



RECOMMENDED STANDARD

Tracking mental health bed transfer times

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The UK government and devolved governments should require that a specified statutory body be notified of the time taken (number of days) for all prisoners from initial referral to review and for those recommended for transfer, time taken (number of days) to be transferred to a mental health bed. This information should be made publicly available by that statutory body on an annual basis.

ISSUE

People with a mental illness are overrepresented in prisons compared with the general population. Rates of suicide and self-harm are also higher with strong evidence of psychotic illness, major depressive illness, and problems with substance use. Personality disorder, a contested diagnostic category, is also higher in prisons than in the community.

In England, Wales and Northern Ireland, guidance on the transfer of patients from prison to hospital recommends that the time from initial referral to admission to hospital should not exceed 14 (Northern Ireland) or 28 (England and Wales) days.¹ However, the number of prisoners with serious mental illness waiting up to several months for transfers to secure mental health units is increasing, due to a shortage of available beds. In Scotland, there is no such guidance.

The NPM is concerned about the lack of reliable data and systemic oversight of the time taken for prisoners recommended for transfer to be transferred to a secure mental health bed. A mechanism is needed to monitor the timelines for prisoners to be assessed, recommended for transfer and ultimately transferred from prisons to hospitals. Reliable data on this topic will support national planning for mental health provision for prison populations.

JURISDICTIONAL ANALYSIS

Current notification, data collection and publication

This section outlines existing notification practices or data shared on time taken to transfer prisoners to a mental health bed.

England and Wales

In England and Wales, no body routinely or statutorily receives data on the waiting time for mental health transfers from prisons, nor how many people are waiting. In a 2023 thematic review by HMIP (with data available for England only), the average wait was 85 days from the point it was identified that their mental health needs could not be treated in prison, with a range of three to 462 days. Only 15 % of transfers met current guidance, and a key concern was the lack of oversight and the non-public nature of data.

¹ More information on guidance around transfer times is available in Appendix A.

Northern Ireland

In Northern Ireland RQIA can request transfer information from health trusts, but there is no arrangement for routine data sharing. In 2023, 31 people in prison were referred for an access assessment (though 59 assessments were carried out by Healthcare in Prison psychiatrists or Host Trust medical practitioner in this time). In 13 of the 31 cases, the initial assessment itself did not take place within the 14 day time limit for completed transfer. 24 of the 31 assessments recommended transfer to hospital, 19 of which were completed. 8 transfers were complete within the 14 day time limit.

Scotland

The Mental Welfare Commission for Scotland (MWCS) collects and publishes data regarding the *number of individuals* transferred from prisons to secure mental health beds each year.² However, data regarding wait times to be transferred is not collected in a systematic and accurate way. The Forensic Network (FN) established a system in 2018 to collect some of this information, however a comparison between the figures collected by the FN and MWCS indicates that the data around number of transfers from the FN is not accurate, and therefore the wait time data is likely to be incomplete. The FN is aware of the inconsistencies and limitations of their data.

In October 2021, the Scottish Government accepted recommendations around the collection of data from the Independent Review into the Delivery of Forensic Mental Health Services (Feb 2021), which do not appear to have been implemented yet.³

Table 1: Summary of notification and data collection regarding transfer times

England and Wales	No statutory requirement for notification or data collection of transfer times. Data regarding access and waiting times is not available on request and is not public.
Northern Ireland	No statutory requirement for notification or data collection of transfer times. RQIA can request data form the Northern Ireland Health Trusts. Data is not public.
Scotland	No statutory requirement for notification or data collection of transfer times. Data is not public.

² See, e.g. [Mental Health Act – Monitoring Report 2022-23.pdf \(mwscot.org.uk\)](#). The data is transferred to MWCS via (what mechanism?), which is a requirement based on (is there any statutory requirement/guidance?).

³ [Independent Forensic Mental Health Review : final report \(www.gov.scot\)](#) pp. 38 & 52, Recommendations 5 and 20

APPENDIX

Guidance on transfer times

This section outlines the existing guidance that is in place with regards to the time taken to be transferred to a mental health bed.

England and Wales

The Mental Health Act 1983 provides for the Secretary of State to direct by warrant that a person be admitted to hospital from prison following written reports from at least two medical practitioners. Section 47 (2) directs that a transfer direction shall cease to have effect at the expiration of the period of **14 days** beginning with the date on which it is given unless within that period the person with respect to whom it was given has been received into the hospital specified in the direction.

A draft Bill to reform the Mental Health Act 1983 (MHA) was proposed in 2022 to make changes to safeguards and support received by patients, following a 2018 Independent Review of the MHA. The Bill proposes a **28-day** limit for transfer of patients from prison to hospital, with independent monitoring of this process, and the removal of prisons and police stations as “places of safety”, in Part III. There is no current progress on the Draft Bill, and the outgoing UK Government gave an ambiguous response to the recommendation on oversight in March 2024.

National Good Practice Guidelines (NGPG) set out expected time limits for the transfer from prison to hospital for those over 18 who are sentenced, unsentenced or remanded. Once a referral is sent from the assessing prison clinician to a responsible Mental Health, Learning Disability and Autism Services (MHLDA) provider, the appropriate MHLDA inpatient service should conduct an access assessment or equivalent within 14 days, generating a medical report and identifying an appropriate bed, with arrangements commencing if hospital admission is required. Between day 15 and day 25, a first and second medical report (one completed by a s12 approved doctor, and the mental health casework section (MHCS) approves transfer and issues a warrant. The MHLDA confirms an admission date and the prison and prison mental health service make transport arrangements for admission. The total maximum time from initial referral to admission to hospital should not exceed **28 days**.

Alternative guidance exists, specifying a two-day target for access assessments to take place for urgent referrals for low and medium secure beds. This guidance sets out a 21 day target for access assessment for non-urgent referrals, rather than the 14 days required by the NGPG.

Northern Ireland

The Mental Health (Northern Ireland) Order 1986 directs that the Secretary of State can direct by warrant that the person be admitted to hospital following written reports from at least two medical practitioners (one of whom is appointed by the Commission).

53(2) – A direction under this Article 53(2) (a “transfer direction”) shall cease to have effect at the expiration of the period of **14 days** beginning with the date on which it is given, unless within that period the person with respect to whom it was given has been received into hospital.

The Department of Health and Social Services Mental Health (Northern Ireland) Order 1986 Code of Practice, 2.22 (Admissions directed by the Secretary of State) requires written reports by a Part II doctor and by one other medical practitioner recommending detention in hospital for medical treatment. In practice these are commonly made by a consultant psychiatrist in attendance at the prison and by a doctor from prison healthcare. **The subject of a transfer direction must be admitted to hospital within 14 days of the date of the direction.** The Order makes no provision for Board representation where the Secretary of State is considering hospital admission. In practice, the Northern Ireland Office will ensure that the appropriate

Board is adequately consulted and given an opportunity to assess the patient, agreeing a course of action. A transfer direction is sent by the Northern Ireland Office to the governor of the prison, and to the Board's Designated Officer, who should ensure arrangements allow conveyance to hospital within the 14 days.

Scotland

No guidance exists in Scotland on transfer times from prison to mental health beds.

In October 2021, the Scottish Government accepted recommendations around the timeliness of transfers from the Independent Review into the Delivery of Forensic Mental Health Services (Feb 2021), including:

- "Recommendation 20: The data management system developed for forensic mental health services by the Information and Statistics Division (ISD) of NHS National Services Scotland must be able to collect, monitor and report on transfers and delays to transfers into forensic mental health services from prisons."⁴
- "Recommendation 21: The system of multiple assessments to facilitate transfers from prison should be reviewed with the aim of streamlining the process to the benefit of the person in need of forensic inpatient services. At the latest this should be reviewed by the new Forensic Board, however the Review considers that this could be reviewed sooner than that."⁵

Table 1: Summary of existing guidance on transfer times

England and Wales	<p>Mental Health Act 1983: Transfer direction expires after 14 days.</p> <p>Mental Health Act 1983 amendment Bill would create 28-day limit for transfer of patients from prison to hospital.</p> <p>National Good Practice Guidelines (NGPG): Time from initial referral to admission to hospital should not exceed 28 days.</p>
Northern Ireland	<p>Mental Health (Northern Ireland) Order 1986: Transfer direction expires after 14 days.</p> <p>Department of Health and Social Services Mental Health (Northern Ireland) Order 1986 Code of Practice, 2.22: patient must be admitted to hospital within 14 days of the date of the direction.</p>
Scotland	No guidance exists in Scotland on transfer times.

⁴ [Independent Forensic Mental Health Review : final report \(www.gov.scot\)](https://www.gov.scot/publications/independent-forensic-mental-health-review/final-report/pages/95.aspx) p. 95

⁵ [Independent Forensic Mental Health Review : final report \(www.gov.scot\)](https://www.gov.scot/publications/independent-forensic-mental-health-review/final-report/pages/96.aspx) p. 95