



Ministry of
JUSTICE



Statistics of Mentally Disordered Offenders 2007 England and Wales

Ministry of Justice
Statistics bulletin

Published 5 February 2009



Ministry of
JUSTICE

Statistics of Mentally Disordered Offenders 2007 England and Wales

Ministry of Justice
Statistics bulletin

Also available on the Ministry of Justice website at

www.justice.gov.uk/publications/mentally-disordered-offenders.htm

Key points

This bulletin is an annual publication which summarises information about people subject to a restriction order (restricted patients) admitted to, detained in or discharged from psychiatric hospitals (high security and other hospitals in England and Wales which admit mentally disordered offenders). It includes figures for 1997-2007.

Many of the figures for 2007 are the highest observed in the last decade.

This includes:

- 3,906 in hospital at the end of 2007, up 8 per cent on 2006 and the largest increase in the last 10 years;
- 968 patients detained at the end of 2007 following transfer from prison, up 21 per cent on 2006 and the largest increase in the last 10 years.
- 1,458 admissions to hospital in 2007, up 1 per cent on 2006;
- 210 restricted patients recalled to hospital after a conditional discharge, up 14 (or 7%) on 2006.

In addition:

- 75 per cent of those detained were diagnosed as having a mental illness (with or without other disorders). A further 13 per cent were diagnosed as having psychopathic disorder.
- The number admitted under restricted hospital orders increased slightly compared to 2006 figures at 333 (or 23% of total admissions). The number transferred from prison to hospital fell slightly compared to 2006, to 873 (or 60% of total admissions).
- There were 1,236 discharges/disposals of restricted patients, 2 per cent less than in 2006. Of these, 462 (or 37%) were discharged into the community in 2007.
- 1,277 patients were discharged for the first time between 1999 and the end of 2005. Of the 1,104 matched cases (those located on the Police National Computer), fewer than 1 in 10 (7%) re-offended within 2 years of discharge. Of those released and matched, 2 per cent re-offended for violent and sexual offences; 1 per cent for grave offences.

Introduction

1 This bulletin provides information about restricted patients admitted to, detained in or discharged from hospitals (Note 3) in England and Wales between 1997 and 2007 under mental health legislation (Notes 6, 7 and 8).

- Owing to the complexities of data validation work it has not been possible to provide information relating to offence, period of stay and unrestricted hospital orders in this bulletin.

Population of restricted patients

Figure 1 Restricted patients detained in hospital on 31 December by sex

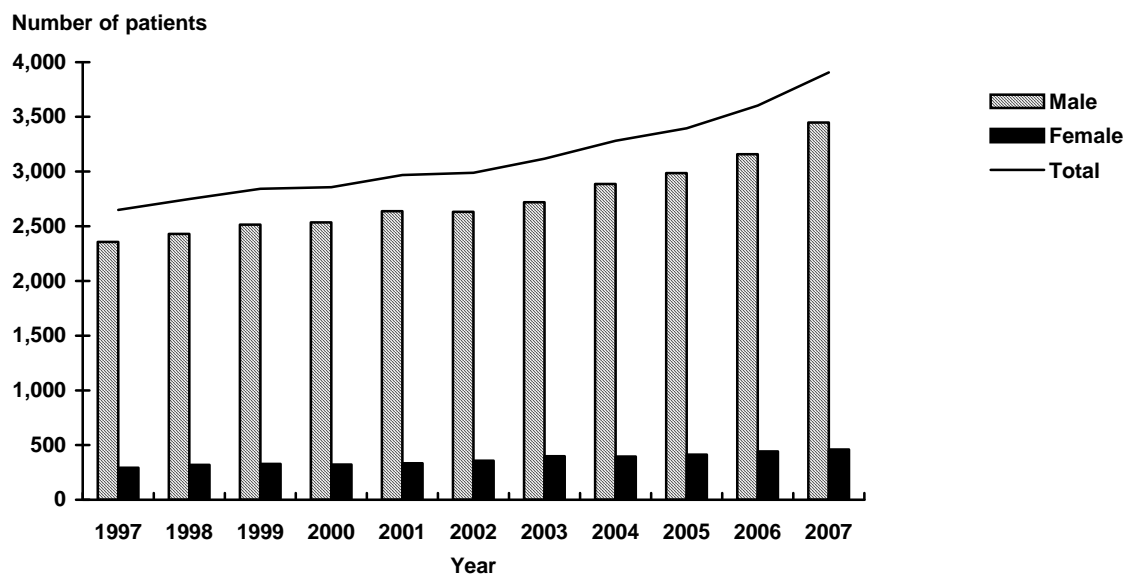


Table 1: Restricted patients detained in hospital by sex

England and Wales 31 December

Number of patients

Type of hospital	Sex	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
										-1	-1	-1
All hospitals ⁽¹⁾	Male	2,358	2,430	2,515	2,536	2,636	2,631	2,720	2,886	2,984	3,159	3,448
	Female	292	319	327	322	333	358	398	396	411	442	458
All patients		2,650	2,749	2,842	2,858	2,969	2,989	3,118	3,282	3,395	3,601	3,906

(1) Figures for 2005; 2006 and 2007 were derived from a manual matching procedure (See Note 9).

2 Table 1 shows that there were 3,906 restricted patients detained in hospitals on 31 December 2007. This represents an 8 per cent increase on the 2006 figure and the highest figure for the last decade. There has been a general increase in the number of restricted patients detained over the last ten years, but the increase between 2006 and 2007 was larger than usual.

3 There were 458 female restricted patients detained in hospital in 2007, an increase of 4 per cent on the 2006 figure. There were 3,448 male restricted patients detained in hospital in 2007, an increase of 9 per cent on the 2006 figure. However, despite the different rate of increase, the proportion of female and male restricted patients has remained about the same between 1997 and 2007 (11-13% for females and 87-89% for males).

4 The 2007 female total consisted of 35 females in high security hospitals (8%) and 423 females in other hospitals (92%) (see Note 3 for a definition of hospital type). The total number of males in hospital in 2007 consisted of 608 males in high security hospitals (18%) and 2,840 males in other hospitals (82%). Validation work in producing the 2005 bulletin revealed some inaccuracies in the 'type of hospital' data (population tables only). As a result it is not possible to compare the 2007 type of hospital figures (high security and other) to figures presented in Table 1 of previous bulletins.

Table 2: Restricted patients detained in hospital by legal category⁽¹⁾

England and Wales 31 December

Legal category	1997	1998	1999	2000	2001	2002	2003	2004	2005 -2	2006 -2	2007 -2
<i>Transferred from Prison Service establishment after sentence</i>	368	402	385	386	402	410	489	505	561	627	684
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	178	168	151	151	160	141	174	189	218	175	284
All transferred from prison	546	570	536	537	562	551	663	694	779	802	968
Hospital order with restriction order	1,680	1,758	1,852	1,860	1,910	1,939	1,909	1,978	2,344	2,492	2,624
Recalled after conditional discharge	277	266	287	285	287	270	308	351	-	-	-
Transferred from Scotland, Northern Ireland etc	3	3	3	3	3	3	3	3	2	3	8
Unfit to plead	103	110	120	124	152	170	180	205	212	234	244
Not guilty by reason of insanity	23	25	23	28	34	39	37	35	42	51	46
Hospital and limitation direction	-	-	5	7	10	9	11	10	11	14	16
Other	18	17	16	14	11	8	7	6	5	5	0
All legal categories	2,650	2,749	2,842	2,858	2,969	2,989	3,118	3,282	3,395	3,601	3,906

(1) See Note 6 for details of the legislation.

(2) Detained figures for 2005, 2006 and 2007 do not show the category of 'recalled after conditional discharge' as was used in previous bulletins. Figures are now included under the appropriate legal category which resulted in the majority of patients being included under 'Hospital order with restriction order'. This category can therefore not be compared to previous years and trends cannot be measured (It should not be assumed that the 'recalled' category can be added to the 'hospital order' category for previous years figures as we are unable to backdate figures).

5 Table 2 profiles restricted patients detained in hospital in terms of legal category. Legal category refers to the particular section of mental health legislation under which patients are detained (see Notes 6, 7 and 8 for details of the legislation). In producing the 2005, 2006 and 2007 figures, the numbers which would have appeared under the 'recalled after conditional discharge' category have been re-allocated under the appropriate legal category. This is because 'recalled after conditional discharge' is not the legislation that the patient is held under. This led to the majority of these patients being included under the 'hospital order with restriction order' category. Therefore, 'hospital order with restriction order' figures for 2005, 2006 and 2007 are not comparable to years prior to 2005 and accordingly trends in data cannot be measured.

6 There were 968 patients detained following transfer from prison (either after sentence or while unsentenced or untried). This represents a 21 per cent increase on the 2006 figure and the highest figure and largest yearly increase over the last decade. Transfers from prison accounted for between 18 per cent and 25 per cent of the total detained restricted patient population in between 1997 and 2007. In 2007, the figure was 25 per cent.

Table 3: Restricted patients detained in hospital by legal category and type of mental disorder⁽¹⁾

England and Wales 31 December 2007

Number of patients

Legal category ⁽¹⁾	Mental Illness	Mental illness with other dis- orders	Psycho- pathic dis- order	Mental impair- ment	Mental impair- ment With psycho- pathic disorder	Severe mental impair- ment	Not Known	All mental dis- orders
<i>Transferred from Prison Service establishment after sentence</i>	448	72	140	18	6	-	-	684
<i>Transferred from Prison Service establishment before sentence</i>	282	-	-	1	-	1	-	284
All transferred from prison	730	72	140	19	6	1	-	968
Hospital order with restriction order	1,826	230	336	191	33	8	-	2,624
Transferred from Scotland, Northern Ireland, etc	4	-	2	-	-	-	2	8
Unfit to plead	56	4	-	9	1	4	170	244
Not guilty by reason of insanity	22	-	-	-	-	-	24	46
Hospital and limitation direction	1	-	15	-	-	-	-	16
Other	-	-	-	-	-	-	-	-
All legal categories	2,639	306	493	219	40	13	196	3,906

(1) See Note 4 for classification of mental disorder.

7 Table 3 profiles restricted patients detained in hospital in terms of legal category and type of mental disorder. As in previous years, most restricted patients detained in hospital at the end of 2007 were diagnosed as having a mental illness (with or without other disorders), accounting for 75 per cent of the detained population (see Note 4). Thirteen per cent of detained patients were diagnosed as suffering from some form of psychopathic disorder (excluding psychopathic disorder with mental impairment).

Table 4: Restricted patients detained in hospital by type of mental disorder⁽¹⁾, age and sex

England and Wales 31 December 2007

Number of patients

Type of mental disorder	Age on 31 December										Total
	20 and under		21-39		40-59		60+		All ages		
	M	F	M	F	M	F	M	F	M	F	
Mental illness	74	6	1,217	135	926	92	179	10	2,396	243	2,639
Mental illness with other disorders	6	2	128	35	97	28	9	1	240	66	306
Psychopathic disorder	8	1	180	62	161	28	48	5	397	96	493
Mental impairment	7	1	96	11	76	14	13	1	192	27	219
Mental impairment with psychopathic disorder	-	-	22	2	12	4	-	-	34	6	40
Severe mental impairment	2	-	5	-	4	-	2	-	13	-	13
Not known	4	-	72	8	73	9	27	3	176	20	196
All mental disorders	101	10	1,720	253	1,349	175	278	20	3,448	458	3,906

(1) See Note 4 for classification of mental disorder.

8 Table 4 shows that most detained patients were aged between 21 and 59 years (51% were aged between 21-39 and 39% were aged between 40-59).

Admissions of restricted patients

Table 5: Restricted patients admitted⁽¹⁾ to hospital by type of hospital and sex

England and Wales		Number of admissions										
Type of hospital	Sex	1997 -3	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
High security hospital ⁽²⁾	Male	86	105	98	80	78	71	90	123	104	107	81
	Female	21	12	19	14	10	6	11	7	8	4	3
	All patients	107	117	117	94	88	77	101	130	112	111	84
Other hospitals ⁽²⁾	Male	891	871	909	800	821	823	858	1,095	1,109	1,172	1,215
	Female	94	103	93	78	88	106	127	104	129	157	159
	All patients	985	974	1,002	878	909	929	985	1,199	1,238	1,329	1,374
All hospitals	Male	977	976	1,007	880	899	894	948	1,218	1,213	1,279	1,296
	Female	115	115	112	92	98	112	138	111	137	161	162
	All patients	1,092	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440	1,458

- (1) These figures include those admitted more than once in the year.
 (2) See Note 3 for definition.
 (3) Figures for 1997 were re-calculated in 2007, (Statistics of Mentally Disordered Offenders, 2006) and therefore differ from previous figures.

9 Since 1997, as shown in Table 5, admissions of restricted patients to hospital have fluctuated between 972 in 2000 and 1,458 in 2007. The number of admissions in 2007 was 1 per cent higher than in 2006 and the highest for the last decade. The number of admissions to high security hospitals was 84 in 2007, which was the second lowest figure since 1997. In comparison there were 1,374 admissions to other hospitals, an increase of 3 per cent compared with the previous year and the highest figure over the last decade. The proportion of restricted patients admitted to other hospitals has remained between 89 per cent and 94 per cent between 1997 and 2007. (See Note 10 for the definition of an admission.)

Table 6: Restricted patients admitted⁽¹⁾ to hospital by legal category⁽²⁾

England and Wales		Number of admissions									
Legal category	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
<i>Transferred from Prison Service establishment after sentence</i>	251	258	267	270	222	223	296	346	356	421	394
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	495	481	464	392	413	421	426	485	478	473	479
All transferred from prison	746	739	731	662	635	644	722	831	834	894	873
Hospital order with restriction order	218	248	259	212	237	216	198	288	292	303	333
Recalled after conditional discharge	106	74	87	65	69	83	121	149	187	196	210
Transferred from Scotland, Northern Ireland etc	-	-	-	-	-	-	-	-	-	1	2
Unfit to plead	17	24	28	22	46	50	39	51	31	32	31
Not guilty by reason of insanity	5	6	6	8	7	9	2	8	4	10	4
Hospital and limitation direction	-	-	8	3	3	3	4	2	2	4	5
Other	-	-	-	-	-	1	-	-	-	-	-
All legal categories	1,092	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440	1,458

(1) These figures include those admitted more than once in the year.

(2) See Note 6 for details of sections of the legislation.

10 Table 6 shows legal categories for restricted admissions to hospital. In 2007, there were 873 transfers from prison to hospital, this represents a 2 per cent decrease on the 2006 figure and the first drop since 2001. Of these, 394 were transferred after sentence and 479 were transferred while unsentenced or untried. Transfers from prison accounted for 60 per cent of all admissions of restricted patients to hospital in 2007, which is the lowest percentage of the previous 10 years.

11 The number admitted under restricted hospital orders increased compared to 2006 from 303 to 333 admissions (a 10% increase). This represents 23 per cent of total admissions in 2007 (this figure fluctuated between 18% and 24% between 1997 and 2007).

12 The number of patients recalled in 2007 after a conditional discharge was 210, an increase of 14 (or 7%) on the previous year and the highest number for the last decade. Recalls represented 14 per cent of the total admissions to hospital in 2007, the same proportion as in 2005 and 2006. Although the 'Recalled after conditional discharge' category has been removed from population tables, the category has been kept separate in the admission tables for information purposes. Patients are recalled when it is considered that their mental condition is leading to unacceptable risk in the community and in-patient treatment is deemed necessary.

Table 7: Restricted patients admitted⁽¹⁾ to hospital by type of mental disorder⁽²⁾

England and Wales		Number of admissions									
Type of mental disorder	1997	1998	1999	2000	2001	2002	2003 -3	2004	2005	2006	2007
Mental illness	975	987	986	841	874	847	907	1,096	1,133	1,216	1,215
Mental illness with other disorders	25	23	23	35	22	38	27	49	53	76	62
Psychopathic disorder	38	35	40	39	39	51	72	91	99	94	117
Mental impairment	24	16	33	27	18	11	25	24	25	25	35
Mental impairment with psychopathic disorder	4	2	3	4	2	2	4	6	5	6	6
Severe mental impairment	4	-	-	3	3	-	4	-	3	9	5
Not known	22	28	34	23	39	57	47	63	32	14	18
All mental disorders	1,092	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440	1,458

(1) These figures include those admitted more than once in the year.

(2) See Note 4 for classification of mental disorder.

(3) Figures for 2003 were re-calculated in 2007, (Statistics of Mentally Disordered Offenders, 2006) and therefore differ from previous figures.

13 Table 7 shows the distribution of different types of mental disorder amongst restricted patient admissions. The proportion of admissions who were suffering from *mental illness (with or without other disorders)* has remained between 86 per cent and 93 per cent of restricted patient hospital admissions between 1997 and 2007 (88% in 2007).

Table 8: Restricted patients admitted to hospital by legal category⁽¹⁾ and type of mental disorder⁽²⁾

England and Wales 2007

Number of admissions

Legal category ⁽¹⁾	Mental illness	Mental illness with other disorder	Psychopathic disorder	Mental impairment	Mental impairment with psychopathic disorder	Severe mental impairment	Not known	All mental disorders
<i>Transferred from Prison Service establishment after sentence</i>	289	21	75	8	1	-	-	394
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	476	-	-	-	-	3	-	479
All transferred from prison	765	21	75	8	1	3	-	873
Hospital order with restriction order	259	32	23	15	3	1	-	333
Recalled after conditional discharge	165	7	13	9	1	-	15	210
Transferred from Scotland, Northern Ireland etc	-	-	1	-	-	-	1	2
Unfit to plead	23	1	-	3	1	1	2	31
Not guilty by reason of insanity	3	1	-	-	-	-	-	4
Hospital and limitation direction	-	-	5	-	-	-	-	5
Other	-	-	-	-	-	-	-	-
All legal categories	1,215	62	117	35	6	5	18	1,458

(1) See Note 6 for details of sections of the legislation.

(2) See Note 4 for classification of mental disorder.

14 Table 8 shows type of mental disorder and legal status of restricted patients admitted to hospital in 2007. Most restricted patients were diagnosed as having a mental illness (with or without other disorders) accounting for 88 per cent of total admissions in 2007. A further 8 per cent were diagnosed as suffering from psychopathic disorder (with or without mental impairment). It should be noted that unsentenced or untried prisoners transferred from prison must be in urgent need of treatment and can only be classified as mentally ill, or having severe mental impairment.

Discharges and disposals of restricted patients

Table 9: Discharges and disposals⁽¹⁾ of restricted patients, by type

England and Wales		Number of discharges/disposals									
Type of discharge	1997	1998	1999	2000	2001	2002 ⁻²	2003	2004	2005 ⁻⁵	2006	2007
Discharge into the community											
Discharged conditionally under a warrant issued by the Secretary of State	29	34	34	23	27	24	32	43	77	51	80
Discharged conditionally by tribunal	163	173	162	212	196	223	263	259	280	309	288
Absolute discharges (first discharged) into the Community	5	6	9	7	13	22	22 ⁽³⁾	15	5 ⁽⁴⁾	9	6 ⁽⁶⁾
Discharges from court (S48(2)(a) and (b)) into the community											
Other discharges into the community	35	17	20	15	14	14	16	13	27	18	20
All discharges into the community	342	349	325	340	334	378	397	417	469	472	462
Disposals (not discharged into the community)											
Remained in hospital no longer subject to restrictions	128	119	129	112	94	94	81	141	164	202	203
Returned to custody to resume sentence	122	93	130	100	84	100	96	135	113	164	154
Remission of untried/unsentenced prisoners	46	35	40	32	40	55	54	54	47	58	60
Disposal at court (S48(2)(a) and (b)) not into the community											
Died	18	32	29	27	24	23	23	25	26	25	49
Other	9	3	1	4	5	8	3	4	5	11	17
All disposals (not discharged into the community)	598	582	666	509	494	536	498	643	664	794	774
All discharges and disposals	940	931	991	849	828	914	895	1,060	1,133	1,266	1,236

- (1) See Note 5 for definition; may include a small number of cases with more than one disposal in the year.
- (2) 2002 figures are revised from those published in Bulletin 14/03
- (3) In addition, 96 patients were granted absolute discharge in 2003 following a previous conditional discharge. Seventy-one (or 74 per cent) of these patients were first conditionally discharged between 1997 and 2002.
- (4) In addition, 73 patients were granted absolute discharge in 2005 following a previous conditional discharge. Fifty-three (or 73 per cent) of these patients were first conditionally discharged between 1999 and 2005.
- (5) Figures for 2005 were derived following a manual matching procedure after inaccuracies were revealed during validation, however the impact was small and figures can therefore be compared to previous years.
- (6) In addition, 82 patients were granted absolute discharge in 2007 following a previous conditional discharge.

15 Table 9 concerns the discharges/disposals of restricted patients from psychiatric hospitals. It shows that a total of 1,236 patients were discharged or 'disposed' of (Note 5 defines these terms) in 2007, 30 or 2 per cent less than the number in 2006 (1,266). Of the 1,236 total discharges/disposals, 462 or 37 per cent constituted discharges into the community (the same percentage as in the previous year) compared to 63 per cent who were not discharged into the community. Of the 462 discharges into the community, 368 were conditional discharges which represented 80 per cent of those discharged in to the community (30% of total discharges and disposals). A conditional discharge may be authorised by either the Secretary of State or a Mental Health Review Tribunal (Note 8). Most conditional discharges are authorised by Tribunal rather than by the Secretary of State. (This fluctuated between 78% and 90% between 1997 and 2007. The figure was 78% in 2007).

16 Of the 774 disposals (or 63%) who were not discharged into the community, 203 (or 26%) remained in hospital no longer subject to restrictions. A further 214 patients (or 28%) were returned to custody, of who 154 were sentenced prisoners and 60 were unsentenced/untried.

Reconvictions of restricted patients

Table 10: Restricted patients⁽¹⁾ re-offending within 2 years⁽²⁾

England and Wales			Number and percentage of persons			
Year of first discharge	Total number of persons first discharged ⁽²⁾	Persons re-offended since first release	Percentage of total number of persons first released and matched			
			Grave Offences	All Offences ⁽³⁾	Grave offences	All offences ⁽³⁾
			2 years	2 years	2 years	2 years
	1st discharged	matched on PNC				
1999-2005	1,277	1,104	14	77	1%	7%
Discharged by Mental Health Review Tribunal						
1999-2005	1,105	967	14	73	1%	8%
Discharged with consent of Secretary of State						
1999-2005	172	137	0	4	0%	3%

- (1) This table shows re-offending data for patients' first discharge only under Section 66 of the Mental Health Act 1959 or Section 42 or 73 of the Mental Health Act 1983.
- (2) The method for calculating re-offending figures is outlined in Note 11. Due to a revised matching approach, figures may differ from previous bulletins.
- (3) Includes grave offences. Grave offences are a subset of offences defined as all indictable only offences for which the maximum sentence is life imprisonment plus arson not endangering life (which is triable either way). Grave offences are mainly offences of homicide, serious wounding, rape, buggery, robbery, aggravated burglary and arson.

17 Due to the small numbers re-convicted for an offence within a two year follow-up period and the relatively small number of patients discharged for the first time in any given year, yearly breakdowns have been combined. One thousand two hundred and seventy seven patients were discharged for the first time (first conditional discharge only) between 1999 and the end of 2005. Of the 1,104 matched cases (those located on the 'PNC' Police National Computer), fewer than 1 in 10 (7%) re-offended within 2 years of discharge. Of those released and matched the re-offending figure for grave offences was 1 per cent (Note 11). Although figures have been backdated to those first discharged in 1999, it has not been possible within this bulletin to calculate overall 5 year re-offending rates because of the longer follow-up period required.

18 Caution should be exercised when interpreting re-offending data. It is important to note that re-offending data represents only those patients first discharged and matched on the PNC, and therefore does not capture all patients discharged into the community in a given year or take into account recalls.

19 Additional analysis of the database for Mentally Disordered Offenders also showed that of the 225 patients released for the first time in 2005, 54 had been recalled and 5 had died within the 2 year follow-up period. So in effect 26 per cent of those released for the first time in 2005 were not actually in the community and did not have the 'opportunity to re-offend' for the whole period. Twenty two of the 54 people were recalled within 1 year of release.

20 Earlier bulletins had presented actual versus expected reconviction rates for violent and sexual offences. The expected rates were created using a formula that was applicable to the Offenders Index. (The Offenders Index was a database containing criminal histories of all those convicted of a 'standard list' offence in England and Wales from 1963 onwards). An equivalent formula that applies to data from the PNC for a similar offending population is not available. Therefore expected rates cannot be presented within this publication.

Table 10a: Restricted patients⁽¹⁾ actual re-offending rates for violent and sexual offences⁽²⁾

England and Wales			Number and percentage of persons	
Year of first discharge	Total number of persons first discharged ⁽³⁾		Number of Persons re-offended within two years of first release	
	discharged	matched on PNC	Sexual or violent offences ⁽²⁾	
			Numbers re-offended	Percentage re-offended
1999-2005	1,277	1,104	22	2%

(1) This table shows re-offending data for patients' first discharge only under Section 66 of the Mental Health Act 1959 or Section 42 or 73 or the Mental Health Act 1983.

(2) Figures for violent and sexual offences use the definitions from appendix 3 of '*Criminal Statistics England and Wales 2003*'. Briefly, these offences include homicide, endangering life, robbery, kidnapping, child abduction, cruelty or neglect of children, abandoning child under 2 years, concealment of birth, buggery, rape, indecent assault, incest, procreation, abduction, bigamy and gross indecency with children.

(3) The method for calculating re-offending figures is outlined in Note 11. Due to a revised matching method, figures may differ from earlier bulletins.

21 Due to the small numbers re-convicted for a sexual or violent offence within a two year follow-up period, and the relatively small number that are discharged for the first time in any given year, yearly breakdowns have been combined. Table 10a shows, of the 1,104 matched cases (those located on the PNC), the re-offending figure within 2 years of discharge for violent and sexual offences was 2 per cent.

Explanatory notes

1 This is a National Statistics publication produced by the Ministry of Justice. National Statistics are produced to high professional standards set out in the National Statistics Code of Practice. They undergo regular quality assurance reviews to ensure that they meet customer needs. They are produced free from any political interference.

2 The information in this bulletin relates to restricted patients in England and Wales. Tables 1-10a cover admissions subject to restriction orders and directions under the mental health legislation. Such patients could not be discharged from hospital during the period covered in this bulletin without the consent of the Secretary of State or a Mental Health Review Tribunal.

Background Information

3 The term 'mentally disordered offenders' in this bulletin refers to persons who have been compulsorily admitted to hospital under Part V of the Mental Health Act 1959, Part III of the Mental Health Act 1983 or the Criminal Procedure (Insanity) Act 1964 as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 or the Domestic Violence, Crime and Victims Act 2004 (whose provisions came into force on 31 March 2005) (see Legislative Framework below).

4 Mentally disordered offenders are liable for detention in psychiatric hospitals. High secure hospitals hold patients detained under mental health legislation, who require treatment under conditions of high security because of their dangerous, violent or criminal propensities. There are three high secure hospitals, Ashworth, Broadmoor and Rampton. In this bulletin, the term other hospital refers to any other psychiatric hospital in England and Wales, which admits mentally disordered offenders as well as other patients.

5 In tables categorising patients by mental disorder, those with (i) mental impairment with mental illness or (ii) severe mental impairment (with or without mental illness), in addition to psychopathic disorder are shown under psychopathic disorder. These categories were repealed by the Mental Health Act 2007, but were applicable for the period covered by this bulletin.

6 The term discharge refers to release into the community, by whatever means, with or without restrictions. Discharge could be ordered by either the Secretary of State or a Mental Health Review Tribunal (which was an independent body with discharge powers separate from those of the Secretary of State). Under the Health and Social Care Act 2008, the Mental Health Review Tribunal was replaced by the First Tier Tribunal – Mental Health. Conditional discharge means that the patient remains liable to detention in hospital and may be recalled by the Secretary of State. The term disposal covers all other outcomes and movements (e.g. returns to custody) other than a transfer to another hospital in England and Wales.

Legislative Framework

7 The key legislation affecting this bulletin includes the Mental Health Act 1959, the Mental Health Act 1983 and the Criminal Procedure (Insanity) Act 1964 as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and the Domestic Violence, Crime and Victims Act 2004 (which came into force on 31 March 2005). The 1959 Act was amended by the Mental Health (Amendment) Act 1982 and was then consolidated by the 1983 Act which was largely implemented on 30 September 1983. The provisions of the two Mental Health Acts are similar and references below are to the 1983 Act only. In terms of admissions, the 1983 Act provides for:

- i. the diversion to hospital by the courts of convicted offenders who satisfy certain conditions (sections 37(1) & (2)) by making a hospital order. This may be with or without a restriction order under section 41, which has the effect of requiring the Secretary of State's consent on all matters relating to leave of absence, transfer or discharge, except where the tribunal orders discharge;
- ii. the admission of an unconvicted offender to hospital by the courts where they are satisfied that the person concerned meets the criteria for admission and has done the act or made the omission with which charged (section 37(3));
- iii. the imposition of a hospital order on unsentenced prisoners in their absence and without conviction for an offence (section 51(5));
- iv. the recall to hospital, by order of the Secretary of State, of patients subject to restriction orders who were conditionally discharged (section 42(3));
- v. the court to impose a prison sentence on a convicted offender together with a direction for immediate admission to hospital, subject to restrictions (hospital and limitation direction under section 45A);
- vi. the transfer to hospital, by order of the Secretary of State, of prisoners serving a sentence in a Prison Service establishment (section 47). Under section 49 these patients can be made subject to a restriction direction, which has the same effect as a restriction order under section 41;
- vii. the transfer to hospital, by order of the Secretary of State, of an unsentenced or untried defendant in criminal proceedings who is held in a Prison Service establishment (section 48). In this case a restriction direction is mandatory. Civil prisoners and persons detained under the Immigration Act 1971 may also be admitted under this section, but restrictions are not mandatory.

- viii. the transfer of patients from one part of the United Kingdom, Channel Islands or the Isle of Man to another. Those transferred to England and Wales are treated as if they had been admitted to hospital under the Act, so that some of them will, in effect, be subject to restricted hospital orders (part VI).

8 Section 2 of the Trial of Lunatics Act 1883 enables juries to return a verdict of acquittal on grounds of insanity, and Section 4 of the Criminal Procedure (Insanity) Act 1964, as substituted by Section 2 of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and amended by section 22 of the Domestic Violence, Crime and Victims Act 2004 enables the court without a jury to find a defendant unfit to plead. The 2004 Act also gives courts a range of disposal options ranging from a hospital order with restrictions to an absolute discharge.

9 In relation to disposals and discharges the Mental Health Act 1983 provides for:-

- i. the removal of a restriction order by the Secretary of State so that the hospital order continues unrestricted (section 42(1));
- ii. the discharge of a patient with a restriction order, either conditionally or absolutely, by the Secretary of State, and the termination of the restriction order where discharge is absolute (section 42(2));
- iii. the return to Prison Service establishments of sentenced prisoners (section 50(1)a);
- iv. the release of sentenced prisoners on licence (section 50(1)b);
- v. the release of sentenced prisoners on completion of sentence (sections 50(2) & 50(4));
- vi. the return of unsentenced prisoners to a Prison Service establishment to await court action where the Secretary of State or the court is satisfied that they no longer require treatment or no effective treatment is available (sections 51(3) & (4) respectively);
- vii. the transfer direction ceases to have effect in respect of untried prisoners at the end of their remand period, unless they are subject to further remand or committal for trial (section 52(2));
- viii. the direction or recommendation by the Mental Health Review Tribunal, of the discharge of a patient either conditionally or absolutely (sections 72-74).
- ix. the absolute discharge by the Mental Health Review Tribunal of a conditionally discharged patient (section 75).

Sources of Information

10 The information provided in this bulletin comes mainly from the Mental Health Unit casework system which was introduced in 1993.

In producing the 2005 bulletin some problems were encountered which led to a manual matching approach being undertaken to produce tables 1-9. This led to the exclusion of data relating to offence, period of stay, type of hospital (in population tables) and unrestricted hospital orders (for further explanation see bulletin 05/07).

The 2007 bulletin (tables 1-9) was produced using the Ministry of Justice, Mental Health Unit casework system. Monthly extracts were taken from the casework system and data validation work was undertaken using yearly returns from a sample of hospitals (detailing admissions and disposals in 2007, and population as at 31st December 2007). This data validation work is undertaken in order to improve the accuracy of the data. However, quality assurance work is ongoing in terms of offence data and as a result it has not been possible to provide information relating to offence in this bulletin. It has also not been possible to re-introduce information relating to period of stay or unrestricted hospital orders.

Definition of an admission

11 For the purpose of this bulletin an 'admission' refers to the date of the detention authority, whether made by the sentencing court or the Mental Health Unit on behalf of the Secretary of State (which tends to coincide with the date a patient is physically admitted to hospital) and/or where a patient's legal category changes. In some cases, a patient may appear to have been admitted or discharged more than once within a given year, although he/she may not have physically moved. In particular, patients transferred from prison to hospital while unsentenced or untried can reappear in the figures as admitted under restricted hospital orders. Transfers *between* hospitals in England and Wales are not counted within the admission tables in the bulletin, unless the patient's legal category has also changed.

Re-offending figures

12 The re-offending information in this bulletin is derived from the Ministry of Justice's copy of the Police National Computer (PNC), a database which records information on all offences which are prosecuted by the Police. Grave offences are a subset of offences defined as all indictable only offences for which the maximum sentence is life imprisonment plus arson not endangering life (which is triable either way). Grave offences are mainly offences of homicide, serious wounding, rape, buggery, robbery, aggravated burglary and arson.

In 2006, the method for calculating re-offending data was altered in two ways. First, up until this point figures had been calculated using the Offenders Index (OI) which was a database containing criminal histories of all those convicted of a 'standard list' offence in England and Wales from 1963 onwards. However, in line with other Ministry of Justice statistical publications, figures are now being calculated using the PNC which gives greater offence coverage. Second, up until

this point, reconviction figures had been used so that an offender was considered to have been reconvicted if the offence and the conviction occurred within a specified period of time. However, in line with other Ministry of Justice publications **re-offending** figures are now being used, so that an offender is considered to have **re-offended** if the offence occurs within a specified period of time, even if the conviction occurs subsequent to that period. Both the change in data source from the OI to PNC and the change in definition from reconviction to re-offending were considered to have achieved a more comprehensive measure of recidivism, but as a result, figures may differ from those which appeared in pre-2006 bulletins. Further dialogue is planned with the reconviction analysis team within the Ministry to ensure consistency with other publications containing offending data.

The presentation of re-offending data was also amended in the 2006 bulletin onwards, due to both the relatively small numbers released for the first time in any given year and the small re-offending rates within a two year follow-up period. As a result of providing combined totals (rather than yearly breakdowns) it has not been possible to calculate overall 5 year re-offending rates because of the longer follow-up period required. This information should become available in future bulletins. **NB. Re-offending data represents only those patients first discharged and matched on the PNC, and therefore does not capture all patients discharged into the community in a given year or take into account recalls.**

Rounding and accuracy

13 Although care has been taken in compiling the figures in this bulletin a degree of inaccuracy is inherent in all statistical recording systems. Figures are generally shown to the last digit to provide a comprehensive record of the information collected but are not necessarily accurate to the last digit shown. Where percentages are given, they may not add exactly to 100 because of independent rounding.

Symbols and conventions

14 The following symbols have been used throughout this bulletin:-

- i. .. not available
- ii. - nil

Other Sources of Statistics

15 Statistics of mentally disordered offenders within the criminal justice system and of other mentally disordered patients in hospitals are available from other sources. Statistics on all patients formally admitted or detained for psychiatric care under the 1983 Mental Health Act in England are available from The Information Centre for Health & Social Care in an annual publication. However figures are not

directly comparable due to different collation processes used in the two bulletins. The Information Centre bulletin includes information on:

- i. accused persons remanded to hospital for report (section 35) or treatment (section 36);
- ii. warrants to search for and remove a patient to a place of safety (section 135);
- iii. removal by police from a public place to a place of safety (section 136).

The most recent publication can be found at:

<http://www.ic.nhs.uk/statistics-and-data-collections/mental-health/mental-health-act/inpatients-formally-detained-in-hospitals-under-the-mental-health-act-1983-and-other-legislation:-1997-98-to-2007-08>

16 In addition to the data in this bulletin, information is available on court disposals as follows:

- i. Ministry of Justice figures on community rehabilitation orders and community punishment and rehabilitation orders (for offences committed before 4 April 2005) with a condition of mental treatment (residential or non-residential) made under section 3 of the Powers of Criminal Courts Act 1973 and community orders (for offences committed on or after 4 April 2005) with a mental health requirement made under section 207 of the Criminal Justice Act 2003 are published in an annual volume 'Offender Management Caseload Statistics, England and Wales' (which is available on the Ministry of Justice website).

Further Information

17 This bulletin was prepared by Samantha Hinks in the Health Strategy Unit within the Ministry of Justice, in collaboration with OMSAS (Offender Management and Sentencing Analytical Services) colleagues. In addition, the lead researcher would also like to thank Nigel Battson and Naomi Hawdon of the Mental Health Unit and Malcolm Ramsay from the Health Strategy Unit in producing this bulletin.

Previously published bulletins on mentally disordered offenders can be downloaded from:

www.justice.gov.uk/publications/statistics.htm

www.homeoffice.gov.uk/rds

Spreadsheet files of the tables contained in this document are also available for download from:

www.justice.gov.uk/publications/mentally-disordered-offenders.htm

Similar figures for Mentally Disordered Offenders in Scotland are available within the following report, produced by the Commission for Scotland:

www.mwcscot.org.uk/nmsruntime/saveasdialog.asp?IID=1365&SID=735

Other statistical publications can be downloaded from the Ministry of Justice website:

www.justice.gov.uk/publications/statistics.htm

General information about official statistics is available from:

www.statistics.gov.uk/

Press enquiries should be directed to the Ministry of Justice Press Office:

Tel: 020 3334 3547

Email: press.office@justice.gsi.gov.uk

General enquiries about the statistical work of the Ministry of Justice can be emailed to: esd@justice.gsi.gov.uk

© Crown copyright
Produced by the Ministry of Justice

Alternative formats are available on request from esd@justice.gsi.gov.uk