

Mr Murray for <sup>10</sup>/<sub>12</sub> '85 who kind please.  
To see our 'party' piece again. PA pl.

MA/10/12/85

Mr Needham (BOL)

cc:-PS/Mr Scott(L&B)  
Dr Sloan DHSS  
Dr Bill DHSS  
Mr Jackson  
Mrs Hildebrand

Riana

## MENTALLY DISTURBED PRISONERS IN NORTHERN IRELAND

You sent my Office a copy of an article from the New Statesman about imprisonment of mentally disturbed offenders in England and Wales, asking if it was well-founded and accurate. On the general issue, we have asked the Home Office for their views on this and will pass their comments on.

2. You also asked about the position in Northern Ireland. We do not have the same problem with mentally disturbed offenders as Great Britain. The difference lies in the respective Mental Health Acts. Other factors are that we have a different type of prison population, about 75% being terrorist type prisoners. We have no large conurbations as in England and do not have a drug problem in Northern Ireland of any magnitude.

3. Since 1959 in England and Wales an offender who at court is adjudged to need treatment for mental disorder, cannot be made the subject of a Hospital Order unless there is a place available for him in a specified hospital. This in effect gives hospitals the right to pick and choose whom they will accept, and since most are reluctant to take offenders (generally because of adverse reaction from nursing and ancillary staff), they often end up serving prison sentences. This is true both of the local mental hospitals or the "special" hospitals for violent patients, eg Broadmoor, Rampton etc.

4. If a prisoner in England and Wales shows signs of mental disturbance the facility exists for his transfer from prison to



1 11 17

mental hospital on foot of a Transfer Direction made by the Secretary of State on medical advice. However the same difficulty arises as for Hospital Orders in that a particular hospital must be specified in the direction and if the Regional Health Authority does not advise the Home Office that a place is available, no Transfer Direction can be made. As a result a great many persons in England and Wales who should perhaps be in hospital are in prison.

5. The Mental Health Act (Northern Ireland) 1961 did not follow the path led by Great Britain. Instead provision was made that where a person is convicted of an imprisonable offence and the court is satisfied on medical evidence that he is suffering from a mental disorder which would warrant his detention in hospital and are satisfied that that is the most suitable method of dealing with him, then the court may make a Hospital Order committing him to the care of the Department of Health and Social Services, for admission to <sup>hospital</sup> ~~in other~~ words the hospitals have no say in the matter.

6. Sentenced prisoners who are unable to be treated within the prison hospital system and who require treatment in a mental hospital, are assigned there on a Transfer Direction Order made by the Secretary of State. In such cases, such hospitals tend to be obstructive but we have not, as yet, been faced with total failure to have prisoners admitted.

7. From time to time this has caused friction with nursing and ancillary staff and strenuous attempts were made in certain quarters to have the new Mental Health (Northern Ireland) Order which is about to be placed before Parliament, changed to follow Great Britain procedure. This has been resisted and Northern Ireland procedure will remain unchanged under the new Order. Since neither the courts nor the Secretary of State on a Transfer Direction can be gainsaid by the hospitals there are few, if any, prisoners in Northern Ireland establishments who should be in mental hospitals.



1 11. 11

8. Northern Ireland has no "secure" hospital for the violently disturbed and in such cases arrangements are made for their transfer either from mental hospital or prison here, to special hospitals in England and Wales or Scotland. Relations between the Departments are good and should a Northern Ireland patient secure treatment it is seldom some arrangement cannot be arrived at, despite pressure for places in such establishments.

9. Under Part III of the Mental Health Act (Northern Ireland) 1961, the Secretary of State is responsible for persons made subject to Hospital Orders with restrictions on discharge. There are 13 such persons at this time.

10. I hope that this information will be of some use.

*Mick*

NICHOLAS SCOTT

8 December 1985