State for Justice that:
	* treatment in hospital is no longer required or
	* no effective treatment is available in the hospital where the patient is detained.

Alternatively, if the First Tier Mental Health Tribunal concludes that under s47 a transferred patient would be entitled to a discharge if they were a restricted hospital order patient, then the hospital manager may return them to prison, subject to any comments made by the First Tier Tribunal and the decision of the Secretary of State for Justice.

Is the proposed new timescale of 14 days appropriate for remission to prison?

* + Yes [ ]
	+ No [ ]

If you have selected ‘No’, please:

* explain the reason for your answer
* provide details of what timescale you feel would be appropriate and why.
Click or tap here to enter text.
1. Are there any changes or additions that could be made to the proposed guidance that you feel would help clinicians ensure the safe and timely referral, assessment, transfer and remission of individuals to and from mental health in-patient services?

	* Yes [ ]
	* No [ ]

If you have selected ‘Yes’, please state what changes could be made and why.
Click or tap here to enter text.

1. Is the proposed dispute resolution process clear?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not clear
* let us know how we could make this clearer.
Click or tap here to enter text.
1. Please provide any comments that you have about the potential impact on equality and health inequalities which may arise as a result of the proposed changes that we have described?
Click or tap here to enter text.
2. If you have views that are not covered in the previous questions, or would like to add anything, please do so here:

Click or tap here to enter text.

1. Would you like to be kept up to date with information about this consultation?
	* Yes [ ]
	* No [ ]

If you have selected ‘Yes’, please give us your email or postal address. These will be used only to keep you up to date on this consultation and not for any other purpose.
Click or tap here to enter text.

# Section three – questions on the proposed ‘The transfer and remission of immigration removal centre detainees under the Mental Health Act 1983 good practice guidance 2019’

1. Is the proposed ‘The transfer and remission of immigration removal centre detainees under the Mental Health Act 1983 good practice guidance 2019’ easy to understand?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not easy to understand
* let us know how we could make this clearer.
Click or tap here to enter text.
1. Are the stages of the proposed referral, assessment and transfer process clear?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not clear
* let us know how we could make this clearer.
Click or tap here to enter text.
1. Are the stages of the proposed remission process clear?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not clear
* let us know how we could make this clearer.
Click or tap here to enter text.
1. Do you feel that the proposed guidance would support the timely transfer and remission of patients?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please provide details on what you feel is needed to support the timely transfer and remission of patients.
Click or tap here to enter text.

1. In the proposed guidance, **the timescale for transfers would be 28 days**. This proposed timescale would allow for a greater degree of assessment (up to 14 days) to ensure that individuals are transferred to the most suitable hospital to best meet their mental health needs. This proposed timeframe would also ensure alignment with the NHS England and NHS Improvement [access assessment service specification](https://www.england.nhs.uk/commissioning/spec-services/npc-crg/group-c/c02/) and support the recommendation set out in the [‘Modernising the Mental Health Act, increasing choice, reducing compulsion, final report of the Independent Review of the Mental Health Act 1983’](https://www.gov.uk/government/publications/modernising-the-mental-health-act-final-report-from-the-independent-review).
(Please see the consultation document for more information on this.)

Is the proposed timescale of 28 days appropriate for transfers?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* explain the reason for your answer
* provide details of what timescale you feel would be appropriate and why.
Click or tap here to enter text.
1. In the proposed guidance, **the remission process would be completed within a maximum of 14 days**.

Remission to prison may be requested under Section (s) 50, 51 or 53 of the Mental Health Act if the responsible clinician, any other approved clinician or a Mental Health Tribunal advises the Secretary of State for Justice that:
	* treatment in hospital is no longer required or
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Alternatively, if the First Tier Mental Health Tribunal concludes that under s47 a transferred patient would be entitled to a discharge if they were a restricted hospital order patient, then the hospital manager may return them to prison, subject to any comments made by the First Tier Tribunal and the decision of the Secretary of State for Justice.

Is the proposed timescale of 14 days appropriate for remission to prison?

* + Yes [ ]
	+ No [ ]

If you have selected ‘No’, please:

* explain the reason for your answer
* provide details of what timescale you feel would be appropriate and why.
Click or tap here to enter text.
1. Are there any changes or additions that could be made to the proposed guidance that you feel would help clinicians ensure the safe and timely referral, assessment, transfer and remission of individuals to and from mental health in-patient services?

	* Yes [ ]
	* No [ ]

If you have selected ‘Yes’, please state what changes could be made and why.
Click or tap here to enter text.

1. Is the proposed dispute resolution process clear?

	* Yes [ ]
	* No [ ]

If you have selected ‘No’, please:

* provide details on what is not clear
* let us know how we could make this clearer.
Click or tap here to enter text.
1. Please provide any comments that you have about the potential impact on equality and health inequalities which may arise as a result of the proposed guidance?

Click or tap here to enter text.

1. If you have views that are not covered in the previous questions, or would like to add anything, please do so here:

Click or tap here to enter text.

1. Would you like to be kept up to date with information about this consultation?
	* Yes [ ]
	* No [ ]

If you have selected ‘Yes’, please give us your email or postal address. These will be used only to keep you up to date on this consultation and not for any other purpose.
Click or tap here to enter text.